



CITY COUNCIL OPERATIONS

AGENDA

Monday, July 12, 2021 – 5:00 PM | Council Chambers, City Hall

1. Call Meeting to order
2. Approval of Minutes
 - a. June 14, 2021
3. Public Comment – (Limit to three minutes per person)
4. Old Business (Public Comment period prior to each topic)
 - a. Noise Ordinance Consideration – Rob Kersch
 - b. Weed Ordinance Follow-Up – Rob Kersch
5. New Business (Public Comment period prior to each topic)
 - a. Website Status Update – Rob Kersch
 - b. Fireworks Ordinance Review – Rob Kersch
 - c. City Code Title 1 – CAO Green
 - d. Building Code Violation – CAO Green
 - e. City Code Title 8 (definition of neutered)
6. Staff or Committee Member Concerns or Comments:
7. Announcement of the Next Meeting
 - a. August 9, 2021, at 5:00 PM.
8. Adjournment

City Council Operations Committee

City Code | Council Bylaws and Policy

Members

Rob Kersch (Chairperson) | Mary Hathaway | Dick Bauman

CITY OF DEER LODGE

City Council Operations

MINUTES

Monday, June 14, 2021 | Council Chambers, City Hall

Members Present: Rob Kersch, Mary Hathaway, & Dick Bauman

Members Absent: None

Mayor: Diana Solle

CAO: Jordan Green

Staff: Trent Freeman, Cyndi Thompson

Public: None

1. Call Meeting to Order:

- a. Chairperson Kersch called the meeting to order at 5:01PM

2. Approval of Minutes:

- a. May 10, 2021 -Minutes approved unanimously.

3. Public Comment - Limit to three minutes per person.

- a. None.

4. Old Business (Public Comment period prior to each topic)

- a. Title 11 Land Use Review with Engineering Drawings – Rob & CAO Green Reviewed and finalized Title 11 with engineering drawings. Member Bauman motioned to approve Title 11. Member Hathaway seconded the motion. 3 Yea's, 0 No's. Motion Passed.
- b. Building Fee Modifications for "Season of Building Events" – CAO Green Spoke with Dan about this a bit more. Couple different option we were looking at. Cut the rates for planning permit and building permit applications and keep the double fines. For planning permit applications, the applicants are still responsible for the fees for public notices. Looking at the estimates for what the city gets, the city would receive less money, this way we'd still retain a portion of that income in the permit process.

Property tax increase would arise with the improvements of the properties and help offset the lack of income. Looking at the building permit application, the majority of our money comes out of all other permits (new houses, new shops, garages).

OPTION A:

Cut all building permit rates and planning permit applications down substantially (new rates below) in perpetuity. Keep double fines for not obtaining licenses. Applicants still responsible for public notice fees. City will receive less money but would result in greater trust in and cooperation with the City, with the added benefit of a better-looking community. Property tax increases will help offset the lessened building permit costs.

OPTION B:

Do a season of building permit decreases. Advertise a special event where building permit fees are drastically lowered in an effort to aid the community in fixing up properties. May result in unhappy people who have already built this year. Also, there may be unforeseen complications when trying to raise rates again unless we are very clear it is a temporary program. Still lower planning application fees.

OPTION C:

Make no change to building permit fees but offer to reimburse checks once project has been inspected and approved. Would create more work for Gena, Judi, and Dan, but would be feasible and doable. However, City would not receive any money from these categories, and the additional claims could complicate Finance Committee meetings and Treasurer's duties. Still lower planning application fees.

We can market this, regardless of what option we choose, as a way to do our part to help the community deal with the recent increase in building costs. It will be framed as a way to make the process easier for building and investing in the community.

This was passed through Finance with a favorable recommendation to Council.

Member Hathaway motioned to approve the Building Fee "Season of Building Events" with a recommendation to Council. Member Bauman seconded the motion. 3 Yea's, 0 No's. Motion Passed.

- c. Hotel Deer Lodge update – Mayor Solle
No update – moved to next month's agenda.

5. New Business (Public Comment period prior to each topic)

- a. Title 10 Overview – Chairperson Kersch
This was presented and approved through Public Health & Safety.
Member Hathaway motioned to approve Title 10 with a recommendation to Council.
Member Bauman seconded the motion. 3 Yea's, 0 No's. Motion Passed.

b. Title 1 Review – Chairperson Kersch

Few changes to be made, need to meet with the City Attorney for final Legal review.

c. Review & Confirm Titles 1-15 of City Code Book – Chairperson Kersch (per Mayor Solle)

Title #1 – Under Legal Review

Title #2 – Complete and ready for publication.

Title #3 - Complete and ready for publication.

Title #4 – Complete – move to Council & Public Hearing

Title #5 - Complete and ready for publication.

Title #6 – Struck and moved to City Planning Use.

Title #7 – To be reviewed in Public Health & Safety or Council Ops.

Title #8 – Complete and ready for publication

Title #9 – (Noise?) – To be reviewed in Public Health & Safety or Council Ops

Title 10 – Complete – move to Council & Public Hearing.

Title 11 – Complete – move to Council & Public Hearing

Title #12 - Complete and ready for publication.

Title #13 - Complete and ready for publication.

Title #14 - Complete and ready for publication.

Title #15 - Complete and ready for publication.

6. Staff or Committee Comments/Concerns:

Member Hathaway asked about taking City Facility tours. This will be placed on the Council agenda to be discussed.

7. Announcement of Next Meeting:

July 12, 2021, at 5 PM

8. Adjournment:

a. The meeting was adjourned at 6:41PM by consensus.

Prepared by: Cyndi Thompson, City Clerk

Rob Kersch, Chairperson

Date

City Council Operations Committee

Members

Rob Kersch (Chair) | Dick Bauman | Mary Hathaway

Cyndi Thompson

From: Dan Green
Sent: Wednesday, July 7, 2021 2:40 PM
To: Jordan Green
Cc: Gena Micu; Diana Solle; Cyndi Thompson
Subject: Voicing some concerns.

Hey Jordan.

I have some concerns about building code enforcement in Deer Lodge.

Attached at the bottom are the 2018 IRC Building codes.

As a building inspector of International Residential codes there is huge responsibility and liability on the city and on my license to enforce the code.

R104.8 Liability..... while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code

—In good faith and without malice—

Means to the best of my knowledge of the code to be correct and enforced. Everyone has the same rules. No one is exempt.

The way it is now if a citizen doesn't have a permit they are issued a stop work order. If they continue they are issued another stop work order. That's it. Nothing happens to them. It doesn't cost them anything.

That is not in good faith. We know there are many who are not following the rules. Violations are not being enforced. Do we pretend it doesn't happen and it goes away if we ignore them.

Excuses:

A) Its my property you cant tell me what I can do on it or with it.

Yes we can its law. Besides sooner or later someone else will own that property.

R105 Permits.

Any owner or owners authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace and electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

B) I live on social security or am handicapped and cant afford to do it that way.

They cant afford not to do it the right way. If they cant afford building it at the bare minimum, they shouldn't be doing it. Its the bare minimum code.

R101.3 Intent.

The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations.

Who will be responsible when the code is not enforced? Without enforcement of the law what is the worst that can happen to a violator of the code.

Maybe they get away with it.

Or People get hurt, sick or worse die.

What about the safety and rights of the elderly or children.

My wife's aunt when she was 14 was sitting in a chair on their deck without guards around it. The chair leg slipped over the edge. She fell over backwards. The deck was only a couple of feet off the ground. She was mentally handicapped from then on.

Can you live with that? She lived until she was 80. Someone had to take care of her for 66 years. How much would you pay for guards so that would not have happened .

Closer to home. What about the church over by Kalispell where the deck collapsed. Killing and hurting many members. Can you live with that over missing lag bolts and hangers that should have been installed.

What about the apartment complex that collapsed back east. Thousands were hurt and died.

The stories are endless of people who have suffered loss from poor building practices.

Its just a matter of time before something like this happens here.

If we don't have laws in place to protect the citizens and us.

I can guarantee the first people that will be sued is the City and the Building department for letting this happen.

So what can we do?

- 1) Put in place steep penalties for those who don't get permits. R105**
- 2) Make it a priority to Prosecute those who refuse to comply. R113**
- 3) Incentives to complete the permit.**
- 4) Probation from working in the city after 2 stop work orders. After 3 stop work orders, city business license suspended indefinitely.**

We need to make a difference in the welfare of our citizens

International Residential Code

R101.3 Intent.

The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations.

R104 Duties and powers of the building official.

The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and adopt policies and procedures in order to clarify the application of its provisions. Such interpretations and procedures shall not have the effect of waiving requirements specifically provided for in this code.

R104.8 Liability

The building official, member of the board of appeals or employee charged with the enforcement of this code, **while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code** or another pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

R105 Permits.

Any owner or owners authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace and electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and **obtain the required permit.**

R108.6 Work commencing before permit issuance.

Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fees.

R113 Violations.

Prosecution of violation. If the notice of violation is not complied with in the time proscribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

R113.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

R114 Stop Work Orders

R114.2 Unlawful continuance. Any person, who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Thanks Dan g