



COUNCIL AGENDA

May 6, 2024 - 6 PM

The City Council will hold the meeting in the Powell County Community Center at
416 Cottonwood 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 item. State Statute limits 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. **Public Hearing.**
 - a. Beeson Request for Abandonment of City-Owned Property
Action item: Vote on the request – Jordan
 - b. B-1, Central Business District Uses Revision
Action item: Vote on the Zoning District Use Changes – Jordan
 - c. MCEP and RRG Grant Applications for Wastewater Collection System Improvements – Stahly Engineering/Jordan
4. **Consent Agenda Items** - Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote by any City Council member. After motion is made, Mayor requests a second to the motion, public comment, Council discussion, and calls for the vote.
 - a. Regular Meeting Minutes: April 15, 2024
 - b. Committee Report
 - c. Board Report
 - d. April Claims- Receive the informational report. Accept the recommendation from the Finance Committee.
5. **Continued Business** (continued or tabled)
 - a. None
6. **New Business Items** - The Council will act on each item after accepting public comments.
 - a. Stahly Engineering Task Order for MCEP/RRG Grant Writing and Administration for Wastewater Collection System Improvements – Jordan
 - b. Resolution 2024-R-12: Authorizing MCEP Application – Jordan
 - c. Beaumont Place Addition Major Subdivision Preliminary Plat – Jordan
 - d. Pintler Meadows Major Subdivision Preliminary Plat – Jordan
 - e. Montana League of Cities and Towns Financial Assistance Contract – Jordan
 - f. Deer Lodge Little League Contract – Jordan
 - g. Supplemental Funding for Chamber of Commerce Yearly Deer Lodge App Invoice – Jordan
 - h. Pay Application #1 for Wastewater Improvements Project – Trent
 - i. 2024 Street Maintenance Project Award – Trent

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

- Finance – May 6th at 4pm
- Economic Growth & Dev – May 8th at 5pm
- Council Operations – May 13th at 5pm
- Public Health & Safety – May 9th at 5pm
- Planning Board – May 20th at 10am
- Council #2 – May 20th at 6pm
- Parks & Rec – May 29th at 5pm
- Public Works – May 28th at 5pm

8. 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.

9. Next Meeting Announcement(s)

- a. Regular Meeting: May 20, 2024 at 6:00pm

10. Adjournment

**Deer Lodge City Council typically 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**

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
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: Beeson Right-of-Way Abandonment Public Hearing

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** City Council

Description of the item:

After request for review from the City Council, the Public Works Committee reviewed the Beeson Right-of-Way Abandonment. The original recommendation was a 30' by 120' abandonment for \$11,097.00. After discussion with Mr. Beeson, the City Council is holding a public hearing on a reduced abandonment size from 30' by 120' to 15' by 120' and a new sale price of \$5,548.50.

Attachments:

1) Updated Beeson Right-of-Way Abandonment Staff Report (changes italicized).

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

The Public Works first discussed the abandonment at their February 2024 meeting, and made a recommendation that was reviewed by Finance at their March 2024 meeting and ultimately the City Council in March 2024. The Council sent the item back to Public Works during their March 2024 meeting. The City Council at its April 1 meeting, elected to send the item to public hearing.

Recommended Motion/Action:

Hold a public hearing and vote to approve the abandonment of 15' by 120' for a sale price of \$5,548.50.

Mayor
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City Services Coordinator
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City Council
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Ward 1-Vacant
John J. Molendyke
Gordon Pierson

UPDATED REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT

Requested Abandonment: An approximately 120' by 30' portion of Clark Street between Texas Avenue and Conley Avenue next to the property at 524 Texas Avenue

Request by: Myron and Maria Beeson

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

Prepared for: City of Deer Lodge Public Works Committee

February 22, 2024

UPDATED: MAY 1, 2024

Request:

Myron and Maria Beeson submitted a request for the abandonment of City-owned property on October 3, 2023. The Beeson's are requesting that the City abandon an approximately 30-foot by 120-foot portion of Clark Street between Texas Avenue and Conley Avenue that directly abuts their property at 524 Texas Avenue. Currently, the right-of-way requested for abandonment is being maintained as a yard by the Beesons. The intent of said request would be to allow the applicants to own the land that they currently maintain. After discussion with the City Council and its committees, the Council and the Beeson's agreed to cut the requested abandonment in half, to 15' by 120'.

Site Analysis:

The portion of Clark Street requested for abandonment is approximately 120 feet by 15 feet, travels north to south, and is directly east of the applicant's property at 524 Texas Avenue. The applicant's property is legally described as Lot 17A and Lot 19A of an Amended Plat in Block 70 of the Original Addition of Deer Lodge, Section 04, Township 07N, Range 09W. The property is zoned as R-2, Residential, Single Family and Manufactured Home District, and is surrounded on all sides by residential uses that are also zoned R-2. 524 Texas is 9,000 square feet. Clark Street in this area is approximately 24 feet wide, and the public right-of-way is 90 feet wide. There are no utilities that utilize this side of Clark Street, but there is a water line that runs along the right-of-way on the east side of Clark Street. Currently, the area proposed for development is used and maintained as yard space by the applicants.



Exhibits showing the location of proposed abandonment of 15 feet of Clark Street adjacent to the property at 524 Texas Avenue. Photo is from Texas Avenue facing South.

Abandonment Analysis:

Clark Street runs north of the subject property before it terminates in one block at land owned by the School District that houses the track and football field. To the south of the subject property, it crosses the City boundary and provides access to 18 single-family homes in the unincorporated area south of town. There are several other parcels that would, should they be subdivided and developed, also be accessed by an expansion of Clark Street south of town. There are no utilities that use the western edge of the right-of-way adjacent to the applicant's property, but there is a 6-inch water main that runs along the eastern boundary of the right-of-way through this section of Clark Street.

The applicants have provided letters of no contest from three adjacent landowners that are contained within this staff report.

As the road is currently used to access property south of Deer Lodge, as well as vacant land south of Deer Lodge, it is City staff's opinion that the City Council needs to seriously consider the impact of the abandonment on future road expansion. If the road at some time in the future needs to be improved to increase capacity, a right-of-way reduced by 15 feet for a 120-foot section may make expansion more difficult. However, should the Council determine they wish to abandon and sell the property, it should be recognized that the approximately 3,600 square foot property is the property of the taxpayers of the City of Deer Lodge. As such, the City should require compensation for the abandonment of public land. Staff approximated a sell price of \$5,548.50 to be attached to the deed for the benefit of the Public Works Committee and the City Council to recoup the loss of the public property.

This proposed sell price was calculated as an average of the value per square foot of adjacent properties. The adjacent properties were selected on Montana Cadastral, which specifies every property's square footage. The 2023 appraisal of the land value for each property was divided by the number of square feet to calculate the value per square foot for each adjacent property. The average of these values was taken and applied to the square footage of the requested property abandonment. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
East	11790	35386	3.00
West	9000	34936	3.88
Southwest	14580	35743	2.45
Southeast	11790	35386	3.00

Average value/SF	3.0825
SF of Abandonment	1,800.00
Abandonment value	\$5,548.50

Staff Recommendation:

*Staff recommends that the Council approve the abandonment of City owned property described as the approximately 15' by 120' section of Clark Street between Texas Avenue and Conley Avenue adjacent to the property at 524 Texas Avenue, that the Council should require a **sale price of \$5,548.50** to be paid by the applicant.*

Following a public hearing, should the Council resolve to sell the property by a two-thirds vote as required by §7-8-4201(2)a, MCA, the applicant will be responsible for contracting a licensed surveyor to file a Certificate of Survey aggregating the properties and the abandoned right-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,

A handwritten signature in black ink, appearing to read 'Jordan Green', written in a cursive style.

Jordan Green – Chief Administrative Officer

May 1, 2024

Mayor
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CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: OTHER (specify) **TO:** CITY COUNCIL

Agenda Item Name: B-1, Central Business District Uses Revision Public Hearing

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** Planning Board

Description of the item:

Following the City Council's February 5, 2024 decision to exempt the "Muddy Paws" Dog Boarding Business from the kennel ordinance, it was determined that zoning changes to the B-1 District should be made to accommodate the dog boarding business. While the district allows grooming services, it did not have an allowance for dog boarding business. This ordinance revision would solve that, and clarify other uses in the B-1, Central Business District.

Attachments:

1) Redlined B-1, Central Business District Permitted and Conditional Uses.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

The City Council's decided on February 5, 2024 decision to exempt the "Muddy Paws" Dog Boarding Business from the kennel ordinance. The Planning Board reviewed changes to the B-1 Zoning District at their February 12, 2024 meeting and held a public hearing at their March 18, 2024 meeting. After that public hearing, the Board recommended the changes to the City Council.

Recommended Motion/Action:

Hold a public hearing and vote on approval of the B-1, Central Business District use changes.
Authorize staff to draft and ordinance adopting the changes.

B-1 - CENTRAL BUSINESS DISTRICT

§ 11.01.200.010 INTENT.

The intent of this District is to provide a central area for the community’s business, government, service and cultural activities. Uses within this District should be appropriate to such a focal center with inappropriate uses being excluded. Room should be provided in appropriate areas for logical and planned expansion of the present district.

(Prior Code, § 11.01.200.010) (Ord. 2019-1, passed 4-1-2019; Ord. 2021-15, passed 12-20-2021)

§ 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
<u>Daycare</u>	<u>Permitted</u>
Fire/police	Permitted
Houses of worship	Permitted
<u>Laundromat</u>	<u>Permitted</u>
Library/museum	Permitted
Post office	Permitted
Schools	Permitted
<u>Theaters and entertainment venues</u>	<u>Conditional use</u>
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.

<u>Banks</u>	<u>Permitted</u>
<u>Business and professional offices</u>	<u>Permitted</u>
<u>Medical and dental clinics</u>	<u>Permitted</u>
<u>Uses requiring more than 5,000 square feet of gross floor area</u>	<u>Conditional use</u>
<u>Uses with drive-thru windows and/or service windows</u>	<u>Conditional use</u>
<u>Veterinary and animal services</u>	<u>Conditional use</u>

(F) Residential and Lodging. A category that includes several residential and lodging types.

~~Residential and lodging: a category that include several residence types~~

~~– Hotel/inn~~

~~Conditional
use~~

~~First floor rResidential~~

~~Conditional
use~~

~~Second/third floor residential~~

~~Permitted~~

~~Residential care~~

~~Conditional
use~~

~~Hotel/inn/bed and breakfasts~~

~~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~~

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

Antique stores and pawn shops

Permitted

Convenience stores

Permitted

Liquor stores

Conditional
use

Retail

Permitted

Taverns and eateries (less than 5,000 square feet of gross floor area)

Permitted

Thrift stores

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

Adult-use and medical marijuana dispensaries (a total maximum of two dispensaries will be permitted. Issuance of a zoning permit required)

Conditional
use

(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. 2023-9, passed 6-20-2023, effective 7-21-2023)

§ 11.01.200.030 OUTDOOR RETAIL AND STORAGE.

Subject to the following restrictions:

(A) Items shall not obstruct ingress and egress to a building, obstruct fire lanes or interfere with vehicular circulation;

(B) The maximum area of display cannot exceed 60% of the lot size;

(C) Items shall not exceed a height of 20 feet;

(D) Storage and display of hazardous materials is prohibited;

(E) The site shall be kept in a condition that is not a hazard to the public health or safety as applied by the following measures:

(1) Free from the accumulation of garbage, rubbish and/or debris;

(2) Maintain trees, lawns or shrubs in a trim and neat appearance;

(3) Elimination of any noxious weeds or vegetation; and

(4) No storage of inoperable or dismantled vehicles, vehicle parts, or components of trailers, boats, and/or equipment regardless of whether licensed or registered.

(Prior Code, § 11.01.200.030) (Ord. 2019-1, passed 4-1-2019; Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.040 LOT AREA AND WIDTH.

No minimum lot area or width is prescribed.

(Prior Code, § 11.01.200.040) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.050 LOT COVERAGE.

Buildings may cover the entire lot; provided other requirements are met.

(Prior Code, § 11.01.200.050) (Ord. 2021-15, passed 12-20-2021)

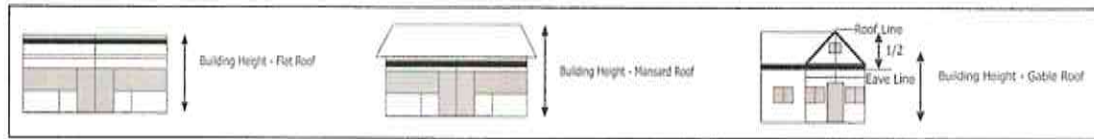
§ 11.01.200.060 PROPERTY LINE SETBACKS.

No minimum setbacks are prescribed, except a 15-foot front setback shall be required on all streets except on Main Street.

(Prior Code, § 11.01.200.060) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.070 BUILDING HEIGHT.

Maximum building height in this District shall not be any higher than the existing buildings.



(Prior Code, § 11.01.200.070) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.080 OFF-STREET PARKING.

No off-street parking is prescribed for this District.

(Prior Code, § 11.01.200.080) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.090 OFF-STREET LOADING.

No off-street loading is prescribed for this District.

(Prior Code, § 11.01.200.090) (Ord. 2021-15, passed 12-20-2021)

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CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: MCEP and RRG Grant Applications Public Hearing

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** Jordan Green

Description of the item:

Stahly Engineering will present information regarding a proposed Phase 2 of the Wastewater Collections System Improvements Project, that is addressing Inflow and Infiltration of groundwater into the sewer system. A public hearing is necessary to discuss the project for grant submittal to the Montana Coal Endowment Program and the Renewable Resource Grant Program. Further along the agenda, the Council will discuss the grant writing task order and authorization to apply for MCEP.

Attachments:

None.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

None. The Public Works Committee at their April meeting recommended approval of the task order that will authorize Stahly to apply for the grants.

Recommended Motion/Action:

Hold the Public Hearing.

CITY COUNCIL

MINUTES

The City Council met on April 15, 2024, at 6 PM | Council Chambers, City Hall

Members Present:	John Henderson, Gordon Pierson, John Molendyke, Rob Kersch, Kirk Hayes, Curt Fjelstad, Rian King-Chavez
Members Absent:	Ward 1
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Police Chief Smith, Trent Freeman, Peter Elverum, Fire Chief Pierson, Stan Glovan, Kody Ryan
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 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.

1. Courtney Rasely: Was not impressed with the Planning Board meeting today as part of the public hearing. Instead of utilizing the 60 days left to allow people to gather more information, you still are still willing to have a recommend.

3. Public Hearing:

- a. Continuation of Public Hearing from April 1, 2024 for Myg Inc. Request for Abandonment of City Property
 - a. Vote on Approval of the Request for Abandonment of City Property – Jordan

The City Council did extend the Public Hearing for this Abandonment request the last time the City Council met in order to gain a little bit more information.

New information has come forth since the last City Council meeting, that was discussed at the Finance meeting and in April as well. The Finance Committee is recommending a \$0 cost of the proposed abandonment.

As a reminder on the abandonment, there had been an initial surveyor that had come in on this property that had performed a survey that was deemed incorrect that established 25' lot widths throughout the entirety of the block. A home was built that was potentially extended 16.5' feet into the city right of way. Due to the in discrepancy another surveyor was hired.

In 1912 the City Council decided that they wanted to hire an engineer to aggregate all these plat maps of the subdivisions into one map, we call that the 1912 Map. When the original surveyor did the original survey, it was based off the original filed plat map and that had some lots that were 25' feet wide, and some lots that were 27' feet wide.

With the discrepancy from the 1912 map the Finance Committee made a recommendation a \$0 cost of the proposed abandonment.

Public Hearing Opened: 6:05pm – No public comment
Public Hearing Closed: 6:06pm

Member Pierson motioned to approve the Finance Committee recommendations as presented. Council President Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed.

- b. Annexation by Property-owner Petition of the property proposed for the Pintler Meadows Subdivision and the Beaumont Place Addition
 - a. Action Item: Vote on Resolution 2024-R-8 – Jordan
 - b. Action Item: Vote on Resolution 2024-R-9 – Jordan

The Montana Board of Investments and MTX Deer Lodge, LLC, have both petitioned the City of Deer Lodge for annexation of their properties into the City limits as part of the major subdivision preliminary plat approval process.

Public Hearing Opened at 6:09pm, for the Pintler Meadows Subdivision:

Dave Torell: Asked who owns the land? The State of Montana Board of Investments.

No name: Curious as to why we are discussing the annexation before the application is officially approved. The City has no authority over them, and they do not need permission from the City. Our subdivision regulations require an annexation prior to approval.

No name: Because of this is owned by the State of Montana, who will not pay taxes on the property because they are exempt. Does the State of Montana have the right to sell this piece of property? Mayor stated he is unsure of what the States process is.

Public Hearing Continued, for the Beaumont Place Addition:

No name: Asked about the reading of the Resolution and the effective date.

Public Hearing Closed at 6:12pm for Pintler Meadows Subdivision and the Beaumont Place Addition.

Action items:

- a. Action Item: Vote on Resolution 2024-R-8 – Jordan

Council President Kersch titled Resolution 2024-R-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA TO ANNEX AND INCORPORATE WITHIN THE BOUNDARIES OF THE CITY OF DEER LODGE, MONTANA THE TRACT OF LAND KNOWN AS LARABIE LOT 3A OF AMENDED PLAT C-656

Member King-Chavez motioned to approve as presented. Member Fjelstad seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed.

- b. Action Item: Vote on Resolution 2024-R-9 – Jordan

Member King-Chavez titled Resolution 2024-R-9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA TO ANNEX AND INCORPORATE WITHIN THE BOUNDARIES OF THE CITY OF DEER LODGE, MONTANA TRACT A OF CERTIFICATE OF SURVEY 911 RT

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

4. Consent Agenda Items:

- a. Regular Meeting: April 1, 2024
b. Department Reports: CAO, Public Works, Police, Fire, Code Enforcement, Recreation
c. Ordinance 2024-3: Title 8 Amendments for Kennel Language, 2nd Reading

3 Public Comments, 2 No names given and Dave Torell. Asked about property cleanup that is on the Code Enforcement report, best way to file a report, make a complaint and steps the City takes to address unsightly properties.

Member King-Chavez motioned to approve as presented. Council President Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed.

- 5. 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.

- a. Mayor Jess: Read the resignation letter from Councilmen Greg Larkins of Ward 1. We will be accepting application for the open seat.

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

- a. None

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

- a. Resolution of Intent 2024-R-10: Intent to Annex Land Owned by the City – Jordan

The City of Deer Lodge owns land outside the boundary of the City. Pursuant to 7-2-44, MCA, the City of Deer Lodge must pass a resolution of intent, schedule and hold a public hearing on May 20th at 6pm at City Hall and pass a resolution to annex contiguous government land into the City limits.

Public Comment:

Courtney Rasely: Did you know the public hearing was not posted on your city website.

Member Pierson titled Resolution of Intent 2024-R-10

A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA TO ANNEX AND INCORPORATE WITHIN THE BOUNDARIES OF THE CITY OF DEER LODGE, MONTANA TRACT 1 OF AMENDED PLAT C-656

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

- b. Resolution 2024-R-11: Support Application to the Pilot Community Tourism Grant Program – Jordan The Economic Growth and Development Committee, at their April 2024 meeting, voted to recommend that the City Council adopt a resolution supporting the grant application and establish the City as the lead organization.

The Pilot Community Tourism Grant Program (PCTGP) provides \$2.75 million in funding over 5 years to elevate tourism and economic development in communities. The PCTGP requires the establishment of a steering committee of local stakeholders, and the adoption of an MOU between the committee members that establishes a lead organization. This Resolution approves the application and designates the City as the lead organization.

1. Supports and approves the application to the Pilot Community Tourism Grant Program.
2. Authorizes the Chief Administrative Officer to sign and execute a Memorandum of Understanding with the Pilot Community Tourism Grant Program steering committee that names the City of Deer Lodge as the lead organization.
3. Is willing and able to commit to the roles and responsibilities of the lead organization.
4. Will provide support to the Pilot Community Tourism Grant Program steering committee if and when the City of Deer Lodge is awarded a Pilot Community Tourism Grant.

Public Comment:

No name given: is there a way to join the Steering Committee

Dave Torell: Is in full support of this grant program.

Dick Bauman: 2nd what Dave said.

No name given: 3rd's what Dave said and thank Jordan for what positive outcomes he brings to the City. All applauded!

Member Hayes titled Resolution 2024-R-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA TO APPLY FOR A PILOT COMMUNITY TOURISM GRANT AND AUTHORIZE CITY STAFF TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE GRANT STEERING COMMITTEE

Council President Kersch motioned to approve as presented. Member King-Chavez seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed.

- c. Approval of Access and Construction Easement for the Montana Board of Investments – Jordan
The Montana Board of Investments (MBOI) owns a section of land east of Jaycee Park that is only accessible via Aspen Lane. Aspen Lane is a gravel road that was constructed on City-owned land via an easement that was granted in 2012 through Resolution 1152 to private property owners east of town. MBOI is requesting from the City an ingress and egress and utility easement to their parcel for the purpose of the development of an anticipated subdivision.

Would like to add a stipulation: this access and easement is only valid during the time of construction for the project, and it will be dedicated for a city road.

Public Comment:

No name given: Once this easement passes does that mean construction will start right away? Mayor replied: No

No name given: The city is listening and to maintain this as a dedicated city road, so thank you.

Member Hayes motioned to approve as presented including the stipulation of the dedicated city road. Member Fjelstad seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed.

8. Next Meeting Announcements

- a. Monday, May 6, 2024 at 6:00pm

9. Adjournment

Mayor Jim Jess adjourned the meeting at 6:48PM.

Prepared By: Cyndi Thompson, City Clerk

Mayor Jim Jess

Date



COUNCIL COMMITTEE REPORT

APRIL 2024

Council Ops – Rob Kersch (Chairperson)

April 8th - Reviewed Local Government Review FAQ Sheet. Planning Board Form Review.

Finance – Gordon Pierson (Chairperson)

April 1st - The Finance Committee reviewed the following items:

- March 4th minutes approved
- MYG Inc right of way request- waiting for re-assessment then have special meeting for decision.
- Fee schedule review- covered and adjustments made to Title1 through title 4
- Well pay application- reviewed, approved and referred to city council for review
- Xylem solutions contract- reviewed, approved and referred to city council for review
- Beeson ROW-reviewed with new estimate, approved and referred to city council for review.
- March claims-reviewed and signed
- Next Meeting- Monday May 6th @ 5pm

Economic Growth & Development – John Henderson (Chairperson)

April 3rd - Business Improvement District: The committee discussed creating two separate Business Districts; the dividing point between the South and North Business Districts is Cottonwood Creek. The committee also discussed ways to Implement the framework for the creation of the districts.

Tourism Pilot Community Grant, Jordan informed the committee about the Community Tourism grant that will be available for Montana towns that are under-touristed. Deer Lodge meets the criteria. If awarded, we will be awarded 2.7 Million over 5 years.

Public Health & Safety – John Molendyke (Chairperson)

April 11th – Discussed one of our committee goals: Police Department Funding. Received reports from Police, Fire, Code Enforcement and County Health Report.

Parks & Rec – Rian King-Chavez (Chairperson)

April 4th and April 22nd

April 4th meeting: The committee voted to not move forward with the purposed Best Mowed contract. Jim Jess is speaking with entities regarding trustee help. If that is not an option, the City will advertise for a seasonal position. Reviewed previous MOU regarding field

maintenance. Will update and approve at next meeting. The committee also discussed additional improvements at Jaycee Park.

April 22nd meeting: Trustee help does not seem plausible, advertisement for the seasonal ground's maintenance position will be posted. Committee approved Little League MOU for field maintenance. Brad addressed needs and hopes at the cemetery.

Public Works – Gordon Pierson (Chairperson)

April 23rd – The Public Works Committee reviewed the following items:

- March 26th minutes reviewed and approved
- Public works report reviewed by Trent
- 2024 Street maintenance project recommendation to award- reviewed with new estimates, approved and referred to finance for review.
- Pay application #1 for wastewater improvements project- reviewed, approved and referred to finance for review.
- Wastewater improvements Phase #2 task order for grant writing and administration- reviewed, approved and referred to finance for review.
- Next Meeting-Tuesday May 28th @ 5pm



Council Board Reports

APRIL 2024

1. Airport Board – Gordon Pierson – Met on April 15th
 - EA still waiting on Faa and core of engineer's review and approval, hoping for this fall
 - 2024 Apron project- 3 bids submitted with Helena Sand and Gravel being low bidder, hopefully schedule 1 to be done this season. Reviewed M&M contract/independent fee estimates results and recommendation of award and FAA grant applications.
 - Land acquisition for runway expansion is still waiting on appraisal updates and can't move forward until EA is complete anyway.
 - Capital Improvement Plan update-will send attachment to Cyndi
 - Fuel Master update 3-MDT 2022 grant re-imbusement waiting for printer repair invoice but will file for extension until printer arrives and invoiced.
 - 5yr engineering company selection- M&M can finish apron and land acquisition but nothing beyond until new contract awarded.
 - County shop placement on airport land-plan to place behind scale shack.
 - Next Meeting - May 20th @ noon

2. Powell County Parks Board – John Molendyke

Met on April 17th : We received a video update from DEQ on where they are at on redoing Arrowstone Park. We discussed Old Yellowstone Trail, and where we are cleaning up the Milwaukee Roundhouse area. Next meeting is May 15th at 5pm.

3. Chamber of Commerce – John Henderson
 - Deer Lodge Brochure, Alabama Farm Bureau Phoned, has 75 people coming to Montana in August. They want to stop in Deer Lodge for Lunch
 - They have 11 vendors and 3 food trucks signed up for Territorial Days on June 15th.
 - They also discussed changing the route for Territorial Days to include 2 blocks East of Missouri to utilize the Courthouse lawn.
 - The Pizza, Puzzles & Pint night fundraiser is on Friday, April 19th at the Pen.

4. Historic Preservation – Curt Fjelstad

No report

5. Landfill – Rob Kersch

Normal business and discussed Grizzly Disposal proposal for Granite County. Special Meeting to hire Landfill Attendant. Attendant hired.

6. Local Emergency Planning Committee –~~Kirk Hayes~~ Jordan Green

We discussed the roles and responsibilities for LEPC members during an emergency. Soon, the Committee wants to find volunteers for the different positions. At their next meeting, the LEPC would like to perform a tabletop emergency exercise.

7. Library – Rian King-Chavez

April 18th: The library has received a considerable donation from the estate of Father Murray. Considered the best way to allocate these funds was discussed. Reviewed the growth plan for the library.

Special meeting April 25,2024: Further discussion regarding allocation of funds received from the state of Father Murray.

8. Planning Board – Greg Larkins

No report

9. Youth Board – Kirk Hayes

No report

City Council - May 6, 2024

Financial Summary

April 2024

Atypical Revenues	Purpose	Fund	Amount
Dept. of Nat Resource/Conservation	Water Supply Replacement Well	5210	\$36,710.77
Completed Projects	Grant Funded	City Funded	Final Cost
Atypical Claims	Purpose	Fund	Amount
MJD Contracting, LLC	2022 Wastewater System Impovments	5310	\$404,772.39
Montana Dept. of Revenue	Gross Reciepts Tax	5310	\$4,088.61
Jackson Group Peterbuilt	Garbage Truck Repair	5410	\$3,525.66
Payables			
		Claims	\$604,829.40
		Payroll	\$155,296.75
		Total	\$760,126.15

A motion to approve payment of the claims is requested.

CITY OF DEER LODGE
Claims by Vendor Report
For the Accounting Period: 4/24

Vendor	Claim #	# of Lines	Date Accepted	Check	Amount
180 A & M FIRE AND SAFETY, INC.	CL 12535	2	05/02/24		214.00
1795 ANITA DORE	CL 12548	3	05/02/24		57.96
385 AT&T	CL 12524	1	04/23/24		175.00
300 BLACK MOUNTAIN SOFTWARE, INC.	CL 12506	3	04/23/24		600.00
1799 BRODEY HUNTER	CL 12552	1	05/02/24		150.00
1792 CARL H PARISH	CL 12511	3	04/23/24		3.18
1794 CENTRALSQUARE TECHNOLOGIES, LLC.	CL 12529	1	04/23/24		3,378.00
26 CENTURY LINK	CL 12498	2	04/22/24		85.10
1196 CHARTER COMMUNICATIONS	CL 12481	4	05/02/24		584.85
454 CLARK FORK VETERINARY CLINIC	CL 12515	1	04/23/24		216.30
1543 COLLABORATIVE SUMMER LIBRARY PROGRAM	CL 12544	1	05/02/24		225.61
1722 COMMUNICATION RESOURCES, LLC	CL 12513	2	05/02/24		721.50
1441 CORE & MAIN LP	CL 12490	4	05/02/24		17,549.42
1732 COTE & ASSOCIATES CPA PLLC	CL 12525	1	04/23/24		540.00
1607 COWPOKE RANCH SUPPLY, INC.	CL 12496	4	05/02/24		142.00
823 CULLIGAN OF BOZEMAN - BUTTE	CL 12522	2	04/23/24		192.00
1384 DAVID G. RAY	CL 12516	2	04/23/24		200.00
169 DEER LODGE ASPHALT, INC.	CL 12508	1	04/23/24		6,796.34
1439 DENNY MENHOLT FORD	CL 12486	1	04/09/24	23743	8,909.27
849 DEPARTMENT OF REVENUE	CL 12537	1	05/02/24		4,088.61
907 DEQ - PUBLIC WATER SUPPLY BUREAU	CL 12507	1	04/23/24		3,445.00
164 DUNNE COMMUNICATIONS, INC.	CL 12501	1	04/22/24		227.00
1419 ELVERUM LAW FIRM, PLLC	CL 12539	10	05/02/24		6,157.81
434 ENERGY LABORATORIES, INC.	CL 12492	13	05/02/24		2,495.00
964 EVERLY & ASSOCIATES	CL 12500	1	04/22/24		157.50
523 FICKLER OIL COMPANY, INC.	CL 12504	2	04/23/24		117.86
1466 GIRKY, ELISSA	CL 12510	2	05/02/24		288.00
1773 HEGGELUND METALS	CL 12528	2	05/02/24		70.90
1089 HOLT REPAIR	CL 12526	2	04/23/24		107.83
1554 HYDROMETRICS, INC.	CL 12499	1	04/22/24		1,191.00
1604 JACKSON GROUP PETERBILT	CL 12502	5	04/22/24		3,525.66
1796 JIM BUCK	CL 12549	1	05/02/24		100.00
1402 JOHNSON & ASSOCIATES, INC.	CL 12514	5	04/23/24		435.00
1616 KELLEY CREATE	CL 12494	8	05/02/24		262.78
921 KOHRS MEMORIAL LIBRARY - PETTY CASH	CL 12542	2	05/02/24		101.20
468 LES SCHWAB	CL 12512	2	04/23/24		2,997.82
234 LOCAL GOVERNMENT SERVICES	CL 12532	1	04/23/24		130.00
1798 MIKE HUNTER	CL 12551	1	05/02/24		150.00
1547 MJD CONTRACTING, LLC	CL 12536	1	05/02/24		404,772.39
706 MONTANA CORRECTIONAL ENTERPRISES	CL 12519	1	04/23/24		303.00
1038 MONTANA DEPARTMENT OF CORRECTIONS	CL 12538	1	05/02/24		525.00
987 MORRISON-MAIERLE CORP.	CL 12518	1	04/23/24		279.00
30 NAPA AUTO PARTS	CL 12491	19	05/02/24		795.34
1244 NORTHWEST PARTS & EQUIPMENT	CL 12540	1	05/02/24		1,827.00
33 NORTHWESTERN ENERGY	CL 12479	38	05/02/24		21,291.87
1232 OFFICE SOLUTIONS, INC.	CL 12493	10	05/02/24		540.26
1756 PARSONS BEHLE & LATIMER	CL 12527	1	04/23/24		6,350.00
1582 PIONEER RESEARCH CORPORATION	CL 12509	2	04/23/24		5,859.42
1317 PITNEY BOWES, INC.	CL 12482	15	04/22/24		1,008.59
12 POWELL COUNTY CLERK	CL 12483	12	04/22/24		6,330.09
	CL 12487	1	04/10/24	23744	10,000.00
	CL 12495	2	05/02/24		5,240.49
1471 PRESTIGE WORLDWIDE TECHNOLOGIES, LLC	CL 12546	2	05/02/24		2,137.51
125 R & C LUMBER, INC.	CL 12534	1	05/02/24		15.36

05/02/24
15:35:02

CITY OF DEER LODGE
Claims by Vendor Report
For the Accounting Period: 4/24

Page: 2 of 2
Report ID: AP220

Vendor	Claim #	# of Lines	Date Accepted	Check	Amount
1762 RADIO TIME BILLING	CL 12520	1	04/23/24		207.00
28 ROME ENTERPRISES 027545	CL 12488	28	05/02/24		1,318.51
7 SHELTON'S CLOCK REPAIR	CL 12545	2	05/02/24		98.28
32 SILVER STATE POST	CL 12541	1	05/02/24		720.00
1119 SOUTHWEST SEPTIC AND TOILETS	CL 12547	1	05/02/24		595.00
1373 STAHLY ENGINEERING & ASSOCIATES, INC.	CL 12489	6	05/02/24		18,144.00
1776 STAPLES	CL 12550	7	05/02/24		646.99
1435 THATCHER COMPANY	CL 12497	2	04/22/24		8,489.59
737 UNIVISION, INC.	CL 12480	8	05/02/24		1,273.77
936 UPS	CL 12531	2	04/23/24		212.74
1418 US BANK COMMUNITY CARD	CL 12553	14	05/02/24		828.90
1401 USDA RD LOAN #92-01	CL 12475	2	04/16/24		15,765.00
1378 USDA RD LOAN #92-02	CL 12476	2	04/30/24		4,075.00
1410 USDA RD LOAN #92-04	CL 12477	2	04/16/24		11,886.00
188 UTILITIES UNDERGROUND LOCATION CENTER	CL 12505	2	04/23/24		63.64
1793 VALERIE CLOSE	CL 12521	3	04/23/24		2.19
85 VALLEY FOODS	CL 12533	1	04/24/24		18.90
1197 VERIZON WIRELESS SERVICES, LLC	CL 12484	21	04/15/24		761.81
1752 VIRTUAL ACADEMY	CL 12530	1	04/23/24		414.00
196 WEST SIDE DITCH COMPANY, INC.	CL 12523	1	04/23/24		600.00
1242 WEX BANK	CL 12478	29	04/08/24		4,643.26
				Total:	604,829.40

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
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: COMMITTEE **TO:** CITY COUNCIL

Agenda Item Name: WW Improvements Phase 2 Task Order

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** Public Works

Description of the item:

This scope of work will review the existing PER for the City's Wastewater System to identify the scope of a Phase 2 Inflow and Infiltration reduction project. It also includes grant writing to the MCEP and RRGL programs to fund the project. Amount of the grant asks will be discussed at the next Finance and City Council meeting. Total task order cost for grant prep is \$16,500. Grant amounts: MCEP - \$375,000, RRG - \$125,000, Match - \$250,000 (with 50% SRF loan forgiveness).

Attachments:

Task Order from Stahly Engineering

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

On April 23, 2024, the Public Works Committee recommended the approval of this task order to the Finance Committee and City Council. Finance Committee discussed today.

Recommended Motion/Action:

Approve the Task Order.



An Employee-Owned Company

Engineers and Land Surveyors

3530 Centennial Drive, Helena, MT 59601 | phone: 406-442-8594
851 Bridger Drive, Suite 1, Bozeman, MT 59715 | phone: 406-522-8594
2223 Montana Avenue, Suite 201, Billings, MT 59101 | phone: 406- 601-4055
1001 12th Street, Cody, WY 82414 | phone: 307-509-5541

www.seaeng.com

4/8/2024

City of Deer Lodge
Attn: Jordan Green, City Administrative Officer
Via: email

Subject: Task order to provide professional services related to City of Deer Lodge Wastewater Collection System Improvements

Dear Jordan and members of the Council:

This letter and associated attachment are intended as a Scope of Work for Stahly Engineering & Associates, Inc. to complete engineering and grant writing services for Phase 2 of the Wastewater Collection System Improvements for the City of Deer Lodge. Your approval of this Scope of Work is required per our term agreement dated January 3, 2017, and extended November 3, 2023. That agreement states that any projects assigned to our firm exceeding \$10,000 require a detailed Scope of Work and review and approval by the City Council.

The attached Exhibit A identifies the activities associated with each task anticipated for the services we will provide. The City of Deer Lodge will reimburse Stahly Engineering for services based on time and materials spent on the project and will be subject to all other conditions of the existing term contract.

Please review this Scope of Work and provide comment if necessary. If agreeable to the council, please sign the Notice to Proceed below and return the original to our office. Thank you for the opportunity to provide services to the City of Deer Lodge.

Sincerely,

Stahly Engineering & Associates, Inc.

Kurt Thomson, P.E.
Project Engineer

Robie Culver
Grants Department Manager

NOTICE TO PROCEED

Stahly Engineering & Associates is hereby granted a notice to proceed for the engineering and grant writing services for Phase 2 of the Wastewater Collection System Improvements for the City of Deer Lodge:

Owner: City of Deer Lodge

Authorized Signature: _____

Title: _____

Date: _____



Exhibit A

2024 City of Deer Lodge Wastewater Collection System Technical Memo to Supplement Preliminary Engineering Report and Project Grant Applications

Scope of Work

This Scope of Work is to review the existing City of Deer Lodge Wastewater System Preliminary Engineering Report (PER) and provide a technical engineering memo for Phase 2 of the collection system improvements to address Infiltration and Inflow (I&I) into the system. It also provides grant writing and optional administration services to the City of Deer Lodge in support of the wastewater collection.

Phase 1 – PER Review and Technical Memo (\$2,500)

The following activities will comprise the scope of work:

1. Review existing wastewater PER and work with Deer Lodge Public Works Director to prioritize segments of the wastewater collection system to be included in the Phase 2 project.
2. Prepare technical memo as a supplement to the PER:
 - a. Description of project area selection and justification for defining the project (i.e. public health and safety, condition of collection lines, effect on existing wastewater treatment plant, etc.).
 - b. Updated cost estimates.

Phase 2 – Grant writing - Montana Coal Endowment Program (MCEP) Grant, Renewable Resource Grant and Loan (RRGL) Program Grant, Uniform Application, and SRF Priority List Survey (\$14,000)

1. Assist engineer, City of Deer Lodge with determining funding strategy to include in final PER.
2. Draft Uniform Application in cooperation with the engineer.
 - a. Gather required documentation from City to include with application:
 - i. Signature page complete.
 - b. Submit with funding applications.
3. Prepare MCEP funding grant application for amount to be determined based on the wastewater rate anticipated in relationship to the target rate to include:
 - a. MCEP Eligibility Screening Checklist
 - b. Gather required documentation from City to include with application:
 - i. Letter of support and commitment of matching funds.
 - c. Participate in gathering information, attending in-house and public meetings, and responding to/writing Statutory Priorities:
 - i. Urgent and serious health or safety problems.
 - ii. Financial need.
 - iii. Appropriate design and solution.
 - iv. Long-term planning and management.
 - v. Funding strategy.
 - vi. Long-term job/business expansion.
 - vii. Community support.

- d. Provide deliverables to meet 2024 deadline:
 - i. Draft and final application to the City.
 - ii. Electronic submission of application to the Montana Department of Commerce.
- 4. Prepare RRGL funding grant application to include:
 - a. Gather required documentation from City to include with application:
 - i. Authorizing statement.
 - ii. \$250,000 application fee.
 - b. Participate in gathering information, attending in-house and public meetings and responding to/writing response to eligibility criteria:
 - i. Renewable resource benefit.
 - ii. Public or citizen benefits.
 - iii. Technical/financial feasibility and project management.
 - c. Provide deliverable to meet May 16, 2024 deadline:
 - i. Draft and final application to the City.
 - ii. Electronic submission of application to the Montana Department of Commerce.
- 5. SRF Priority List Survey
 - a. Assist engineer in submitting the SRF Priority List Survey so that the project is positioned for loan funding as needed.

Phase 3 – OPTIONAL Grant administration (Scope and fee to be determined is grants are successful)

Once construction grants are awarded this contract may be amended to include grant administration of the awarded grants. Grant administration will include assisting with meeting start up conditions and providing reporting and recordkeeping required to satisfy the funding agency requirement throughout the duration of the grant award.

Anticipated Schedule

May 1, 2024	Complete Technical Memo
May 15, 2024	Submit SRF Survey
May 15, 2024	RRGL and Uniform Applications Submitted
May 30, 2024	MCEP and Uniform Applications Submitted

Summary of Costs

Phase 1 – PER Review and Technical Memo	\$ 2,500
Phase 2 – MCEP, RRGL, Uniform Applications, SRF Survey	\$14,000
Phase 3 - MCEP and RRGL Grant Administration	<u>\$ TBD</u>
TOTAL CONTRACT AMOUNT	\$16,500

If assistance to acquire additional grants or loans is required, this task order will be amended with an updated Scope of Work and cost. The cost of the project will be positively affected by that continued spirit of cooperation and assistance in getting information in a timely manner to successfully complete the project within budget.

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
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: Resolution 2024-R-12: Authorizing MCEP Application

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** Jordan Green

Description of the item:

This Resolution authorizes the City and Stahly Engineering to apply for funding from the Montana Coal Endowment Program for Phase 2 of the Wastewater Collection System Improvements (I&I) Project. Grant amounts: MCEP - \$375,000, RRG - \$125,000, Match - \$250,000 (with 50% SRF loan forgiveness).

Attachments:

Resolution 2024-R-12

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

On April 23, 2024, the Public Works Committee recommended the approval of this task order to the Finance Committee and City Council. Finance Committee discussed this today. This recommendation was to contract Stahly to apply. This Resolution simply approves the MCEP application.

Recommended Motion/Action:

Approve Resolution 2024-R-12.

RESOLUTION 2024-R-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA AUTHORIZING SUBMISSION OF MCEP APPLICATION IN SUPPORT OF THE CITY OF DEER LODGE WASTEWATER COLLECTION SYSTEM PHASE 2 I&I REDUCTION PLAN

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 develop a project to replace wastewater collection mains and manholes negatively affecting the City's wastewater treatment system;

WHEREAS, the City of Deer Lodge has the legal jurisdiction and authority to construct, finance, operate, and maintain the wastewater collection system.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Deer Lodge:

1. agrees to comply with all State laws and regulations and the requirements described in the MCEP Application Guidelines and those that will be described in the MCEP Project Administration Manual;
2. commits to provide the amount of matching funds as proposed in the MCEP application; and
3. 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 6th day of May, 2024.

The effective date of Resolution 2024-R-12 is May 6, 2024.

Council Member	Yea	Nay	Abstain/Present	Absent
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Rian King-Chavez				
Ward 1-Vacant				
John Molendyke				
Gordon Pierson				
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

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
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: MLCT Financial Assistance Contract

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** Jordan Green

Description of the item:

The Montana League of Cities and Towns recently hired Jodi Rogers, lifelong clerk/treasurer from Choteau, to help local communities with financial services. We would like to contract for her assistance and to help train Stan on the following: long-range budget forecasting, budget transfers, GAAP/GASB principles, and other high-level municipal financing topics.

Attachments:

Draft Financial Assistance Contract from the Montana League of Cities and Towns.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

Finance Committee discussed today.

Recommended Motion/Action:

Approve the Agreement.

AGREEMENT FOR FINANCIAL SERVICES

THIS AGREEMENT is made and entered into by and between the **MONTANA LEAGUE OF CITIES AND TOWNS, HELENA, MONTANA**, a 501(c)(4) non-profit association organized and existing under the laws of the State of Montana, 700 West Custer Avenue, Helena, Montana 59602, hereinafter referred to as “MLCT,” and **CITY OF DEER LODGE**, a municipal corporation organized and existing under the laws of the State of Montana referred to as “City,” 300 Main Street, Deer Lodge, MT 59722, collectively referred to as “Parties.”

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **Purpose:**

Assist the City with reviewing accounting procedures such as transfers and project revenue and provide as needed technical guidance according to GASB accounting principles.

2. **Effective Date and Term:** This Agreement is effective upon execution by both parties, and will terminate on: [12/31/2024](#). Any extension of the term of this Agreement must be set forth in writing and signed by both parties.

3. **Option to Renew:**

This Agreement is not subject to a renewal option.

N/A

4. **Scope of Services:** MLCT will perform the work and provide the services in accordance with the specifications and requirements as follows:

Review accounting procedures such as transfers and project revenue and provide as needed technical guidance according to GASB accounting principles.

5. **Payment (check one):**

City agrees to pay the MLCT according to the following fee schedule with the total amount due under this Agreement not to exceed Ten Thousand (\$10,000.00) Dollars:

\$50/hour.

Travel, lodging, and meals are actual cost.

6. **Receipt of Payment (check one)**

To receive payment, MLCT must submit a record of expenditures incurred for the performance and completion of this Agreement in the form acceptable to the City, every quarter. For any services delivered under this Agreement, the City may request inspection to assure said services meet City specifications prior to tendering payment.

30 Days After Receipt of Invoice, Verification, and Inspection: The City has thirty (30) days to make payment after the City's receipt of a properly executed invoice.

Payment will be according to following schedule:

N/A

7. **Warranty of Services/Products:** MLCT warrants that the services provided conform to the contract requirements, including all descriptions, specifications, and attachments made part of this Agreement. MLCT warrants that all services will be performed in a good workman-like, professional manner, and according to all applicable industry standards.

8. **Independent MLCT Status:** The parties agree that MLCT is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. MLCT is not subject to the terms and provisions of the City's personnel policies handbook and may not be considered a City employee for workers' compensation or any other purpose. MLCT is not authorized to represent the City or otherwise bind the City in any dealings between MLCT and any third parties.

MLCT must comply with the provisions of the Montana Workers' Compensation Act. Proof of compliance must be in the form of workers' compensation insurance, an independent MLCT's exemption, or documentation of corporate officer status. This insurance/exemption must be valid for the entire term of this Agreement and any renewal. Upon expiration, MLCT must send a proof of renewal to the City.

9. **Hold Harmless and Indemnification:** For all services rendered MLCT agrees, to the fullest extent permitted by law, to protect, defend, hold harmless, and save the City, its elected and appointed officials, officers, agents, employees, and volunteers from any and all losses, damage, liability and causes of action of any kind or character, including the cost of defense thereof, occasioned by, growing out of, or in any way arising or resulting from

any intentional or negligent act or omission on the part of the MLCT or MLCT's agents, employees, officers, representative, assignees, or invitees, in connection with this Agreement. If any such claim arises, demand, or cause of action arise solely from the City's own negligence, MLCT need not so protect or defend.

10. **Liquidated Damages:** MLCT is not liable for any liquidated damages.
11. **No Assignment, Transfer, Delegation, or Subcontracting:** MLCT may not assign, transfer, delegate, or subcontract this Agreement or any of its rights, duties, or obligations hereunder without prior express written consent of the City.
12. **Compliance with Laws:** MLCT agrees to comply with all applicable federal, state and local laws, ordinances, rules and regulations, including the safety rules, codes, and provisions of the Montana Safety Act in Title 50, Chapter 71, Montana Code Annotated. MLCT agrees to purchase a City business license.
13. **Nondiscrimination:** MLCT agrees that it will not discriminate based on any protected class in any of its activities or provision of services regardless of whether or not those activities or services are provided in connection with this Agreement. MLCT agrees that all hiring of persons in connection with this Agreement will be on the basis of merit and qualification and will not discriminate on the basis of race, creed, religion, color, national origin, age, physical or mental disability, marital status, sex, pregnancy, childbirth or medical condition related to pregnancy or childbirth, sexual orientation or expression, political beliefs or affiliation, genetic information, veteran status, culture, social origin or condition, or ancestry.
14. **Records Access and Retention:** MLCT agrees to create and retain records supporting the services rendered or goods delivered in connection with this Agreement. MLCT agrees, to the extent permitted by law, to provide the City, or the City's authorized agent, access to any such records at the City's request. The City may terminate this Agreement without incurring liability if the MLCT refuses to allow access to records as provided in this section. MLCT agrees to retain any records concerning this Agreement for eight (8) years after the Agreement termination date. The obligation to maintain records required by this section survives the termination or the expiration of this Agreement.
15. **Ownership and Publication of Materials:** If any reports, information, data, or other materials are prepared by the MLCT pursuant to this Agreement these reports, information, data, or other materials become the property of the City. The City has the exclusive and unrestricted authority to release, publish or otherwise use, in whole or part, information relating thereto. Any re-use of these materials by the City without written verification or

adaptation by the MLCT for the specific purpose intended will be at the City's sole risk and without liability or legal exposure to the MLCT. No material produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the City.

16. **Notice Protocol:** Any notice or demand required or permitted to be given under the terms of this Agreement must be in writing. Written notice shall be deemed given when hand-delivered, or when mailed by first class mail, postage prepaid, to the addresses specified in this section, or by e-mail with confirmation of delivery.

The City's liaison for purposes associated with this Agreement is:

Name: Jordan Green, Chief Administrative Officer
Address: 300 Main Street, Deer Lodge, Montana 59722
Phone: 406-594-1896
E-Mail: jgreen@cityofdeerlodgemt.gov

The MLCT liaison for purposes associated with this Agreement is:

Name: Jodi Rogers, Municipal Finance Program Directors
Address: PO Box 7388 Helena, MT 59604-7388
Phone: 406-431-3638
E-Mail: jodi.rogers@helenamt.org

If either party changes address or contact person, it must notify the other party in writing at the address provided in this section.

17. **Default:** If either party to this Agreement defaults in the performance of any term or condition of this Agreement, the other party may give the defaulting party notice of the default. The notice shall specify the action required to correct the default and a period of time, not less than 30 days, within which to correct the default. If the default is not corrected within the time specified in the notice, the party not in default may terminate this Agreement without further obligation under this Agreement, other than obligations incurred or accrued up to the date of termination. The non-defaulting party may also bring suit for damages, specific performance, and any other remedy available by law.
18. **Termination for City's Convenience:** City may terminate this Agreement at any time by giving MLCT thirty (30) days' written notice if, in the sole opinion and discretion of the City, this Agreement is no longer in the best interest of the City or if funding for this Agreement becomes unavailable. Except for the prorated amount owing to the MLCT on

the termination date, City is not liable to MLCT for any damages arising from termination of this Agreement pursuant to this section.

19. **Termination in Writing**: Notice to terminate must be in writing and made in accordance with the provision in the “Notice Protocol” section of this Agreement.
20. **Remedies Non-Exclusive**: Any remedies available under this Agreement are cumulative and non-exclusive. Use of one remedy does not preclude use of the others.
21. **Failure to Enforce Not a Waiver**: City’s failure, at any time, to enforce or to seek strict compliance with any provision of this Agreement or to exercise any right or remedy arising from the breach thereof does not constitute a waiver of that provision or remedy or of any other provision of this Agreement or available remedy.
22. **Full Integration**: This Agreement, together with its exhibits, if any, embodies the entire understanding between the parties relating to the subject matter contained herein and supersedes any prior statements, understandings, promises, or representations made by either party or their agents. No agent or representative of either party has authority to make any representations, statements, warranties, or agreements not herein expressed.

The following exhibits are made part of this Agreement by reference:

List any Exhibits attached here or write “None.”

23. **Amendments in Writing**: All amendments to this Agreement must be in writing and executed by all parties to this Agreement.
24. **Governing Law and Venue**: This Agreement and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana. If a dispute arises, the proper venue for the hearing of the case is the District Court of the First Judicial District of the State of Montana, in and for the County of Lewis and Clark.
25. **Headings**: The section headings contained in this Agreement are for reference purposes only and do not affect the meaning or interpretation of the Agreement.
26. **Severability**: If any term or provision of this Agreement is held to be illegal, void or in conflict with any Montana law, the validity of the remaining terms and conditions shall not be affected. The rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term, condition, or provision held to be invalid.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates stated below.

FOR THE CITY OF DEER LODGE

Signed: _____ **Dated:** _____
By: **Jordan Green, Chief Administrative Officer**

APPROVED AS TO FORM:

Signed: _____ **Dated:** _____
By: **Peter Elverum, City Attorney**

FOR THE MLCT

Signed: _____ **Dated:** _____
By: **Kelly Lynch, Executive Director**

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
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: COMMITTEE **TO:** CITY COUNCIL

Agenda Item Name: Deer Lodge Little League Contract

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** Parks and Recreation

Description of the item:

For the past three years, the City has had a contract with the Little League where the City gave field use authorization to the League and paid \$1,000/year to the League to maintain one field. The League approached Parks and Rec Committee to renegotiate the contract. The proposed contract would still give access to the fields, but up the amount to \$8,000/year for 3 years. The intent is for them to improve one field a year in addition to maintenance on previously improved fields.

Attachments:

Draft Little League Contract.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

At it's March meeting, the Parks and Recreation committee discussed the proposal from the League. At its April meeting, it recommended the draft contract language to the Finance Committee and City Council for approval. Finance Committee discussed today.

Recommended Motion/Action:

Approve the Contract.

AGREEMENT

between

The City of Deer Lodge, Montana

and

The Deer Lodge Little League

This agreement is made and entered into this ____ day of May, 2024, by and between the City of Deer Lodge, Montana (the "City"), and the Deer Lodge Little League, a Montana not-for-profit corporation ("League").

WITNESS

WHEREAS, the City is the owner of Jaycee Park and the athletic fields contained within the Park; and

WHEREAS, the League wishes to perform maintenance on the athletic fields located at Jaycee Park both for their ability to use the fields and for the general betterment of the Park; and

WHEREAS, the City grants the League approval to make improvements to the athletic fields as described in this Agreement; and

WHEREAS, the League has estimated that the cost of annual maintenance for one field, plus continued maintenance for the other fields, to be \$8,000 per year; and

WHEREAS, the City in exchange for the improvements grants the League permission of use of the *Lower Upper, Softball Field*; and

WHEREAS, the City authorizes use of the *Lower Upper, Softball Field*, as well as access to the other fields for three (3) years starting from the approval date of the Agreement with an option for renewal.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Deer Lodge and the Deer Lodge Little League agree the following in consideration of the above recitals, which are contractual in nature, as follows.

CONDITIONS

1. The League agrees to resurface one field per year of this Agreement. The schedule shall be as follows:
 - a. Year 1: Resurface Southeast field (Majors field).
 - b. Year 2: Resurface Southwest field (Tee Ball field).
 - c. Year 3: Resurface Northeast field (Softball field).

2. The type of maintenance projects to be performed by the League for each field are as follows:
 - a. Application and spreading of decomposed granite on the infield.
 - b. Improvements to batters and catchers boxes.
 - c. Replacement of mounds, bases, and home plate.

3. The League agrees to perform continued maintenance on fields done in previous years of this Agreement so that each field remains in good condition after the initial maintenance has been completed.

4. The League agrees to provide proof after each annual maintenance project that they have completed their obligations following the conditions of this Agreement. Failure to do so will result in the withholding of future funding as specified in this Agreement until such a time that the work agreed to is completed.

5. The City agrees to contribute \$8,000 annually, before the start of each year's maintenance project, to the League for the purposes of the maintenance as described in this Agreement.

NOTICES

1. The League is required to inform and obtain approval from the City before making improvements or revisions to the athletic fields not specifically described in this Agreement.

2. Notices for both parties shall be given to the following designated representatives:
 - a. City: Trent Freeman,
Public Works Superintendent
300 Main Street
Deer Lodge, MT 59722
(406) 594-2240
 - b. League: Sean Herrick
President
903 Kohrs Street
Deer Lodge, MT 59722
(406) 565-7278

TERM AND EFFECTIVENESS

1. This Agreement shall be effective upon its complete execution by the parties' authorized agents and shall remain in effect for three years with an expiration date of June 30, 2027. Thereafter, the parties may negotiate an extension of this Agreement.

IN WITNESS WHEREOF, the parties have caused their authorized agents to execute this Agreement.

Deer Lodge Little League

A Montana nonprofit corporation

By: _____ Date: _____

Sean Herrick, President

City of Deer Lodge

A Montana municipality

By: _____ Date: _____

James Jess, Mayor

Attest:

By: _____ Date: _____

Cyndi Thompson, City Clerk

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
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: Supplemental Funding for Chamber Yearly Deer Lodge App Invoice

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** Jordan Green

Description of the item:

When the Deer Lodge app was implemented by the County, the Chamber agreed to fundraise for the yearly \$5,000 invoice. However, the invoice came 3 months earlier than expected and the Chamber had not fundraised enough yet. The Chamber had raised \$1,450. In order to keep the app functioning, I propose we supplement this yearly payment with the consideration that the Chamber continue to fundraise this year to help offset our costs and become self-sustaining next year.

Attachments:

Living Local Invoice

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

Finance Committee discussed today.

Recommended Motion/Action:

Approve the supplemental funding of \$3,550.



Invoice

Invoice #	6089
Invoice Date	2/22/2024
Terms	Net 30
Due Date	3/23/2024

Bill To

Deer Lodge City Hall
 Jordan Green
 300 Main Street
 Deer Lodge, MT 59722

Purchase Order #

GSA Under Contract #

Project # 23-DeerLodge-0521 LL APP

Item	Description	Qty	Rate	Amount
LL Subscription	Year 2 - Includes licensing, technical support and assistance, hosting and maintenance Period of performance: 3/24/2024 - 3/23/2025	1	5,000.00	5,000.00

KAT Video Productions, Inc. DBA KAT & Company
 Office: (701) 224-9208
 GSA Contract # GS-23F-0224R
 Federal Tax ID: 45-0431175
 Data Universal Number System (DUNS) No: 606394922

A 3.5% processing fee will apply to credit card payments
 Thank you - we appreciate your business!

Checks payable to:
 KAT & Company
 1025 North 3rd Street
 Bismarck, ND 58501

Subtotal	\$5,000.00
Sales Tax (5.0%)	\$0.00
Total	\$5,000.00
Payments/Credits	\$0.00
Balance Due	\$5,000.00

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
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: COMMITTEE **TO:** CITY COUNCIL

Agenda Item Name: Pay Application #1 for Wastewater Improvements Project

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** Public Works

Description of the item:

Pay Application #1 with associated Change Orders submitted by MJD Contracting for the Sewer Inflow and Infiltration Project in the amount of \$404,772.39.

Attachments:

Pay Application #1 with associated Change Orders.

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

Public Works Committee recommended the Pay Application at their 4/23/2024 meeting. The Finance Committee discussed today.

Recommended Motion/Action:

Approve Pay Application #1 with associated Change Orders.

1

ITEM	DESCRIPTION	QTY	UNITS	ORIGINAL CONTRACT		CHANGE ORDER		CURRENT CONTRACT		AMOUNT IN PLACE		AMOUNT TOTAL	
				UNIT PRICE	TOTAL PRICE	QTY	AMOUNT	QTY	AMOUNT	THIS PAY EST.	TOTAL PROJECT	THIS PAY EST.	TOTAL PROJECT
1	General Requirements	1	LS	\$ 120,000.00	\$ 120,000.00			1	\$ 120,000.00	0.5	\$ 60,000.00	0.5	\$ 60,000.00
2	Traffic Control	1	LS	\$ 30,000.00	\$ 30,000.00			1	\$ 30,000.00	0.5	\$ 15,000.00	0.5	\$ 15,000.00
3	Testing	1	LS	\$ 12,000.00	\$ 12,000.00			1	\$ 12,000.00	0.5	\$ 6,000.00	0.5	\$ 6,000.00
4	Erosion & Sedimentation Control	1	LS	\$ 8,000.00	\$ 8,000.00			1	\$ 8,000.00	0.5	\$ 4,000.00	0.5	\$ 4,000.00
5	CIPP 6"	1464	LF	\$ 100.00	\$ 146,400.00	93	\$ 9,300.00	1557	\$ 155,700.00	0	\$ -	0	\$ -
5A	Adjustment to Allied		LF	\$ 20.00	\$ 31,140.00	1557	\$ 31,140.00		\$ -	0	\$ -	0	\$ -
6	CIPP 8"	1180	LF	\$ 80.00	\$ 94,400.00	16	\$ 1,280.00	1196	\$ 95,680.00	1196	\$ 95,680.00	1196	\$ 95,680.00
6A	Adjustment to Allied		LF	\$ 40.00	\$ 47,840.00	1196	\$ 47,840.00		\$ -	1196	\$ 47,840.00	1196	\$ 47,840.00
7	CIPP 12"	167	LF	\$ 210.00	\$ 35,070.00	-6	\$ (1,260.00)	161	\$ 33,810.00	161	\$ 33,810.00	161	\$ 33,810.00
7A	Adjustment to Allied		LF	\$ (50.00)	\$ (8,050.00)	161	\$ (8,050.00)		\$ -	161	\$ (8,050.00)	161	\$ (8,050.00)
8	9' Gravity Sewer (includes 40' of 12")	217	LF	\$ 200.00	\$ 43,400.00	713	\$ 142,600.00	930	\$ 186,000.00	663	\$ 132,600.00	663	\$ 132,600.00
9	9' Dia. Standard Manhole Construction	3	EA	\$ 6,500.00	\$ 19,500.00	3	\$ 19,500.00	6	\$ 39,000.00	6	\$ 39,000.00	6	\$ 39,000.00
9A	Extra Manhole Depth	5	VF	\$ 200.00	\$ 1,000.00		\$ -	5	\$ 1,000.00	5	\$ 1,000.00	5	\$ 1,000.00
10	Asphalt Removal & Replacement	3000	SF	\$ 110.00	\$ 330,000.00		\$ -	3000	\$ 330,000.00	0	\$ -	0	\$ -
11	Open-Cut Spot Repair	24	EA	\$ 3,300.00	\$ 79,200.00	-14	\$ (46,200.00)	10	\$ 33,000.00	0	\$ -	0	\$ -
12	Manwell Coating	1	LS	\$ 85,000.00	\$ 85,000.00		\$ -	1	\$ 85,000.00	0	\$ -	0	\$ -
13	2" Stormwater Force Main	645	LF	\$ 75.00	\$ 48,375.00	255	\$ 19,125.00	900	\$ 67,500.00	0	\$ -	0	\$ -
14	8y-Pass Pumping (MID viewed as LS only, bypass for pipe in pipe)	1	LS	\$ 47,500.00	\$ 47,500.00		\$ -	1	\$ 47,500.00	0	\$ -	0	\$ -
15	Radio Tank and Pump		LS	\$ 55,000.00	\$ 55,000.00	1	\$ 55,000.00	1	\$ 55,000.00	0	\$ -	0	\$ -
16	Watermain Adjustment		LS	\$ 3,500.00	\$ 3,500.00	1	\$ 3,500.00	1	\$ 3,500.00	1	\$ 3,500.00	1	\$ 3,500.00
Total					\$879,845.00		\$273,775.00		\$1,153,620.00		\$430,380.00		\$ 430,380.00

4	MATERIAL STORAGE	\$ 0.00
5	TOTAL WORK & MATERIAL STORAGE	\$ 430,380.00
6	5% RETAINAGE	\$ 21,519.00
7	TOTAL LESS RETAINAGE	\$ 408,861.00
8	PREVIOUS PAYMENTS	
9	SUBTOTAL	\$ 408,861.00
10	STATE 1% TAX	\$ 4,088.61
11	PAYMENT DUE	\$ 404,772.39
	REMAINING PLUS RETAINAGE	\$ 744,759.00

See all four Work Change Directives and the following description to cover all items for the change order.

1. Price increase/decrease for Allied to perform work when subcontractor previously identified was no longer available to perform the slip lining.
2. Increase in lineal footage of 8-inch sewer main replacement as identified on TV reports of collapsed pipes on Rainbow Ave and slip line of 12" lines. Rainbow Ave – 380lf, Montana Ave with new manhole 26lf, Montana Ave MH SE26-SE27 267LF, 40lf of 12" on Taylor (added to 8" bid item). For a total of 713lf additional pipe to install. The Rainbow Ave section was an emergency replacement due to pipes being broken.
3. Two manholes as identified on the walkthrough to provide access to slip line pipe. These two manholes were at the east and west end of Montana ave. One manhole on Second St/Rainbow Ave and half manhole for the connection to the Metro manhole and half manhole at the bank, then the two planned manholes for the alley main construction south of Rainbow Street, for a total of 6 manholes.
4. 6" CCIP – an increase of 93lf
5. 8" CCIP – an increase of 16lf
6. 12" CCIP – a deduction of 6lf
7. Water lowering due to conflict with sewer alignment, station 41+50 +/- . Lump sum fee of \$3,500.00, shown as bid item number 16.
8. Due to the increased scope of work, and delays for the emergency sewer main installation on Rainbow Ave, 21 contract days are requested.

All items for the change order are in the quantities of the original bid items. No additional fees were requested for the issue of the oil spill and time delays associated with having to excavate and test the soils for contamination.

CHANGE ORDER NO.:1

Owner: City of Deer Lodge
 Engineer: Stahly Engineering
 Contractor: MJD Contracting, LLC
 Project: 2022 Wastewater System Improvements
 Date Issued: 03-18-2024
 Effective Date of Change Order: 12-31-2023

Owner's Project No.:
 Engineer's Project No.: 2506-03Q21
 Contractor's Project No.: 23012

The Contract is modified as follows upon execution of this Change Order:

Description: This change order incorporates the preliminary work change directives 1-4. See full description on the following attachments.

Attachments: WCD's 1-4, Change order descriptions

Change in Contract Times
 [State Contract Times as either a specific date or a number of days]

Change in Contract Price	Change in Contract Times
Original Contract Price: \$879,845.00	Original Contract Times: Substantial Completion: <u>60</u> Ready for Final Payment: <u>75</u>
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. <u>NA</u> \$0.00	[Increase] [Decrease] from previously approved Change Orders No. 1 to No. <u>NA</u> Substantial Completion: _____ Ready for Final Payment: _____
Contract Price prior to this Change Order: \$879,845.00	Contract Times prior to this Change Order: Substantial Completion: <u>60</u> Ready for Final Payment: <u>75</u>
[Increase] [Decrease] this Change Order: \$273,775.00	[Increase] [Decrease] this Change Order: Substantial Completion: <u>21</u> Ready for Final Payment: _____
Contract Price incorporating this Change Order: \$1,153,620.00	Contract Times with all approved Change Orders: Substantial Completion: <u>81</u> Ready for Final Payment: <u>96</u>

Recommended by Engineer (if required)

By: [Signature]
 Title: Project Manager
 Date: 4/4/2024

Accepted by Contractor

By: _____
 Title: _____
 Date: _____

Authorized by Owner

By: _____
 Title: _____
 Date: _____

Approved by Funding Agency (if applicable)

By: _____
 Title: _____
 Date: _____

WORK CHANGE DIRECTIVE NO.: 1

Owner: City of Deer Lodge
Engineer: Stahly Engineering
Contractor: MJD Contracting
Project: Deer Lodge Collection System Upgrades
Date Issued: 10-17-2023

Owner's Project No.:
Engineer's Project No.: 2506-0QP21
Contractor's Project No.:

Effective Date of Work Change Directive: 10-17-2023

Contractor is directed to proceed promptly with the following change(s): Description: Installation of sewer manhole in two locations on Montana Ave. This is required to gain access to ends of the lines for slip lining.

Attachments:

Identified at preconstruction walkthrough

Purpose for the Work Change Directive:

To gain access to ends of sewer mains that need to be slip lined.

Directive to proceed promptly with the Work described herein, prior to agreeing to change in Contract Price and Contract Time, is issued due to:

Notes to User—Check one or both of the following

Non-agreement on pricing of proposed change. Necessity to proceed for schedule or other reasons.

Estimated Change In Contract Price and Contract Times (non-binding, preliminary):

Contract Price: \$13,000.00 [increase] [decrease] [not yet estimated].

Contract Time: 0 days [increase] [decrease] [not yet estimated].

Basis of estimated change in Contract Price: unit price used as estimate

Lump Sum x Unit Price Cost of the Work Other

Recommended by Engineer

Authorized by Owner

By:

Title:

Date: 10-17-2023

EJCDC® C-940, Work Change Directive.

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WORK CHANGE DIRECTIVE NO.: 2

Owner: City of Deer Lodge
Engineer: Stahly Engineering
Contractor: MJD Contracting
Project: Deer Lodge Collection System Upgrades
Date Issued: 11-20-2023

Owner's Project No.:
Engineer's Project No.: 2506-0QP21
Contractor's Project No.:

Effective Date of Work Change Directive: 11-20-2023

Contractor is directed to proceed promptly with the following change(s): Description: Installation of water lowering of 6" water main in Rainbow Ave. Line is at the same elevation as the new sewer main. This is required to meet DEQ requirements. All inclusive of materials, pipe, rebar, exploratory excavation, concrete thrust blocks and all incidentals associated with this work.

Attachments:
None

Purpose for the Work Change Directive:
To maintain clearance per DEQ requirements.

Directive to proceed promptly with the Work described herein, prior to agreeing to change in Contract Price and Contract Time, is issued due to:

Notes to User—Check one or both of the following

Non-agreement on pricing of proposed change. Necessity to proceed for schedule or other reasons.

Estimated Change in Contract Price and Contract Times (non-binding, preliminary):

Contract Price: \$10,000.00 [increase] {decrease} [not yet estimated].
Contract Time: 0 days [increase] {decrease} [not yet estimated].

Basis of estimated change in Contract Price: unit price used as estimate

Lump Sum Unit Price Cost of the Work Other

Recommended by Engineer

Authorized by Owner

By:

Title:

Date: 11-20-2023

WORK CHANGE DIRECTIVE NO.: 3

Owner: City of Deer Lodge
Engineer: Stahly Engineering
Contractor: MJD Contracting
Project: Deer Lodge Collection System Upgrades
Date Issued: 11-20-2023

Owner's Project No.:
Engineer's Project No.: 2506-0QP21
Contractor's Project No.:

Effective Date of Work Change Directive: 11-20-2023

Contractor is directed to proceed promptly with the following change(s): Description: Core new connection into existing sewer manhole on West/Rainbow Street, connect sewer services into new main as discovered, install new sewer manhole at 2nd street/Rainbow and continue to install new sewer main to manhole to NW016 installed for Deer Lodge collection system project. Install approximately 400lf of 6" CCIP from manhole NW016 North. These items were discovered once manhole NW016 was installed for the Rainbow Ave sewer man replacement. This is required to meet DEQ requirements. All inclusive of materials, pipe, rebar, exploratory excavation, concrete thrust blocks and all incidentals associated with this work.

Attachments:
None

Purpose for the Work Change Directive:

These items were discovered once the manhole NW016 was installed for our Rainbow Ave sewer man replacement. Due to the amount of groundwater coming into the new manhole NW016 from the two locations, the lines were TV'd to identify why. It was discovered that the lines were collapsed in locations allowing groundwater in and potential of sewage to be released into the groundwater. With breaks as observed from the TV'd sections these lines needed to be replaced as soon as possible.

Directive to proceed promptly with the Work described herein, prior to agreeing to change in Contract Price and Contract Time, is issued due to:

Notes to User—Check one or both of the following

Non-agreement on pricing of proposed change. Necessity to proceed for schedule or other reasons. Estimated

Change in Contract Price and Contract Times (non-binding, preliminary):

Contract Price: \$85,000.00 [increase] {decrease} [not yet estimated].

Contract Time: 5 days {increase} [decrease] [not yet estimated].

Basis of estimated change in Contract Price: unit price used as estimate

Lump Sum Unit Price Cost of the Work Other

Recommended by Engineer

Authorized by Owner

By:

Title:

Date: 11-20-2023

WORK CHANGE DIRECTIVE NO.: 4

Owner: City of Deer Lodge
Engineer: Stahly Engineering
Contractor: MJD Contracting
Project: Deer Lodge Collection System Upgrades
Date Issued: 11-30-2023

Owner's Project No.:
Engineer's Project No.: 2506-0QP21
Contractor's Project No.:

Effective Date of Work Change Directive: 11-30-2023

Contractor is directed to proceed promptly with the following change(s): Description: All work, testing, delays to contractor associated with the discovery of an abandoned sewer main that leaked oil into the sewer trench, delaying the installation of sewer main at the intersection of West St. and Rainbow Ave. Due to this emergency spill oil was pumped into the existing sewer main so it would not overflow the sewer trench and go overland to adjacent properties causing additional cleanup and remediation. This includes all time associated to mitigate the source and cause, all paperwork required to meet DEQ requirements.

Attachments:

None

Purpose for the Work Change Directive:
Emergency oil spill cleanup.

Directive to proceed promptly with the Work described herein, prior to agreeing to change in Contract Price and Contract Time, is Issued due to:

Notes to User—Check one or both of the following

Non-agreement on pricing of proposed change. Necessity to proceed for schedule or other reasons. Estimated

Change in Contract Price and Contract Times (non-binding, preliminary):

Contract Price: \$25,000.00 [increase] [decrease] [not yet estimated].

Contract Time: 5 days [increase] [decrease] [not yet estimated].

Basis of estimated change in Contract Price: unit price used as estimate

Lump Sum Unit Price Cost of the Work Other

Recommended by Engineer

Authorized by Owner

By:

Title:

Date: 11-30-2023

EJCDC® C-940, Work Change Directive.

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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
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: COMMITTEE **TO:** CITY COUNCIL

Agenda Item Name: 2024 Street Maintenance Project Award

For Meeting on: 05/06/2024 **Staff Member/Committee Referring:** Public Works

Description of the item:

Recommendation of Award to Helena Sand and Gravel for the 2024 Street Maintenance Project, which consists of Rainbow Avenue Reconstruct and Mill and Over on Pennsylvania Ave., Park St., and Pavilion Lane in the amount of \$469,512.00. Also requested is a 10% contingency to expedite any potential change orders. Total amount requested is \$516,463.20.

Attachments:

Recommendation of Award Letter from Stahly Engineering.

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

Public Works recommended the award and contingency at their April 23, 2024 meeting. Finance discussed today, May 6.

Recommended Motion/Action:

Approve the Award of the 2024 Street Maintenance Project to Helena Sand & Gravel with the extra budgeted amount for contingency.



April 10, 2024

Mr. Jordan Green
Chief Administrative Officer
City of Deer Lodge
300 Main Street
Deer Lodge, MT 59722

RE: Recommendation of Award – 2024 Street Maintenance Project

Dear Jordan:

Construction bids for the 2024 Street Maintenance project were received and opened on April 2, 2024. Two bids were received and are within the requirements stated in the Bid Documents. We have reviewed the results, and no errors were found that affected the bids. Helena Sand & Gravel was the low bidder at \$469,512.00.

Stahly Engineering recommends that the City of Deer Lodge award the construction contract to Helena Sand & Gravel for the 2024 Street Maintenance for a contract price of \$469,512.00.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Thomson", is written over a horizontal line.

Kurt Thomson, PE
Project Manager