
CITY OF DEER LODGE

COUNCIL AGENDA

December 18, 2023, | 6:00 PM | City Hall

1. Call Meeting to Order | Pledge of Allegiance

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

3. Approval of Minutes

- a. Deferred until next meeting

4. Public Hearing:

- a. None

5. Department Reports:

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

6. Mayor and Council Concerns: (ONLY Concerns that are not included in this meeting's 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. **This time is solely for COUNCIL and MAYOR comment, not public. NO ACTION can be taken at this time.** If action is necessary, the item will be put on the next meeting agenda following a majority vote of the City Council.

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

- a. None

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

- a. Agricultural Property Street Maintenance Exemption Request – Jordan
- b. House Bill 355 Discussion and Project Prioritization – Jordan
- c. Resolution 2023-R-13 – Authorize Application of an MCEP Infrastructure Planning Grant for a Comprehensive Capital Improvements Plan Update – Jordan
- d. Planning Board and Board of Adjustments Consolidation – Jordan

9. Next Meeting Announcement(s)

- a. Regular Meeting – **Monday January 8, 2023** at 6pm.

10. 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 OF DEER LODGE

CAO REPORT

December 2023

PROJECT SUMMARIES

City Planning

- I am City contact for the State Regional Disaster Mitigation Planning process. The state is funding for a 5-year update to the regional disaster plans, which will be disbursed to municipalities upon completion. Final draft has been released and is available for public comment.
- Stahly has begun reviewing necessary Subdivision Regulation changes.
- We have received the first final draft of the Growth Policy document. Planning Board has submitted comments which are being incorporated.
- Beginning to schedule regular meetings with MDT to have better communication regarding the state highway.

Grants

- Received notice of recommendation of \$342,500 for the Reclamation and Development Grant (RDGP) cycle for remediation at the Passenger Refueling Area. Bill has been signed and we are awaiting contract.
- Applied for EPA Brownfields Cleanup Grant for Hotel Deer Lodge. Expecting cleanup early next spring, after some additional assessment this winter.
- Received funding from EPA for a Kansas State University Technical Assistance for Brownfields program grant for a future use and renovation study of the Hotel Deer Lodge.
- DEQ Brownfields Grant for the Milwaukee Roundhouse and Passenger Refueling Area. We held our first Stakeholder meeting for the future use plan last week.
- Montana Historic Preservation Grant is underway. Mosaic Architects have provided a task order to Stahly for subcontracting on a Preliminary Architectural Report.
- I have applied for a DEQ Brownfields Assessment grant for City Hall. Asbestos inspection and abatement must be completed before renovations can begin. Assessment and any needed abatement will be paid for by DEQ and EPA in full.
- Submitted application for FEMA grant for stormwater study.
- Submitted application to MCEP for stormwater study.
- HB 355 will allocate approximately \$250,000 for local infrastructure projects in Deer Lodge.
- Presented HB819 to the Headwaters RC&D Board to receive a vote on whether they would opt in to funding that would buy down mortgages for housing purchases. Headwaters is reviewing and will more than likely vote to opt in to the funding.
- Applied for a Renewable Resource Program grant and an MCEP grant for WWTP variance.

- Stahly and I have begun working on applications for funds disbursed under the Bipartisan Infrastructure Bill.
- Corrected pay applications for well project and are expecting grant disbursement for funds spent soon.
- We have access to emergency funds for our petroleum release incident. Once we understand costs, we will apply.

City Hall & Employees

- Understanding and implementing changes to local government record keeping and public notices as required by HB 890 and HB 724. White papers should be sent out soon by Montana League of Cities and Towns.
- Temporary City Clerk has completed all outstanding minutes. Her last day was last Friday.

Floodplain Administration

- Received first draft of new floodplain boundaries from DNRC. So far, very minor changes to floodplain boundaries in Deer Lodge. City should expect final updated maps in 2025. Tentative first draft date was August 5, 2023, no feedback since that date. Afterwards will follow study walk through and public open houses.
- Working on floodplain permitting for a fiber optic construction project that will go through town.

Economic Development

- Member of the Ted Rule Memorial Football Field Committee, which is working to achieve funding through donations and grants for a complete renovation of the School District Track and Field Complex. Applying for a Standard Community Foundation Grant.
- Working on finding grant funding for city street art murals and have begun to research RFPs for said work. Plan on applying for Montana Arts Council Grant.
- Received quote for splash park from a designer. Have presented to Chamber of Commerce members the potential for local fundraising for the project.
- In regular meetings with DEQ, EPA, and a contractor engineer to discuss remediation at Arrowstone Park over the next few years and how to align with future land use goals. Addendum is almost complete and we have begun speaking with the remediation design team on how to incorporate.
- Two façade painting grants have been completed.
- Mayor and I met with Headwaters RCD Executive Director last week to talk about needs in the City.

INTEREST ITEMS FOR CITY COUNCIL

- City news will now be incorporated into advertisements on 96.9FM, The River. Updates weekly. Let me know if you have any City news that I can relay to Marci at the station to be included in the broadcast.

CITY OF DEER LODGE

Public Works Report

November 2023/December 2023

PROJECT SUMMARIES

Street Maintenance

- Sanding when needed
- Cottonwood Street Drainage Project complete
- 2024 Street Maintenance Project to consist of milling and overlaying Park St., Pavilion Ln., Pennsylvania Ave., and Rainbow Ave. Working on an a project estimate
- Graded Winchester and installed the speed limit sign

Sewer Utility

- Jetting problem sewers
- Inflow and Infiltration project on Rainbow Ave. is complete. Three new sewer manholes have been installed. The sewer main line has been replaced from Rainbow Ave. to the south in the alley and a new sewer main has been installed from the new manhole in Rainbow, west to the Metro and a manhole abandoned at West St. The existing sewer was collapsed near the manhole at West St. and the manhole had no bottom and was infiltrating with a lot of groundwater into the sewer system. On the slip lining portion of the project, the 8" sewer main on Montana Ave. is complete. The 12" sewer main along Taylor Creek is complete. The 6" sewer main along Taylor Creek, Rainbow Ave., and Montana will be completed after the first of the year pending there are no issues with the 6" that would prevent this from being slip lined
- Working with Morrison-Maierle for the Individual Permit Variance at the Wastewater Treatment Plant

Parks and Rec

- Nothing to Report

Water

- The first phase of the new Public Water Supply Well is nearly complete. The stainless steel slotted screen has been installed and O'Keefe has completed the well development. Waiting for pump test results. Next steps will be the design for the well house and the tie-in into the distribution system. Anticipated completion 2025
- Abandoned an existing valve that served no purpose at the intersection of 2nd St. and Rainbow Ave.

Solid Waste

- Rate increase proposed to Council has been passed for \$1.39 per month starting immediately then \$0.50 increases for years 2025 and 2026
- Seeking quotes for new garbage truck
- Auto Car claw not operating correctly so that truck is down. Awaiting new hydraulic valve body part

Mosquito Abatement

- Annual Conference to be held in January in Great Falls

INTEREST ITEMS FOR CITY COUNCIL

- Daily Monitoring Reports for the WWTP have been corrected and sent back to the DEQ per the violation letter we received during the Compliance Inspection in August
- Encountered an abandoned 8" clay tile sewer main on West Street that contained oil. The DEQ has been notified and we are working with Hydrometrics to get the issue remediated

COVID-19 RESPONSE

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



DEER LODGE Police Department

November 2023 Monthly Report

Chief George Smith

- 223 Calls for Service
- 150 Reports Generated
- 77 Traffic Stops
- 23 Citations Issued
- Highlighted Calls
 - DOA- Suspected drug OD.
 - Accidental Gun Shot Wound.
 - 2 high speed Pursuits, DLPD vehicles unable to keep up.
 - DUI crash into a house, exterior damage to the house.
 - 2 Trespassing calls.
 - 5 Traffic accidents.
 - 2 runaway juvenile calls, officer located.
 - 3 Harassment calls.
 - Elderly person victim of fraud.
 - Death notification.



FIRE DEPARTMENT REPORT

NOVEMBER 2023

HIGHLIGHTS

4 Call for Service:

- 2 False Alarms
 - One due to steam that was presumed to be smoke.
 - One was a man starting up a wood stove that was thought to be a garage on fire by another resident.
- 1 piece of logging equipment on fire. Workers had the fire mostly out when we arrived. We put out hot spots and left scene.
- 1 call for use of gas sniffer in a home. Resident was experiencing some carbon monoxide poisoning symptoms and wanted to see if our detector sensed any in the home. No gas was found.

INTEREST ITEMS FOR CITY COUNCIL

Department Happenings:

- Engine 1 has a check engine light on. We are running it as it should be ok for a while, but the part is still a couple weeks out.



Montana's Undiscovered Treasure

CODE COMPLIANCE REPORT

November 2023

HIGHLIGHTS

- 10 dog at large complaints
- 16 citizen complaint
- 1 temporary foster
- Daily patrols
- 195 dog tags sold
- 1 dog at shelter
- Enforcement of parking ordinances
- 2 citations issued
- One vicious dog detained at shelter pending court ruling
- 1 stop work orders issued
- 2 beaver dams ripped out
- Begin culvert inspections and clearing
-
-

INTEREST ITEMS FOR CITY COUNCIL

None

CITY OF DEER LODGE

RECREATION REPORT

December 2023

- Adult Volleyball Season has ended.
- Doing Basketball sign ups before Christmas Break and start when kids get back from the holidays.
- Adult Cornhole will start in late January.

Mayor
James Jess
Chief Administrative Officer
Jordan Green
City Attorney
Peter Elverum
City Clerk
Cyndi Thompson
Compliance Officer
Kody Ryan
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Treasurer
Stanley Glovan
City Services Coordinator
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City Council
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Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: COMMITTEE



TO: CITY COUNCIL



Agenda Item Name: Request from David Phillips for Relief from Street Main. Costs for Ag. Property

For Meeting on: 12/18/2023 **Staff Member/Committee Referring:** Finance

Description of the item:

David Phillips, owner of approximately 2 acres west of the Clark Fork, approached the Economic Growth and Development Committee at their meeting on September 6, 2023 to request relief from the approx. \$2,500/year street maintenance district assessments for his property. The land is zoned Agricultural and currently sits vacant. Mr. Phillips wishes to be exempt from the assessment in order to make the land viable for use - specifically a community garden.

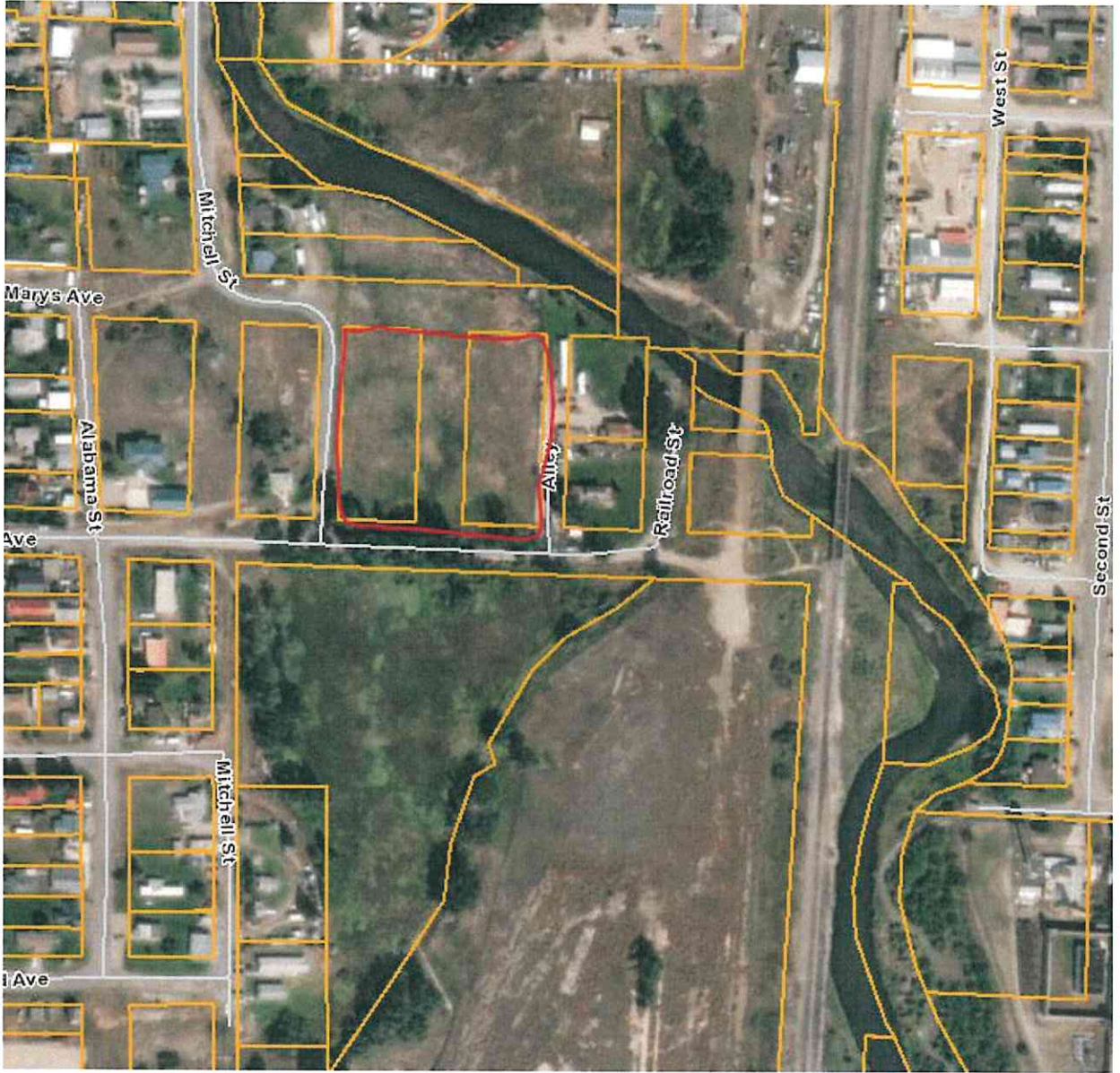
Attachments:

Map showing location of the property.

Previous Committee Engagement: (discussion, outcomes, recommendations, public comment)

Mr. Phillips previously approached the EGD Committee in September. The Committee agreed to discuss his request at their next meeting. At their October meeting, they determined to continue the discussion during the November meeting. In November, they forwarded a favorable recommendation to Finance Committee. Finance sent a favorable recommendation on December 4.

Recommended Motion/Action:



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
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CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: STAFF MEMBER **TO:** CITY COUNCIL

Agenda Item Name: House Bill 355 Discussion and Project Prioritization

For Meeting on: 12/18/2023 **Staff Member/Committee Referring:** Jordan

Description of the item:

House Bill 355, AKA the State-Local Infrastructure Partnership Act of 2023 allocates funding to communities for the maintenance of existing infrastructure. Deer Lodge is set to receive \$250,971 and requires a 25% match of total project cost. The application is due in March, but the law requires cities to prioritize projects based on department head input by December 31, 2023. We need to set a priority for funding.

Attachments:

House Bill 355

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

None

Recommended Motion/Action:

Discussion and prioritize projects. Staff seeks prioritization for additional City Hall maintenance funding.



AN ACT CREATING THE STATE-LOCAL INFRASTRUCTURE PARTNERSHIP ACT OF 2023; PROVIDING FOR GRANTS TO ELIGIBLE ENTITIES FOR INFRASTRUCTURE PROJECTS; SETTING UP A GRANT PROCESS; REQUIRING A PERCENTAGE OF MATCHING FUNDS; PROVIDING FOR OVERSIGHT; ADDRESSING COST OVERRUNS AND MISAPPROPRIATION OF FUNDS; SETTING GRANT LIMITS; PROVIDING AN APPROPRIATION; PROVIDING FOR ALLOCATIONS TO CITIES AND TOWNS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [This act] may be cited as "The State-Local Infrastructure Partnership Act of 2023".

Section 2. Purpose. The purpose of this act is to use a portion of the state's general fund surplus to fund the maintenance and repair of local government infrastructure facilities on a partnership basis with local government supplying a cash match.

Section 3. Appropriation. For the biennium beginning July 1, 2023, there is appropriated \$20 million from the general fund to the department of commerce to distribute funds as allocated in [section 11] to grant recipients awarded in compliance with [this act] for eligible projects as recommended by each legislative body of a city or town.

Section 4. Eligible use of funds -- eligible entities. (1) Except as provided in subsection (2), funds allocated in [section 11] may be used only by eligible entities to maintain or repair existing local government infrastructure, including drinking water systems, wastewater treatment systems, fire suppression systems if

independent of the drinking water systems, streets, roads, bridges, landfills, street lights, airports, and public grounds and buildings.

(2) Funds allocated in [section 11] may be used to expand existing water and wastewater treatment plants that are being operated at 90% of design capacity or greater.

(3) Entities eligible for grants under [this act] include incorporated cities and towns.

Section 5. Grant process -- commission and department of commerce review -- priority. (1) The legislative body of a city or town shall solicit and accept applications for eligible projects within the city or town on or before December 31, 2023.

(2) Once all the applications have been received, the legislative body of the city or town shall hold a public hearing and, based on the information contained within the application and the information received at the public hearing, prepare a recommendation for funding in priority order and transmit the recommendation to the department of commerce.

(3) The department of commerce shall review the recommendations of the legislative body of the city or town and the content of the recommended application and determine whether the application complies with [this act]. If the application does not comply, the department shall issue notice to the applicable legislative body of the city or town.

(4) The department of commerce may not substitute its judgment for that of the legislative body of the city or town and cannot revise the recommended priority list.

(5) Priority is given to projects that maintain or repair publicly owned drinking water systems, publicly owned wastewater treatment systems, and municipal fire suppression systems that are independent of a water system.

(6) A grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 12].

(7) The department of commerce shall administer the grant program and disburse funds directly to the applicants pursuant to the provisions of [section 12].

(8) The department of commerce is authorized 2 FTE on a temporary basis through June 30, 2025. If the department's workload for the administration of [this act] requires additional staff, the office of

budget and program planning may authorize an additional 2 FTE to terminate June 30, 2025. If program administration continues into the 2027 biennium, the department shall submit a budget modification request with its 2027 biennium budget request to continue the FTE on a temporary basis.

Section 6. Grant application -- contents -- matching funds requirement. Each application for grant funds must contain the following information:

- (1) the name of the project for which the applicant is seeking a grant;
- (2) the name, address, telephone number, e-mail address, and title of the individual person who will be directly responsible for the management of the project or projects to be funded by the application, such as a public works director or a consulting engineer, and a copy of the individual's resume attesting to the individual's qualifications and ability to manage the project;
- (3) a narrative description of the prospective project, including a description of the problems to be addressed and the need to undertake the repairs. The applicant shall explain why the proposed project is appropriate, cost-effective, and is a long-term solution to the problem. The applicant shall also submit a list of tasks to be undertaken to address the problem. A map or google earth photo showing the project is also required. Photographs documenting the nature of the problems are advisable but not required.
- (4) a project cost estimate showing the total cost of the project, prepared by a licensed professional engineer or qualified contractor. The cost estimated must be itemized by the list of task elements as required in subsection (3).
- (5) a time schedule showing each step in the repair process starting with the preparation of the bid documents through completion of the work. Specific calendar dates are recommended.
- (6) a statement that the information contained in the application is true, which must be signed by an authorized representative of the applicant; and
- (7) a statement identifying a local cash match equal to no less than 25% of the total project cost, which may not include in-kind contributions of goods or in-kind services.

Section 7. Project management, cost overruns, and supplemental appropriations. (1) The grant applicant is fully responsible for managing the project and ensuring that it is completed on-time and within

budget. If cost overruns occur, the cost of the overrun is the full and sole responsibility of the applicant. No supplemental appropriation may be authorized by the state.

(2) Except as provided in subsection (3), the grant applicant must have the project under contract by December 31, 2024.

(3) In cases in which an applicant has used all reasonable efforts to find a contractor for a project but has failed, the applicant may request one two-year extension from the department of commerce.

(4) Projects funded under [this act] must be completed by December 31, 2027.

Section 8. Misappropriation or diversion of funds. In the event the grantee misappropriates or diverts any portion of the state grant or local government match to another use, the applicant will repay the department of commerce the misappropriated or diverted funds within 12 months of the date of notice from the state and pay a fine equal to 20% of the amount misappropriated or diverted to the state's general fund.

Section 9. Grant limits. (1) Except for cities and towns receiving an allocation of less than \$1 million, no single applicant can receive more than one-third of the city or town's total allocation from the state.

(2) Cities and towns whose allocation is less than \$1 million are not subject to any restriction regarding how much an individual applicant may receive.

(3) Cities and towns in which the local government infrastructure has been significantly damaged by a natural disaster are not subject to any restriction regarding how much an individual applicant may receive.

Section 10. Project reports and completion notices. (1) The applicant shall provide a progress report to the department of commerce on a quarterly basis identifying the following:

- (a) work that has been undertaken on the project;
- (b) the work percentage of work completed;
- (c) the amount of funds expended to date;
- (d) remaining funds;
- (e) description of any significant problems;
- (f) whether the project encountered any modification necessary to the scope of work, budget, or

schedule; and

(g) the projected completion date.

(2) At the completion of the project, the final report must include a statement attesting to the completion of the project, which must be signed by the project manager.

Section 11. City and town allocations. (1) The amount allocated to incorporated cities and towns is determined as follows:

(a) The amount of \$15 million must be divided among the incorporated cities and towns with a population of less than 10,000 as of the most recent decennial federal census in the following manner:

(i) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway system and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of the national highway system and primary system, within the corporate limits of all incorporated cities and towns in Montana with a population of less than 10,000; and

(ii) 50% in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana with a population of less than 10,000 as of the most recent decennial federal census.

(b) The amount of \$5 million must be divided among the incorporated cities with a population of more than 10,000 as of the most recent decennial federal census in the following manner:

(i) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway system and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of the national highway system and primary system, within the corporate limits of all incorporated cities in Montana with a population of more than 10,000; and

(ii) 50% in the ratio that the population within the corporate limits of the city bears to the total population within corporate limits of all the cities in Montana with a population of more than 10,000 as of the most recent decennial federal census.

(2) For the purposes of this section in which distribution of funds is made on a basis related to population, the population must be determined for cities and towns according to the latest official decennial federal census.

(3) For the purposes of this section in which determination of mileage is necessary for distribution of funds, the department of transportation shall utilize the yearly certified statement indicating the total mileage as provided in 15-70-101(7).

Section 12. Conditions of grants -- disbursement of funds. (1) The disbursement of grant funds by the department of commerce for the projects awarded pursuant to [this act] by the legislative bodies of cities and towns is subject to completion of the following conditions:

- (a) the grant recipient has completed a budget and implementation schedule for the project;
- (b) the grant recipient has a project management plan that is approved by the department of commerce;
- (c) the grant recipient is in compliance with the auditing and reporting requirements provided in 2-7-503 and has established a financial accounting system that the department of commerce can reasonably ensure conforms to generally acceptable accounting principles; and
- (d) the grant recipient has entered into a contract with the department of commerce, a provision of which must document that the local matching funds are available and committed to the project.

(2) Prior to the department of commerce disbursing fund for construction expenses, the grant recipient shall identify and certify that the recipient has obtained local, state, and federal permits and approvals.

(3) The department of commerce shall disburse grants on a reimbursement basis as grant recipients incur eligible project expenses in accordance with the terms of the contract. If actual project expenses are lower than the projected expense of the project, the department may, at its discretion, reduce the amount of grant funds to be provided to grant recipients in proportion to all of the project funding sources.

Section 13. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 355, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 355

INTRODUCED BY J. FITZPATRICK, T. WELCH, F. ANDERSON, S. KERNS, D. HAWK, C. KNUDSEN, G. NIKOLAKAKOS, K. ZOLNIKOV, S. ESSMANN, M. BERTOGLIO, L. BREWSTER, J. DOOLING, G. FRAZER, M. BINKLEY, E. BUTTREY, K. WALSH, D. LOGE, B. KEENAN, J. READ, R. FITZGERALD, M. HOPKINS, G. PARRY, M. YAKAWICH, J. FULLER, J. SMALL, M. CUFFE, R. LYNCH, J. WELBORN, B. GILLESPIE, D. SALOMON, R. TEMPEL, M. LANG, C. SPRUNGER, D. ZOLNIKOV, J. ETCHART, J. LYNCH, P. TUSS, W. RUSK, D. HARVEY, J. KASSMIER, S. STEWART PEREGOY, F. MANDEVILLE, T. VERMEIRE, Z. WIRTH

AN ACT CREATING THE STATE-LOCAL INFRASTRUCTURE PARTNERSHIP ACT OF 2023; PROVIDING FOR GRANTS TO ELIGIBLE ENTITIES FOR INFRASTRUCTURE PROJECTS; SETTING UP A GRANT PROCESS; REQUIRING A PERCENTAGE OF MATCHING FUNDS; PROVIDING FOR OVERSIGHT; ADDRESSING COST OVERRUNS AND MISAPPROPRIATION OF FUNDS; SETTING GRANT LIMITS; PROVIDING AN APPROPRIATION; PROVIDING FOR ALLOCATIONS TO CITIES AND TOWNS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: STAFF MEMBER **TO:** CITY COUNCIL

Agenda Item Name: Resolution 2023-R-13

For Meeting on: 12/18/2023 **Staff Member/Committee Referring:** Jordan

Description of the item:

This Resolution authorizes application to the Montana Coal Endowment Program (MCEP) Infrastructure Planning Grant Program. The intent of this application is to receive funding for a Comprehensive Capital Improvements Plan (CCIP) Update. Under this program, the City would be responsible for a \$4,010 match for a total project cost of \$20,500.

Attachments:

Resolution 2023-R-13

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

At its December 4 meeting, the City Council approved a Task Order from Stahly Engineering to apply for the grant and begin working on the CCIP update. This had been previously recommended by the Finance Committee at their December 4 meeting.

Recommended Motion/Action:

Pass Resolution 2023-R-13.

RESOLUTION 2023-R-13

AUTHORIZATION TO SUBMIT MCEP INFRASTRUCTURE PLANNING GRANT APPLICATION.

WHEREAS, the City of Deer Lodge is applying to the Montana Department of Commerce for financial assistance from the Montana Coal Endowment Program (MCEP) to complete a Comprehensive Capital Improvements Plan;

WHEREAS, the City of Deer Lodge agrees to comply with all State laws and regulations and the requirements described in the MCEP Administrative Guidelines & Application for Infrastructure Planning Grants specifically, and those that will be described in the MCEP Project Administration Manual generally;

WHEREAS, the City of Deer Lodge commits to provide the amount of matching funds as proposed in the MCEP application;

WHEREAS, the City of Deer Lodge commits to provide any funding from other grant sources listed in the application budget if not awarded by those grant sources; and

NOW, THEREFORE, LET IT BE RESOLVED, That James Jess, Mayor, is authorized to submit this application to the Montana Department of Commerce, on behalf of the City of Deer Lodge, to act on its behalf and to provide such additional information as may be required.

PASSED and approved by the City Council of the City of Deer Lodge, Montana on first and final reading at a regular Council meeting this 18th day of December, 2023.

The effective date of Resolution 2023-R-13 is December 18, 2023.

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

James Jess, Mayor

Attest:

Jordan Green, Chief Administrative Officer

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
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City Council
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Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: STAFF MEMBER **TO:** CITY COUNCIL

Agenda Item Name: Planning Board and Board of Adjustments Consolidation

For Meeting on: 12/18/2023 **Staff Member/Committee Referring:** Jordan

Description of the item:

Senate Bill 130 allows for the consolidation of a municipal Planning Board, Zoning Commission, and Board of Adjustments into a single body: a Land Use Board. The Planning Board already acts as the Zoning Commission, and has expressed its desire to pursue consolidation with the Board of Adjustments.

Attachments:

Senate Bill 130

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

The Planning Board and Board of Adjustments have discussed the consolidation at several meetings these past few months. Bylaws have been a major topic of conversation and will need to be completely rewritten.

Recommended Motion/Action:

Approve the consolidation and the Planning Board to begin drafting new bylaws for a Land Use Board.



AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS AND THE GOVERNING BODY OF A MUNICIPALITY TO CONSOLIDATE A PLANNING BOARD OR PLANNING BOARDS, A ZONING COMMISSION, OR A BOARD OF ADJUSTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Consolidated land use boards -- zoning commission, planning board, and board of adjustment. (1) The governing body of a city, county, or consolidated city-county may consolidate any combination of a planning board or planning boards as authorized in Title 76, chapter 1, a zoning commission as provided in 76-2-220 and 76-2-307, and a board of adjustment as provided in 76-2-221 and 76-2-321 into a consolidated land use board.

(2) The requirements regarding the duties and roles of a planning board as provided in Title 76, chapter 1, a zoning commission as provided in Title 76, chapter 2, parts 2 and 3, and a board of adjustment as provided in Title 76, chapter 2, parts 2 and 3, apply to a consolidated land use board.

(3) A consolidated land use board allowed under this section shall adopt bylaws that clearly define the roles and duties of a member when acting as a planning board member, a zoning commission member, or a board of adjustment member.

(4) (a) Except as provided in subsection (4)(b), a consolidated land use board allowed under this section must consist of at least five appointed citizen members that reside within the jurisdictional area of the consolidated land use board and who may be removed by the appointing authority. A vacancy on a consolidated land use board must be filled by the appointing authority.

(b) If a consolidated land use board includes the consolidation of a joint or consolidated board as allowed in 76-1-112 or a city-county planning board as allowed in 76-1-201, the consolidated land use board must consist of at least nine appointed citizen members as required in 76-1-201.

(5) The requirements provided in Title 76, chapter 1, and in Title 76, chapter 2, parts 2 and 3, regarding the number, qualification, and removal of members on a planning board, zoning commission, or board of adjustment do not apply to a consolidated land use board allowed under this section.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 76, chapter 1, part 1, and the provisions of Title 76, chapter 1, part 1, apply to [section 1].

- END -

I hereby certify that the within bill,
SB 130, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 130

INTRODUCED BY F. MANDEVILLE, M. DUNWELL, G. HERTZ, C. FRIEDEL, D. ZOLNIKOV, J. TREBAS

AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS AND THE GOVERNING BODY OF A MUNICIPALITY TO CONSOLIDATE A PLANNING BOARD OR PLANNING BOARDS, A ZONING COMMISSION, OR A BOARD OF ADJUSTMENT.