
CITY OF DEER LODGE

COUNCIL AGENDA

May 20, 2024, | 6:00 PM | City Hall, Council Chambers

1. **Call Meeting to Order | Pledge of Allegiance**
2. **Public Comment:** Members of the audience may comment on any non-agenda item. State Statute prohibits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.
3. **Guest Speaker:**
 - a. Representative John Fitzpatrick, Candidate for House District 76
4. **Public Hearing:**
 - a. Annexation of City-Owned Property at Jaycee Park
Action Item: Vote on Resolution 2024-R-13
5. **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: May 6, 2024
 - b. Department Reports: CAO, Public Works, Police, Fire, Code Enforcement, Recreation
6. **Mayor and Council Concerns:** (ONLY Concerns that are not included in this meeting's Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. **This time is solely for COUNCIL and MAYOR comment, not public. NO ACTION can be taken at this time.** If action is necessary, the item will be put on the next meeting agenda following a majority vote of the City Council.
7. **Continued Business Items:** The Council will act on each item after accepting public comments.
 - a. None
8. **New Business Items:** The Council will act on each item after accepting public comments.
 - a. Ward 1 City Council Appointment – Mayor Jess
 - b. Historic Preservation Commission Appointment, Jacque Lavelle – Mayor Jess
 - c. Ordinance 2024-4: Amending B-1, Central Business District Uses: 1st Reading – Jordan
 - d. Schedule Special Finance and City Council Meeting for ATIIP Application – Jordan
9. **Next Meeting Announcement(s)**
 - a. Regular Meeting – Monday, June 3, 2024 at 6pm.
10. **Adjournment**

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

For Further Information, Contact | Cyndi Thompson | City Clerk | cthompson@cityofdeerlodgemt.gov | 406.846.2238

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:

TO:

Agenda Item Name: Resolution 2024-R-13: Annexation of Contiguous Government Land

For Meeting on: 05/20/2024 **Staff Member/Committee Referring:** _____

Description of the item:

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, hold a public hearing, and pass a resolution to annex contiguous government land into the City limits.

Attachments:

1) Resolution 2024-R-13 2) Exhibits of parcel proposed for annexation

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

The City Council passed Resolution of Intent 2024-R-10 on April 15, 2024. This Resolution signified the Council's intent to annex the property and hold a public hearing on the matter.

Recommended Motion/Action:

Approve first and final reading of Resolution 2024-R-13.

RESOLUTION 2024-R-13

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 1 OF AMENDED PLAT C-656

WHEREAS, The City of Deer Lodge owns the following described real property and intends to annex and incorporate it into the boundaries of the City of Deer Lodge:

A tract of land located in the East ½ Section 33, T.8N., R9W., P.M.M. Powell County, Montana. Also located in Tract 1 as shown on Amended Plat C-656.

Being: All that Portion of Tract 1 as shown on Amended Plat C-656 lying North of the East-West Mid Section Line of Section 33, T.8N., R9W;

WHEREAS, the City of Deer Lodge is the sole owner of the property described herein; and

WHEREAS, pursuant to Title 7, Chapter 2, Part 44, a governing body may annex contiguous government land by following the requirements of this part; and

WHEREAS, the herein described property is contiguous government land to the City of Deer Lodge; and

WHEREAS, the City Council of the City of Deer Lodge passed Resolution of Intent 2024-R-10 on April 15, 2024, which established its intent to annex the herein-described property and hold a public hearing on the issue; and

WHEREAS, the City Council of the City of Deer Lodge held a duly-noticed public hearing on May 20, 2024 to obtain comments regarding the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Deer Lodge, that it will incorporate and annex into the City's jurisdictional boundary the herein described property.

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

BE IT FURTHER RESOLVED that the zoning of said property proposed for annexation currently is and is and will remain park land.

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 20th day of May, 2024.

The effective date of Resolution 2024-R-13 is May 20, 2024.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

CITY COUNCIL

MINUTES

The City Council met on May 6, 2024, at 6 PM | PC Community Center

Members Present: John Henderson, Rob Kersch, Curt Fjelstad, Gordon Pierson, John Molendyke, Kirk Hayes, Rian King-Chavez

Members Absent: Ward 1 Vacant

Mayor: James Jess

CAO: Jordan Green

Staff: Cyndi Thompson, Trent Freeman, Stan Glovan. Asst Chief of Police Ron Slauson, Peter Elverum

Speaker Kurt Thomson, Stahly Engineering & Associates

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 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.

- a. Courtney Rasely: Wanted to make it know, this is a role you have chosen within the community, sitting on the council seats. With that you have an obligation to remain impartial in situations coming up. You act as a liaison between the members of the community and the local government and when you ignore the people that you represent or publicly shame or degrade them because you disagree with them, you have no business holding a seat at the table.
- b. Jackie Greenwood: In reference to what Courtney Rasely said, how many of you all listen? How many of you are actually listening when people show up? When we had that class, the City Council training, she said, anybody could speak at city council meetings. You all look totally shocked; I've got the tape. She didn't say anything how people, how you all, need to listen, and I don't think you all are doing that. You can't look people in the face while they're speaking and show that you're listening. I wish I would have been at the Planning Board meeting to see this in action, but I couldn't. I just wonder how many of you all actually listen to the comments that are made when people get up to speak. You are representatives,

you're supposed to represent Deer Lodge, not your own agendas, and I have yet to see it. I've heard about the meetings, and I see the concerns written in this novel (referring to the agenda packet), and I think the concerns are written down so people can read them, but what's actually going to be done? The Planning Board made its recommendation, and you all are just going to rubber stamp everything, instead of listening to what the people are saying. That is really bad! I have heard people actually describe Deer Lodge and it saddens me, because I was excited to move here, and I like living here as a dictatorship. You know how many people in Deer Lodge actually agree with this sentiment, too many, because you all don't listen. You don't ask questions. You don't get a complete briefing. You get a briefing enough to say, Yea, ok that sounds great, and you say yes. You need to ask more questions. You need to take an interest in Deer Lodge.

3. Public Hearing.

- a. Beeson Request for Abandonment of City-Owned Property
 - i. Action item: Vote on the request – Jordan

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 Beeson's. 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'.

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.

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.

Public Hearing Opened at: 6:07pm – No public comments.

Public Hearing Closed at: 6:07pm

Member Hayes motioned to approve the Beeson Request for Abandonment as presented. Member King-Chavez seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

b. B-1, Central Business District Uses Revision

i. Action item: Vote on the Zoning District Use Changes – Jordan

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.

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.

B-1 Central Business District 11.01.200.020:

(B) Civic uses. A category related to fulfilling the needs of day-to-day community life, congregation and social interaction.

Items added:

- Daycare, as Permitted
- Laundromat, as Permitted
- Theaters and Entertainment Venues, as Conditional Use.

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

Items added:

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

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

Items added:

- Bed and breakfast under Hotel/Inn, already set as Conditional use.
- First floor residential, as Conditional use.
- Second/third floor residential, as Permitted.

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

Items added:

- Antique stores and pawn shops, as Permitted.
- Convenience Stores, as Permitted.
- Retail, as permitted.
- Thrift Stores, as Permitted.

Public Hearing Opened at: 6:12pm

Desera Towle: Did you mention Hostels? Jordan replied, yes, it's the same as a Hotel and Bed & Breakfast.

Yvonne Hansen: Why are we going back to allowing a residential on the Main Street level again? We crossed this off 5-6 years ago when one of my clients had bought a building on Main street and was forced to close and sell it because she was living in that building. I have several people right now wanting to buy the Steels building but they remember what was across the street next door to the theater when Don Cappa had those two buildings the residents were living in. It was a train wreck; it was a mess. So why are we going back to allowing residential living again on the Main Street level?

Public Hearing Closed at: 6:14pm

Council President Kersch asked about city staff's thoughts to Yvonne Hansen comment.

Jordan Green: Residential uses had been allowed as a Conditional Use since he's been with the City. We wanted to make it easier for people to be able to renovate the existing apartments or areas above store fronts that had traditionally been used as residential areas. But if a building was to become fully residential keep that as a conditional use as it had been.

Member Pierson motioned to approve as presented. Member King-Chavez seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

- c. MCEP and RRG Grant Applications for Wastewater Collection System Improvements – Stahly Engineering/Jordan

Kurt Thomson, P.E. Project Manager with Stahly Engineering presented 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 was 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.

Member Henderson: What would be the yearly break down.

Kurt Thomson: If we didn't get the MCEP it could be increase of \$2.00 per month, per user, as this is an estimate. We would still need to break down the project further, get it designed, what we get for bids, to help determine what the project cost is.

Council President Kersch: This is something we need to get done. We are bleeding money through the waste water treatment plant. The amount of money we spend trying to clean up clean water is ridiculous.

Public Hearing Opened at: 6:28pm

Peggy Kerr: I am in support of the project. I am a resident of Deer Lodge.

Rhianna Reed: I am in support of the project. Its crazy how we have to clean "clean water". I am also interested to know if there's any other fundings that we can look to in order to speed this process up.

Public Hearing Closed at: 6:30pm

No motion required. Voting will take place in section 6a under New Business.

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.

Member King-Chavez motioned to approve as presented. Council President Kersch seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

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

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).

On April 23, 2024, the Public Works Committee recommended the approval of this task order to the Finance Committee and both committees have recommended it to City Council.

Council President Kersch motioned to approve as presented. Member Hayes seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

- b. Resolution 2024-R-12: Authorizing MCEP Application – Jordan

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).

Council President Kersch Titled 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.

Member Hayes motioned to approve Resolution 2024-R-12 as presented. Member Molendyke seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

c. Beaumont Place Addition Major Subdivision Preliminary Plat – Jordan

MTX Deer Lodge, LLC, submitted an application for approval of the Beaumont Place Addition Major Subdivision Preliminary Plat on March 11, 2024. The Planning Board held a public hearing on April 15, 2024 to accept comments on the proposed subdivision and recommended approval to the City Council subject to the conditions as recommended in the staff report.

Recommendation for conditional approval:

At its April 15, 2024 regularly scheduled meeting, the City of Deer Lodge Planning Board recommended with a 5-0 vote with 2 members absent that the City Council approve the Beaumont Place Addition Major Subdivision Preliminary Plat Application subject to the following conditions:

1. The applicant submits final engineering plans to the City and Montana DEQ, as required, that have been approved by the City Public Works Department.
2. The applicant, before the construction of the stormwater detention ponds, either 1) proves that the groundwater elevation in the months of May and June is lower than the lowest elevation of each detention pond, or 2) redesigns the stormwater detention pond infrastructure, subject to City Public Works Department approval, so that the lowest elevation of all detention ponds is above the groundwater elevation.
3. The applicant shall design the stormwater detention ponds so that all water collected in the ponds is required to drain within 72 hours of a storm event to prevent standing water.
4. If the stormwater detention ponds have a greater slope than 1 foot rise for every 3 feet, then they shall be completely fenced by the applicant to prevent access to the general public.
5. The applicant removes the language from the draft covenants that states that the future Homeowners Association will maintain all park and trail infrastructure and instead state that the City of Deer Lodge will maintain the park and trail infrastructure.
6. The applicant works with City staff to determine the method of garbage collection. This method must be approved by the City Public Works Department.
7. Should the applicant prefer not to construct all infrastructure as designed prior to final plat approval, then they shall enter into a Subdivision Improvements Agreement with proper financial security approved by the City of Deer Lodge.
8. Should the applicant not construct all infrastructure as designed prior to final plat approval, that the entirety of Aspen Lane and California Avenue be constructed with all adjoining infrastructure prior to final plat approval.
9. Should the applicant not construct all infrastructure as designed prior to final plat approval, that adequate access and egress is provided to every lot that will be built upon subject to the City's design standards and subdivision regulations.
10. The applicant shall install all water and sewer service lines leading from the mains and stubbed to the property line during the construction of the water and sewer mains. As such, the City will waive tapping fees for the installation of this infrastructure.
11. The applicant shall install water meters that are approved by the City Public Works Department for all water service lines subject to the City of Deer Lodge Code of Ordinances and the City design standards.
12. The applicant shall obtain any necessary Floodplain Development Permits for fill, grading, construction, and all other activities that require a Floodplain Development Permit per the City Floodplain Regulations.

13. The applicant shall obtain a Section 310 permit from the Deer Lodge Valley Conservation District prior to the construction of a culvert, bridge, or infrastructure at the Johnson Creek crossing.
14. The applicant shall submit a weed management plan prior to development, the template for which will be supplied by the subdivision administrator. This plan must be approved by the subdivision administrator and the Powell County Noxious Weed Control.
15. Prior to final plat approval, the applicant shall work with the City Planning Board to recommend zoning districts and uses to the City Council based on the lot uses as proposed within the preliminary plat application.
16. The applicant shall provide a lighting plan for the subdivision to the City for review and approval prior to final plat approval.
17. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the inclusion of the property into special improvement districts that are in place at the time of final plat approval.
18. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the creation of a special improvement district for the specific purpose of the construction of city parks within the development. This includes but is not limited to maintenance, outdoor furniture, grading, and landscaping.
19. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the creation of a special improvement district for the specific purpose of improving or maintaining the roads and sidewalks that access the subdivision and roads and sidewalks inside the subdivision.
20. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the creation of a special improvement district for the specific purpose of developing, improving or expanding municipal utility services to include the community water system, the community wastewater treatment system for an incorporated municipality, and storm water facilities.
21. That the Preliminary Plat is valid for three years from the date of approval. This timeframe may be extended at the discretion of the City Council following the City's Subdivision Regulations.
22. The applicant shall ensure that they will not disturb or take the waters in the ditch adjacent to interstate-90 and include this as a deed restriction for future property owners adjacent to the ditch. *(This condition was not contained in the staff report but was added as part of the Planning Board's recommendation to the City Council at their April 15, 2024 meeting).*

COUNCIL COMMENTS:

Council President Kersch: The timeline is pretty important on this. On February 12, 2024 we received a preapplication meeting request. On March 11, 2024 a preliminary plat was submitted. On April 15, 2024 Planning Board Public Hearing Meeting. Can you discuss any of confidentiality we had with the developer/owner? There has been discussion the City has been planning this for a year or so. But in reality, we have some confidentiality we can't really go public with a lot of this till they do submit the plans.

Jordan Green: As you stated the application became public knowledge March 11, 2024. We had been discussing with the applicants for quite awhile before hand just to make sure that the submittal had everything it required.

Council President Kersch: I appreciate the preliminary application packet because it pretty much answers all the questions most people have had. Who is going to be responsible for Police, Fire, Garbage, Schools, etc. Taxes are going to take care of a lot of that, and that has been made pretty clear. I appreciate the work you have done on this.

PUBLIC COMMENTS:

Jackie Greenwood: How many of the public concerns were addressed? You have them listed, how many were actually addressed or even looked at?

Mayor Jess: We looked at them all.

Jackie Greenwood: Yea, but you didn't do anything with them, you just listed them on paper.

Mayor Jess: Which ones weren't addressed?

Jackie Greenwood: Well, in black & white, if I'm not mistaken you said you were going to build up part of the flood plain so the houses can be put on it and that was a big concern of the residents there.

Mayor Jess: If you read the packet, that is a condition, they have to build that above the flood plains.

Jackie Greenwood: Right, but you didn't have to build that close to the flood plain. It doesn't have to be that big. You've got two other projects that you're doing too.

Mayor Jess: He needs to build it on the land that he owns.

Jackie Greenwood: So, you're going to build on a flood plain? What other concerns did you address?

Mayor Jess: Tell me what concerns you'd like me to address.

Jackie Greenwood: Any of them, all of them.

Mayor Jess: They are in the packet.

Jackie Greenwood: Yea, that's all there is, is they are listed in the packet, but I don't think any of you all actually looked at them and addressed them in any meeting. This is just ridiculous. I hate to even think of what's going to happen when it does flood, and people have to go out and get sump pumps because they can't get rid of the water in their basements or in their house.

Peggy Kerr: My only concern is when you are talking about those SID's, when you say there would have to be an SID, which would mean the tax payer would have to pay for those. That's just for the new land owners within the subdivision, correct?

City Attorney Elverum: Those SID's just like we have other Improvement Districts for the streets and the lights, that waiver means these folks are going to included in the street districts we currently have, they are going to pay taxes just like everyone else for their brand new streets and for their lights they are going to have. Treating them just as we treat everyone else in the city.

Peggy Kerr: From what I read, and I would hope you would make a recommendation somewhere, you're just going to absorb into our current lighting and the other SID's.

City Attorney Elverum: There is a potential for both.

Peggy Kerr: My only concern is, I don't feel that right. You would absorb it into our current SID for the streets, however many added people to the call of 220 units, that it would just absorb, and we would have to pay for part of their lighting district.

Mayor Jess: Mr. Hicks development, right now, he's in the city limits and he needs to pay those, and there is not a street out there. Right now, he's going to be paying for your street and her street. Then once his

gets developed and dedicated to the City under those regulations Jordan just went over. Those streets will not need any maintenance for several years to come. But when they do, that development has paid into the streets, just everyone else had. The rest of the people in Deer Lodge have been paying into that about 6 years now.

Jordan Green: Based on the current estimates on our current street assessment rates, by the time a full build out, every lot is developed in the Beaumont Subdivision, about \$40,000 per year is going to be put into the street maintenance fund for the redevelopment of every street.

Peggy Kerr: From whom?

Joran Green: From the future owners.

Peggy Kerr: So, from my understanding Beaumont is going to be putting the lights in already. We are not going to have to pay for that. They are going to put in the streets already. I guess I'm confused about these SID's that you listed.

Mayor Jess: Those are for potential SID's. They are responsible for any impact to the City of Deer Lodge. Those future waivers out there are for Just in Case.

Peggy Kerr: So, the waivers are for the new land owners in the subdivision?

Mayor Jess: There may be an SID that goes city wide, I don't know what's in the future. But right now, we are only talking about the subdivision SID's.

Peggy Kerr: I am in support.

COUNCIL COMMENT:

Council President Kersch: What was discussed at all the meeting is in the preliminary plat. The engineers went and discussed it during the meeting we had at the public hearing meeting. We had the meeting, it wasn't a City sponsored meeting, but we had questions answered at those meetings. So, I am a little confused when you say we are not answering those things.

PUBLIC COMMENT:

John Greenwood: What I am hearing is what's best for the city and not the people, and you're going to put these expensive homes in so property taxes by your own words are going to get greatly increased. People have contacted me and told me there's bald eagles nesting in the area, even seen a wolverine. Wondering why they come to me and not you, well you don't represent the people, so here I am to do my best to get their voice heard, when you don't. I think you've done your best to ignore the people. That meeting in the Tap Room, no, nothing was covered, there was a bunch of people getting called out which answers, especially the city not coming out and notifying people who are directly affected by your project because of the City's want of getting this done. Specifically, people on California, traffic have been increased by 100 to 1,000 vehicles a day, your own words. Those people weren't notified and here you are all smug trying to say you answered our questions, you didn't answer nothing.

Jackie Greenwood: My garage is on California every year on our side, not the other side, because they have the drain system, it floods. Especially in the winter trying to get out the driveway is a bit of a bear because you slide all over the ice. You need to do something about what's coming down California already on the south side of the street. Because the south side floods. You've got a drain hole on the north side on Adams and California that's a sewer hole.

Mayor Jess: Asked Jackie, so you're talking about a flood on the south side of California street, this has nothing to do with the Beaumont Place. This is a hearing for the Beaumont Subdivision. California wouldn't have anything to do with Beaumont. You think the flooding is going to affect Beaumont Place.

Jackie Greenwood: It's going to affect California Ave. What about the water capacity? I mean you've already got a new Well being dug, 220 units, how many of the Wells are going to be needed.

Mayor Jess: We will have 3 once this new one comes on line.

Jackie Greenwood: I have to concur with Mr. Greenwoods comments.

Courtney Rasley: I keep hearing in the meetings that the people in the community want this. That people have reached out to Mr. Hicks. Well, I would personally like to know who. Some of you have attended these meetings and seen the amount of people that do not want this. Again, were told by certain members of the City, well that only handful of the community. So due diligence there in our positions. I think three of the biggest complaints at the Planning Board meeting were taxes, knowledge, and the wet lands. So as far as the knowledge goes, many people that were in attendance at the Planning Board meeting stated that they were not properly notified of the Public Hearing. So, there's that one. The taxes portion is these developments will increase property and school taxes. That's an impact especially on our community that is elderly and on fixed income. That is not ok and not fair. People are talking about the school tax helping the school. Great. Brilliant. I'm a teacher. I work at the school. I appreciate that. However, one of the things that you're also not taking into consideration is how funding works for the school district. Their funding comes from a prior year's enrollment. So, let's say 100 kids come in, or 330 as according to the agenda. Let's say it happens in a year. The school's going to struggle. So, I'm just hoping that there's some form of plan. To not affect our kiddos again, more than we are already. The wetlands. That's been my beef since the beginning of this. I'm sure many of you know that. I brought to Jordan's attention that these areas are on wetlands. Jordan brought it to Mr. Hicks, and I don't know if he brought it to Mr. Villa as well or not. But there was a delineation done. In a week's time, you know. Did you guys do a delineation? All right. Well, I will shut my face on that one for now. But the impact, the environmental assessments when we're talking about habitat animals, water, will be impacted. There's a herd of deer that travels between both fields. Currently there's eagles, there's owls, there's foxes. These lands have not been developed in in many, many years. They have become a habitat for these critters. So, the environmental assessment, as far as I'm concerned, is inaccurate.

Rick Buck: I'm on the planning board. And there was lots and lots of information that was seen, we heard. They discussed all these things that they're talking about. You know my understanding or any of these houses would be built on basements. No. So that's not an issue. In the flood plain everything on this side of town is in a flood plain. If you build years ago, they built on a flood plain. Then you're going to have water in your basements because of groundwater. That isn't a floodplain, and as far as habitat for animals I live on college, and I have deer every morning on my back yard. And that's predominantly through a lot of Deer Lodge. You know, I think you can make a lot of restrictions and things for people that jump through that they're building on land that they bought. It's their investment. And they're doing everything they can to make sure that's done right and not to jeopardize anybody else. And I really, I really felt that that was presented to the public well. I wanted to make my feelings known.

COUNCIL COMMENT:

John Henderson: Do we have any idea of what type of impact we will have in regard to taxes.

Mayor Jess: I don't know, I am not a tax guy. We are not going to have 200 homes this summer. This is going to be a slow process. Mr. Hicks, how many homes do you think will be built this season?

Mr. Hicks: The goal is 20.

Mayor Jess: So that's 20 houses. But in their opinion of a few realtors, they think more homes will stabilize the market. The reason homes in Deer Lodge were going so high is there was more demand than houses. This should help mitigate some of that.

Jordan Green: This gets added as newly taxable property as well to offset the additional concerns that these houses will bring to the city. So, we will get a benefit in the general fund from property taxes due

to this development. I think some people's concerns are that these properties may be used comparable to existing homes in town. I am not an appraiser. I can't speak to that, but I think that's to be said for homes that are built in the 1960s and 70s and 30s and 40s. Might be looked at a little differently by the Department of Revenue than houses built in 2024. Again, not an appraiser, but ultimately these homes will go into the tax base of the city and help us provide the services that we want to provide.

Mayor Jess: She had a good comment about her question about the schools and, again, that's going to be not all one. That's going to be spread out over the next he's talking 20 Houses first year talking 10 the next. It's the odds of getting, you know, 100 kids to 200 kids all at once is pretty slim, the Superintendent, I think, commented that he doubted the 300 number. Actually, I don't know what the engineer said. That's what the formula said. So, these things will be gradual.

Member Pierson: Just a couple quick questions for Mr. Hicks. What kind of average cost of these single family homes are you kind of thinking for somebody to buy, do you have any idea on that.

OK. And just another quick question. If say, you build 20 homes this summer and you only sell two or three of them, are you going to continue to build another 20 or 30 the next summer you're going to hold up until those start to move.

Mr. Hicks: We would wait.

Member Pierson: Thank you. I would just kind of like to point out too that it seems like our property taxes, that's more of a county tax and they've gone up considerably. I feel more due to Rock Creek cattle. Because you're building multi \$1,000,000 homes out there, that's caused the appraisals of everybody's to go up over the last 10 years substantially not because of new homes being built in town with the exception of possibly the new ones that are being built out by the LDS Church that are going to start in price tag, I've heard it around \$800,000. So, this might actually bring it back down to ground level. We do need homes in Deer Lodge. Its been hard to recruit employees at the prison for my safety as well as everyone else that works out there simply because there's no place to live. In Deer Lodge, there's no place to rent. There's no place in Deer Lodge. Anaconda Butte. And some of these folks that are trying to work are paying incredible amounts of money for house payments and rental right now, just to try to survive. And it's gotten ridiculous because some of the renters I know in butter just charging obscene amounts of money for some of the nurses and stuff that have come in and tried to work in this area.

Mayor Jess: One quick question. Do you handle rentals at all? I've been told by a few people that they're just, like, extensive waiting lists for rentals in town. Is that still true?

Yvonne Hanssen: This is correct because most of our investors have now sold their properties due to the destruction of what renter people do to their properties. And then I don't know if I have to stand up, but I am on the Tax Appeal Board for Powell County and I'm the chairman. FYI, Rucker Cattle Company has nothing to do with our tax base in town. That's a whole nother can of cats out there. They have nothing to do with anything but the one thing to do keep in mind is as far as the subdivision, it doesn't really matter. You know either way, but just keep in mind right now at a \$285,000 home at 6.6% interest, you're looking at a \$3200 house payment. Now tell me, people based out at the prison. Who can afford that. I mean, yes, it's going to bring more people in, but if you guys thought that the 2023 taxes were bad, wait to 25, run a 2 year appraisal. Powell County was assessed at 45% and that comes from the Department of Revenue. And actually, the price tags in Powell County rose by 69%. So, the Department of Revenue was actually very, very good to us by leaving it at 45%. But in 2025, hang on.

Member Hayes: Asked Yvonne about VA loans for the vets that live here.

Member King-Chavez motioned to approve what was explicitly mentioned in the Planning Board transmittal, which would be recommending for preliminary plat approval, subject to the conditions. Council President Kersch seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

d. Pintler Meadows Major Subdivision Preliminary Plat – Jordan

Preliminary plat of a major subdivision to establish housing for state employees that work at Montana State Prison and the Montana State Hospital. The proposed development contains 8 lots, each designed to contain a townhome with 7 units for a total of 56 living units. The State will maintain ownership of the property. The design also includes the construction of public roads, open space, sanitary sewer, water, and stormwater systems. Off-site improvements include the reconstruction of Aspen Lane to a Major Collector Roadway as required by City engineering standards. This reconstruction will also include the installation of water and sanitary sewer systems within the right-of-way, to connect to existing services on Vigilante Drive. This development was designed and is anticipated, upon approval, to coincide with the development of the Beaumont Place Addition Major Subdivision.

The applicant held a pre-application meeting with City staff on February 12, 2024. The preliminary plat was submitted on March 11, 2024. After review, staff provided a letter of element review determination on March 13, 2024. This letter signified that staff had determined that all required elements for preliminary plat application had been submitted. Staff then provided a letter of sufficiency review determination on March 14, 2024. This letter signified that staff had determined that the application provided all elements with sufficient information to be able to perform a full review and make a recommendation to City Council. In this letter, staff required the applicants submit the finalized Geotechnical Survey before the preliminary plat public hearing. A public hearing was then scheduled for April 15, 2024 in front of the Planning Board. Notices of the public hearing were run in the March 20 and March 27, 2024 editions of the Silver State Post, the paper of record for the City of Deer Lodge. Letters were sent via USPS certified mail to 15 adjacent property owners on March 15, 2024, however, two letters were returned to sender. On March 22 and March 25, 2024, staff emailed 23 state and local agencies with requests for comment on the proposed subdivision.

Recommendation for conditional approval:

At its April 15, 2024 regularly scheduled meeting, the City of Deer Lodge Planning Board recommended with a 5-0 vote with 2 members absent that the City Council approve the Pintler Meadows Major Subdivision Preliminary Plat Application subject to the following conditions:

1. The applicant submits final engineering plans to the City and Montana DEQ, as required, that have been approved by the City Public Works Department.
2. The applicant, before the construction of the stormwater detention pond, either 1) proves that the groundwater elevation in the months of May and June is lower than the lowest elevation of the detention pond, or 2) redesigns the stormwater detention pond infrastructure, subject to City Public Works Department approval, so that the lowest elevation of the detention pond is above the groundwater elevation.
3. The applicant shall design the stormwater detention pond so that all water collected in the pond is required to drain within 72 hours of a storm event to prevent standing water.
4. If the stormwater detention pond has a greater slope than 1 foot rise for every 3 feet, then it shall be completely fenced by the applicant to prevent access to the general public.
5. The applicant shall supply a letter of determination from a qualified environmental engineer stating that the subject property is not a wetland. This letter of determination shall also be sent to the U.S. Army Corp of Engineers and the Montana Natural Heritage Program.

6. The applicant works with City staff to determine the method of garbage collection. This method must be approved by the City Public Works Department.
7. Should the applicant prefer not to construct all infrastructure as designed prior to final plat approval, then they shall enter into a Subdivision Improvements Agreement with proper financial security approved by the City of Deer Lodge.
8. Should the applicant not construct all infrastructure as designed prior to final plat approval, that the entirety of Aspen Lane leading to the subdivision be constructed with all adjoining infrastructure prior to final plat approval.
9. Should the applicant not construct all infrastructure as designed prior to final plat approval, that adequate access and egress is provided to every lot that will be built upon subject to the City's design standards and subdivision regulations.
10. The applicant shall install all water and sewer service lines leading from the mains and stubbed to the property line during the construction of the water and sewer mains. As such, the City will waive tapping fees for the installation of this infrastructure.
11. The applicant shall install water meters that are approved by the City Public Works Department for all water service lines subject to the City of Deer Lodge Code of Ordinances and the City design standards.
12. The applicant shall submit a weed management plan prior to development, the template for which will be supplied by the subdivision administrator. This plan must be approved by the subdivision administrator and the Powell County Noxious Weed Control.
13. Prior to final plat approval, the applicant shall work with the City Planning Board to recommend a zoning district and uses to the City Council based on the lot uses as proposed within the preliminary plat application.
14. The applicant shall provide a lighting plan for the subdivision to the City for review and approval prior to final plat approval.
15. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the inclusion of the property into special improvement districts that are in place at the time of final plat approval.
16. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the creation of a special improvement district for the specific purpose of the construction of city parks within the development. This includes but is not limited to maintenance, outdoor furniture, grading, and landscaping.
17. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the creation of a special improvement district for the specific purpose of improving or maintaining the roads and sidewalks that access the subdivision and roads and sidewalks inside the subdivision.
18. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the creation of a special improvement district for the specific purpose of developing, improving or expanding municipal utility services to include the community water system, the community wastewater treatment system for an incorporated municipality, and storm water facilities.
19. That the Preliminary Plat is valid for three years from the date of approval. This timeframe may be extended at the discretion of the City Council following the City's Subdivision Regulations.

ADDITIONAL STAFF/MAYOR RECOMMENDATIONS

Following the public hearing, City staff and the Mayor continued to negotiate on several items in the application, as well as several of the recommendations for approval. Through this process, an agreement was reached for additional recommendations to the City Council. These additional recommendations are reflected in this section. City staff do not consider these changes to be material, which would require another public hearing in front of the Planning Board. Material changes are defined as those that have a significant impact on the review criteria of 76-3-608(3)a), MCA, or bring the proposal out of conformance with the Growth Policy, Zoning, and Subdivision Regulations. These changes do not have any impact on the review criteria of 76-3-608(3)(a), MCA, as they do not have any impact on the review of potential adverse impact and proposed mitigation. Furthermore, these changes do not bring the proposal out of conformance with the Growth Policy, Zoning, or Subdivision Regulations.

The changes to the preliminary plat application from what the Planning Board reviewed are as follows:

1. The removal of the language on the preliminary plat and in the application dedicating the park space and stormwater system to the City of Deer Lodge. Instead, the application will state that the value of 11 % of the appraised value of the parcel will be paid to the City as cash in-lieu of open space dedication.
2. The addition of a perpetual open space easement for the park space and stormwater system. The changes to the Planning Board's recommendations are as follows:

1. Strike condition #15 and replace it with the following two conditions:
 - a. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the inclusion of the property into the Street Maintenance District #4.
 - b. The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the inclusion of the property into the Light Maintenance District #104.
2. Strike conditions #16, #17, and #18.
3. Add a condition stating: "The applicant shall negotiate and execute a Memorandum of Understanding between the City and the applicant stating that the applicant shall perform open space maintenance. This agreement shall include a one-time payment of \$18,370 paid to the City in lieu of open space at the time of final plat approval. It shall also include language stating that the applicant agrees to maintain the stormwater system "in good working order" and that open space shall be maintained "in a manner that serves the residents of the development."

In summary, these changes reflect the applicant's intent to provide cash in lieu of open space dedication, and the applicant's intent to maintain the open space and stormwater infrastructure in perpetuity. These changes also reflect the removal of the waiver of the right to protest the creation of Special Improvement Districts that may otherwise be used to fund the maintenance of these open spaces. The conditions also stipulate that the applicant agrees to waive the right to protest inclusion into the City's street maintenance and lighting districts.

Recommended Motion:

Having reviewed and considered the application materials, staff report, public comment, and all the information presented, I move to approve the Pintler Meadows Subdivision Preliminary Plat major subdivision application subject to the following staff-recommended conditions:

- The applicant submits final engineering plans to the City and Montana DEQ, as required, that have been approved by the City Public Works Department.
- The applicant, before the construction of the stormwater detention pond, either 1) proves that the groundwater elevation in the months of May and June is lower than the lowest elevation of the detention pond, or 2) redesigns the stormwater detention pond infrastructure, subject to City Public Works Department approval, so that the lowest elevation of the detention pond is above the groundwater elevation.
- The applicant shall design the stormwater detention pond so that all water collected in the pond is required to drain within 72 hours of a storm event to prevent standing water.
- If the stormwater detention pond has a greater slope than 1 foot rise for every 3 feet, then it shall be completely fenced by the applicant to prevent access to the general public.
- The applicant shall supply a letter of determination from a qualified environmental engineer stating that the subject property is not a wetland. This letter of determination shall also be sent to the U.S. Army Corp of Engineers and the Montana Natural Heritage Program.
- The applicant works with City staff to determine the method of garbage collection. This method must be approved by the City Public Works Department.
- Should the applicant prefer not to construct all infrastructure as designed prior to final plat approval, then they shall enter into a Subdivision Improvements Agreement with proper financial security approved by the City of Deer Lodge.
- Should the applicant not construct all infrastructure as designed prior to final plat approval, that the entirety of Aspen Lane leading to the subdivision be constructed with all adjoining infrastructure prior to final plat approval.
- Should the applicant not construct all infrastructure as designed prior to final plat approval, that adequate access and egress is provided to every lot that will be built upon subject to the City's design standards and subdivision regulations.
- The applicant shall install all water and sewer service lines leading from the mains and stubbed to the property line during the construction of the water and sewer mains. As such, the City will waive tapping fees for the installation of this infrastructure.
- The applicant shall install water meters that are approved by the City Public Works Department for all water service lines subject to the City of Deer Lodge Code of Ordinances and the City design standards. The applicant shall submit a weed management plan prior to development, the template for which will be supplied by the subdivision administrator. This plan must be approved by the subdivision administrator and the Powell County Noxious Weed Control.
- Prior to final plat approval, the applicant shall work with the City Planning Board to recommend a zoning district and uses to the City Council based on the lot uses as proposed within the preliminary plat application.
- The applicant shall provide a lighting plan for the subdivision to the City for review and approval prior to final plat approval.
- The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their

successors-in-interest waive all rights for 20 years to protest the inclusion of the property into special improvement districts that are in place at the time of final plat approval.

- The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the creation of a special improvement district for the specific purpose of the construction of city parks within the development. This includes but is not limited to maintenance, outdoor furniture, grading, and landscaping.
- The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the creation of a special improvement district for the specific purpose of improving or maintaining the roads and sidewalks that access the subdivision and roads and sidewalks inside the subdivision.
- The applicant shall provide to the city a Special Improvement District (SID) waiver in a notarized document filed with the subdivision final plat that states the following: Owners and their successors-in-interest waive all rights for 20 years to protest the creation of a special improvement district for the specific purpose of developing, improving or expanding municipal utility services to include the community water system, the community wastewater treatment system for an incorporated municipality, and storm water facilities.
- That the Preliminary Plat is valid for three years from the date of approval. This timeframe may be extended at the discretion of the City Council following the City's Subdivision Regulations.

PUBLIC COMMENT:

Desera Towle: I just wanted to speak to an explanation of how this rental housing will work. And I don't know if it's in your packet. It was identified to the Planning Board by Dan Villa. And I wanted to bring that up so that everybody would be able to know the facts, I will do my best to state them as I learned them at that meeting on April 15th, and that the thing that's interesting about this proposal, this is a very different kind of rental proposal. And we are very lucky in my personal opinion that Deer Lodge has this property before us. This is Money that was appropriated by the legislature, we are getting about 8Million out of the 12million or so dollars to fund this project for work force housing. Each of those 8 sections is going to have a 7 unit, 2 story townhome on it. There will all be attached so they'll be seven with the garage. As he said, there'll be two bedrooms, 2 bathrooms on the 2nd floor and a half bath and the rest downstairs. And he, Dan said. You know, there'd be about 1500 square feet. I'll be happy if they're 1400 square feet, frankly, with an attached garage, he was very concerned about parking of excess vehicles, snowmobiles, etc. But he brought that out that he was trying to figure out a way to mitigate that, but the most interesting part besides that is that people will be able to rent these units at no more than 30% of their income 30% that was his quote. That's for my understanding. That's for nurses and correctional officers. I personally do not know if other state employees will be eligible. I just know of those two groups as being the target because he identified their salaries In his statement. But what's interesting is that at the end of five years of them paying rent. And that rent goes into a fund at the Montana State Board of Investment. Dan Villas is the head of. And at the end of five years, if they choose to buy a home a certain percentage of that money that they paid in rent will go back to them as a loan so that they can then use that as a down payment towards the purchase of a house here in Deer Lodge. The ability for them to get a low interest rate loan and have that be approved. And I asked him whether, have you talked to the lending community? Will they make this kind of a loan? He said that they will use that as an appropriate source for a down payment because lenders are very tricky, very about what they will allow.

Now. Maybe it'll be through Montana Board of Housing, I don't know. But the beauty of this is that then you have Workforce housing being opened up again for another group of people. So, you're not putting a stopgap on it so they'll always be a source for other people to get in and rent a house. So that's what I just wanted to make sure that the group heard that. Forgive me if you have heard this before, but I wanted it to be on the record because this is a very unusual proposition for workforce housing. Thank you.

Peggy Kerr: That was the first I heard of the 30%, that they have 30% less in rent.

Desera Towle: 30% of your income can go towards rent. It's a litmus test.

Peggy Kerr: So it's low income housing? OK, so my only question about that then is so then it's 30% less and then 70% goes into the fund, they're not paying taxes and we're absorbing that SID.

Mayor Jess: They are responsible for the two current SID's we have citywide, every property owner in the city of Deer lodge pays St. Improvement District, and lighting district. They are responsible for those two funds. The only thing that state does not have to pay is taxes based on property value. They are not going to pay property taxes. They will still be paying SID's, water, and sewer bills.

Jordan Green: I do want to clarify too, you know that the 30% thing that Desera is mentioning is, I don't know if it's Housing and Urban development or who out there has set this but 30% has always been set aside as the standard for which, if you are paying that percentage of your income or less to your housing, your rent or your mortgage or whatever it is, then you are considered to be living in affordable housing for your income. So, what she stated is that this housing is designed to be as affordable as possible. The other 70%, whatever it is, however much they're not paying towards their housing and that's their money, that's their salary. There is a metric through which they established a measure of affordability for these employees to use this housing.

Peggy Kerr: So, I hear you saying that it's 30% of what their income is, what they would be paying well

Mayor Jess: That's a question for the board of Invest. I've heard a few figures, but I mean, that's once the houses get built and they get to decide who lives and what they're going to charge. But it sounds like it's going to be, you know, substantially less.

Jordan Green: But I mean, they're specifically building them for say employees, so wouldn't make too much sense to charge what they can't afford for it, you know.

Peggy Kerr: Sure, my only concern is what I'm going to get stuck paying for as a taxpayer who lives in Deer Lodge. That's my concern.

Mayor Jess: I'm on your side. Yes, that was the very first question I asked when I first met Mr. Villa. And that's something we're going to have to work out with the state.

Peggy Kerr: So will you work that out before the final Plat is approved.

Mayor Jess: The legislature meets this year. I'm hoping we can come to some kind of agreement this year. That's my goal. What they don't pay for is property taxes. They're not going to be paying towards fire police.

Peggy Kerr: But you had talked about maybe a Pilt.

Mayor Jess: Right, But here we're looking at all of our options That's not something we can just negotiate. That has to go to the House of the Montana House, the Montana said they have to pass some kind of bill. I've made my feelings clear. I've talked to a few legislatures, and we'll see what happens.

Peggy Kerr: And then I guess my other final concern is it is board of investments. They are investing into these buildings and hopefully that means that they're not going to look like the ones because I live right, I probably won't be able to see that as much, but I live right where this other thing where the city gave some sort of tax relief.

Jordan Green: We held a we held a grant; we sponsored a grant.

Peggy Kerr: OK. and that that's right where I can see it and it looks horrible, it's just not taken care of. And then when I, you know, asked the city, hey, what are you going to do about it? Well, we can't do anything about it because, you know, they're private owners and, whoever is in charge of the control of how it looks. Anyway, keep it under consideration, please.

Courtney Rasely: Jordan can you just clarify a couple for things for me please. How much is the City getting to manage this project, is the City getting any kind of compensation to help manage this project? Like help it flow through the ordinance or anything.

Jordan Green: No.

Courtney Rasely: And then you said, and I think I think I misquoted you, but did you say that you spoke to the planning board president, and she recommended this coming to city?

Jordan Green: Per our subdivision regulations, she has to look at the transmittal document and approve sending it off to the City Council. That's just part of our subdivision regulations. She did that.

Courtney Rasely: Ok, so this was after the Planning Board meeting

Jordan Green: Correct.

Courtney Rasely: And you recommended it to the Planning Board.

Jordan Green: I recommend the planning Board recommended to the City Council Planning Board recommended it. I wrote the transmittal on behalf of the Planning Board. Per subdivision regulations, because the president needs to be the one to approve sending it off, it's their letter.

Courtney Rasely: Ok, all right. I just wanted to clear that up. This one will get into the delineation where that was brought to you on April 3rd, April 4th, you contacted these guys and by April 11th the delineation was done, and the letter prepared for the US Army of core engineers. I have spoken to other engineers that deal in wetland delineations and they said that's amazing that it was done in a week's time because it usually takes up to a month or more to do the soil testing and the water level testing, so I don't know. I'm not an engineer, but that is a concern I brought up at the Planning Board meeting that these areas are wetlands. They have been for years. Miraculously, this secondary ditch is the cause of the flooding in the fields. I don't believe that for a second. But again, I'm not an engineer. I think that other circumstances took place and took precedence. But that's just my personal thoughts. Unfortunately, you guys can't answer a lot of my questions. Mr. Villa declined the invitation to come to the town meeting, and the state has not hosted a town meeting to be able to appropriately answer questions of the community members, but we'll try our best here. I'm curious as to why this development isn't being built on more suitable land. You talked to locals that have been here for years, certainly a lot longer than me, and they say this land has always been a swamp. The surveyors that were out there several weeks ago were mad because they were stuck. In the mud half the day. OK. Mr. Miller stated at the Planning Board meeting that the state owns most of the land in Deer Lodge. So why this seven acre parcel? Why not build on more suitable land? The law states that state owned land is to be used to the highest benefit of the state's residents. Well, is the state using their current land to that highest level. One of the things Mr. Villa also said, the planning Board meeting, is that he was planning to complete the infrastructure with Mr. Hicks, but that only half of the 56 units were going to be built to start. So yes, We need housing for state employees, not denying that at all. But if we have this eight million of the twelve million dollar bill, why aren't we doing it all to get more people in here? The only other thing I would say is a lot of what I said with the other one is I don't believe the environmental assessments were done accurately and you can't build a house on a swamp and expect it to perform.

Danielle Jurcich: I'm the IT lady for MSP. I've been living in a camper for a year now and I'd like to thank you all for taking the time and hard work for putting this project together for many of the employees that are out there, there is a lot of people that are in hotels in Butte, Anaconda, Deer Lodge, and

campgrounds we need this housing very bad and I'd like to thank you all for doing hard, and I'm excited for this project. So, thank you.

Dan Villa: Council. Mr. Mayor, I'm Danville. I'm the executive director of the Montana Board of Investments. Maybe just quickly to expand our Desera's comment. Yes, we are looking at the HUD income guidelines, we based it on the lowest paid employees at Montana State Hospital and Montana State Prison. So those would be in your psych techs making \$39,000 a year at Montana State Hospital under the HUD Guidelines, 30% of that income is the limitations for being appropriately housed, which would put you in that \$970 to \$1000 a month window for rent. The design of the of the financing mechanisms for this is we do not want to be permanent housing for state employees. We want to get them into this, help them save a little money and then get them out into the private sector, paying taxes over the longer term. The money is only available for Powell and Deer Lodge counties under the statute, so it will have to be used in one of these two areas where the facilities are actually located. You'd be looking in that \$20,00 to \$30,000 down payment assistance, 0% for multiple years in participation with private lenders. So that's the, that's the financial mechanisms we want to use, all of the people that live here will eventually not live here and they will be taxpayers on their own with their own homes and their own equity as members of our communities and or an Anaconda and Deer Lodge. Relative to, I don't know, Representative Councilman, I can't remember the questions that were thrown at me maybe you can remind me please. Wetlands. You bet. I'm not an engineer, but we can hire engineers to come do the evaluation, and people can disagree with what those engineers say. You know, we have \$28 billion in assets with \$12 million to do a development that we need to get done now. And as the former representative can attest, the legislature is 150 class presidents, not 150 valedictorians. And when they want something built, they want it built now. So, if we got to pay a little extra to get somebody out there on site today, we're going to do it. We did it and that determination was made. It's off to the Army Corps. And that's sort of the end of it. If someone has a better engineer. Great hire them. Why is this piece of land versus any other state owned? So, we looked at a lot of pieces of property. We looked out at by the prison. We looked out at Warm Springs. There's not a lot of infrastructure out there along state owned parcel. You've got the gun range out here that the state let's folks use. There's not really any infrastructure out there. It's not a very good grade. You go up to the prison as you all, many of you know, the wastewater treatment facility out there is it about capacity as it is, there is an additional room to go. Never mind the fact that gravity isn't appropriate, so we'd have to put pump stations in and a whole bunch of other infrastructure just to move from point A to point B, so that became cost prohibitive. Looking at this parcel, we'll be able to come in, do some improvements, get the roads done. You know, I think maybe just quickly as my minds on it talking about, OK, we don't the state doesn't pay taxes, neither do any of the nonprofits in town. That's just the way the structure works. I do look forward to getting your applications for state assistance for MCEP and RGL. Didn't want to increase your maintenance burden if there was an option around it. You don't currently do stormwater systems for the most part, and this park area, which will be now dedicated as permanent open space, we will maintain and actually the crews that will be maintaining this parcel will now be also maintaining 2 city parks and I believe you guys got to some sort of agreement around what those parks would be in the mowing schedules for that working on it. So, the partnership is not a one way thing. Our facility will be maintained by the state. We will offer those services to the city in partnership so that some of your parcels will be maintained by the state as well. That's in progress that we'll be working on because it became sort of an A or B conversation, right? You're not paying and you're creating this new infrastructure. But on the other hand, we need the new infrastructure, and the taxpayers are going to pick up that burden. So, this just seemed like a better deal where we'll cash out as allowed under the current subdivision regs. You'll get that money to maintain or improve the parks that are out there. We

will maintain these in good working order with folks that will then help maintain city parks that are out there today.

Council President Kersch: I think one of the one of the questions was the build plan. How many are we building right away?

Dan Villa: So, tentative plan is to build 4 this year. There's just no way we're going to be able to get paid up not real, but the legislature came up with \$12 million. There was no science, there was no bidding. It was here's \$12 million. Go figure it out. And we don't know how far we're going to get into that \$12 million before we tap out the other side of it is if I'm going to be holding rental monies for long term loans and investing that in our short term investment pool, I got to have O&M cash set aside somewhere else, because you're, I mean, you know, I can say this here with two cameras and a microphone. You know, I don't want to be like some other government agencies that pick up some parcels and then they aren't maintained. I'd invite you to drive by our offices in Helena. We're on Colonial right behind the delta. That's about what this is going to look like. I was working on the landscaping plan over the weekend. That southern portion where you see the hash marks that are going to be dedicated open space, there'll be a fence down there. We're going to have trees along all of the boulevards as well as shrubs because that's, you know, all of the employees as well as I do. If there's a place to pull your snowmobile trailer or your boat or your camper on the lawn, it's going to be there unless there's a barrier, so we're going to build in some of those natural landscaping barriers to prevent things like that from happening. So, I don't have Sprinkler system heads popping off all the time. So go look at our parcel in Helena, the one off the delta that's going to give you a good idea of what this will look like and how it will be maintained.

Peggy Kerr: Are there two projects you say or is this the only one for \$8 Million.

Dan Villa: There are 2 phases of one project. So, 4 units twice.

Courtney Rasely: If anybody has any questions for you, can they contact you?

Dan Villa: Dan@mt.gov it's really easy. The phone number is literally the first one, 444-0001. And then I guess the last item I want to comment on I do want to thank the Mayor and Jordan and even Council person Pearson, for reaching out and being so. I mean, I got to tell you, you got some advocates here who were very concerned about that tax issue, very concerned about the maintenance issue and we've taken those to heart. So, the board will be making a \$25,000 payment to the police fund upon final plat approval based on the feedback we've gotten from the Mayor, Mr. Jess and Mr. Pierson. You know, we're in this for the long haul. There's a lot of people who want to pick that prison up and move it down to Billings. This is another anchor to make sure that it stays in the valley. So, we'll be doing that upon final plat approval and when we start moving folks in. So, thank you, Mr. Mayor. Thank you, Mr. Green.

Council President Kersch motion to approve the Preliminary Plat as submitted from the Planning Board. Member Pierson seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. motion passed.

- e. Montana League of Cities and Towns Financial Assistance Contract – Jordan
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.

Member King-Chavez motioned to approve as presented. Member Hayes seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. motion passed.

f. Deer Lodge Little League Contract – Jordan

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.

Member Molendyke motioned to approve as presented. Member King-Chavez seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. motion passed.

g. Supplemental Funding for Chamber of Commerce Yearly Deer Lodge App Invoice – Jordan

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.

Member Hayes motioned to approve as presented. Council President Kersch seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. motion passed.

h. Pay Application #1 for Wastewater Improvements Project – Trent

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

Member King-Chavez motioned to approve as presented. Member Pierson seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. motion passed.

i. 2024 Street Maintenance Project Award – Trent

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.

Member Pierson motioned to approve as presented. Member Molendyke seconded the motion. 6 Ayes, 0 No, 1 Absent, 1 Vacant. Motion passed.

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

- a. Council President Kersch: discussed how meetings are ran for Council Members.
- b. Jordan Green, reminding council of open seat for Ward 1
- c. City Clerk thanking Council for their Board and Committee reports.

9. Next Meeting Announcements

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

10. Adjournment

Mayor Jim Jess adjourned the meeting at 8:40PM.

Prepared By: Cyndi Thompson, City Clerk

Mayor Jim Jess

Date

CITY OF DEER LODGE

CAO REPORT

May 2024

PROJECT SUMMARIES

City Planning

- Stahly has presented the first round of subdivision regulation amendments to stay compliant with state law. We will begin review now that the subdivision preliminary plat approvals are complete.
- Had a meeting with MDT district chief and MDT staff regarding Main Street maintenance and discretionary grants. We will begin to have quarterly meetings.
- I am working with the State Board of Investments on MOUs and other Agreements concerning the Pintler Meadows Subdivision.
- The two subdivisions have received their approval from the City to submit engineering plans to the Montana DEQ.

Grants

- Received notice of recommendation of \$342,500 for the Reclamation and Development Grant (RDGP) cycle for remediation at the Passenger Refueling Area. Bill has been signed, but the state is not starting contracts until they have adequate cash flow. We have received an additional \$46,000 planning grant to begin work on the project before we can start cleanup work. The task order for this work has been signed and Hydrometrics has begun work.
- DEQ subcontractors performed additional site characterization at the Hotel Deer Lodge last Thursday, February 15. They have stated they wish to declare the whole site contaminated. Remediation expected Fall 2024.
- DEQ Brownfields Grant for the Milwaukee Roundhouse and Passenger Refueling Area. We have held all necessary stakeholder meetings, and are about to schedule open houses and public outreach.
- Montana Historic Preservation Grant is underway. PAR final draft has been complete and Mosaic is preparing Phase 1 cost estimates.
- I have applied for a DEQ Brownfields Assessment grant for City Hall. Asbestos inspection and abatement must be completed before renovations can begin. Last week, contractor was at City Hall to gather samples.
- Submitted application for FEMA grant for stormwater study.
- HB 355 will allocate approximately \$250,000 for local infrastructure projects in Deer Lodge. Application has been submitted.
- Presented HB819 to the Headwaters RC&D Board to receive a vote on whether they would opt in to funding that would buy down mortgages for housing purchases. Headwaters is reviewing and will more than likely vote to opt in to the funding.

- Stahly and I have begun working on applications for funds disbursed under the Bipartisan Infrastructure Bill.
- I have submitted a grant to the Pilot Community Tourism Grant Program. We have a steering committee of 12 members with several more interested.
- Received MCEP Planning Grants for a Stormwater Preliminary Engineering Report and a Capital Improvement Plans update.
- Received RRGL Planning Grant for a Wastewater Treatment Plant PER update.
- Working on MCEP Construction and RRGL Construction grants for Phase 2 of the Sewer Inflow and Infiltration project.

City Hall & Employees

- Implementing changes to local government record keeping and public notices as required by HB 890 and HB 724.
- We have begun the design process on the new City website. We have received the first design draft and are pleased.
- City Intern Ava Hoffman started two weeks ago. She is off to a great start and is working on planning application revisions and implementation of downtown revitalization projects.

Floodplain Administration

- Received first draft of new floodplain boundaries from DNRC. So far, very minor changes to floodplain boundaries in Deer Lodge. City should expect final updated maps in 2025. Tentative first draft date was August 5, 2023, no feedback since that date.
- State DES has submitted our FEMA pre-disaster mitigation grant for additional home removals to the federal government.

Economic Development

- Member of the Ted Rule Memorial Football Field Committee, which is working to achieve funding through donations and grants for a complete renovation of the School District Track and Field Complex. Ryan Zinke visited the site and I have written a letter of support for his Community Project funding.
- Working on finding grant funding for city street art murals and have begun to research RFPs for said work.
- In regular meetings with DEQ, EPA, and a contractor engineer to discuss remediation at Arrowstone Park over the next few years and how to align with future land use goals. Contamination has been capped as interim measure until cleanup can occur – ideally later this year if all goes well.
- The County has begun remediation work at the Milwaukee Roundhouse site. I am assisting in the negotiation on a lease for a potential industrial use at the site.

INTEREST ITEMS FOR CITY COUNCIL

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

CITY OF DEER LODGE

Public Works Report

April 2024

PROJECT SUMMARIES

Street Maintenance

- 2024 Street Maintenance Project has been awarded to Helena Sand and Gravel
- Sweeping Streets
- Grading Alleyways

Sewer Utility

- Annual Sewer Maintenance
- Jetting problem sewers
- Inflow and Infiltration project is approximately 61 percent complete. Here is a project summary of what has been completed and what is remaining. Three new sewer manholes have been installed. Two on Montana Avenue and one on Second Street. The sewer main line has been replaced from Rainbow Ave. to the south in the alley and a new sewer main has been installed from the new manhole in Rainbow, west to the Metro and a manhole abandoned at West St. The existing sewer was collapsed near the manhole at West St. and the manhole had no bottom and was infiltrating with a lot of groundwater into the sewer system. On the slip lining portion of the project, the 8" sewer main on Montana Ave. is complete. The 12" sewer main along Taylor Creek is complete. The 6" sewer main along Montana has been completed. The 6" Sewer Main along Taylor Creek will be completed in May. Also remaining for the project, which construction will occur in July, is the storm water tank and piping to separate the Rialto Theatre's ground water pumping into the sewer main. The lining of the lift station and some additional electrical work and piping were necessary.
- Working with Morrison-Maierle for the Individual Permit Variance at the Wastewater Treatment Plant and the extension of the Administrative Order of Consent for the permit.
- Attending monthly meetings with all stakeholders for the Inflow and Infiltration project

Parks and Rec

- Nothing to Report

Water

- The first phase of the new Public Water Supply Well is nearly complete. The stainless steel slotted screen has been installed and O'Keefe has completed the well development. The 72 hour pump test has been completed and the well can potentially produce above 1000 gallons per minute. We have received the water quality test results on the new well. Tests came back good. Next steps will be the design for the well house and the tie-in into the distribution system. Anticipated completion 2025

Solid Waste

- Seeking quotes for new garbage truck
- Brake Job had to be done on the Peterbilt

Mosquito Abatement

- Nothing to report

INTEREST ITEMS FOR CITY COUNCIL

- With nearly 61 percent of the Inflow and Infiltration completed, it is my estimation that influent flows to the Wastewater Treatment Plant have decreased approximately 40,000 to 50,000 gallons per day which equates to approximately 150 single family residential homes
- Subdivision Review
- Rodeos in town went well. Many business owners said they received a lot of business
- Attended LEPC meeting

COVID-19 RESPONSE

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



DEER LODGE Police Department

April 2024 Monthly Report

Chief George Smith

- 205 Calls for Service
- 188 Reports Generated
- 58 Traffic Stops
- 21 Citations Issued
- Highlighted Calls
 - Felony Assault w/ Weapon
 - Resisting Arrest
 - Felony Stalking
 - Felony DUI
 - 2 Felony Theft cases
 - 2 DUI Misdemeanors
 - 9 Traffic Accidents
 - 2 Hit and Runs
 - Stolen Firearm
 - DLDP was involved w/ 10 arrests.

Officer Highlights

Sergeant Slauson- Investigated and got a warrant on a Stalking case. The suspect was subsequently in a 4-hour standoff with Missoula SWAT and then arrested.

Officer Schmidt- Investigated a traffic accident that resulted in a DUI-Drug charge along with multiple other citations.

Officer Malcomb- Currently investigating a Felony Theft case, several power tools were stolen.

Officer Denend- Conducted a DUI investigation and arrested the suspect.



FIRE DEPARTMENT REPORT

APRIL 2024

HIGHLIGHTS

2 Calls for Service:

- 1 Small grass fire off of Interstate 90. Extinguished in a minute or two. Suspected cause was a careless cigarette thrown out of a car.
- 1 Small grass fire off of the Beaumont Place. Started in the remnants of a control burn. A wind out of the north took a small path of fire off property to the south. We put it out on arrival and looked for hot spots before we left.

INTEREST ITEMS FOR CITY COUNCIL

Department Happenings:

- We met with the county planner and other area fire departments to look at the CWPP (Community Wildfire Protection Plan) draft plan. It's coming along great thanks to the hard work of Amanda Cooley, our county planner.



CODE COMPLIANCE REPORT

April 2024

HIGHLIGHTS

- 27 new cases started
- 6 new property cleanups (2 progressing quickly 4 slowly)
- 2 DLPD assists
- 4 junk vehicles removed (1 towed)
- 10 dog at large calls
- 2 reports of animal cruelty
- 2 city to paws adoptions of abandoned animals
- 1 dog held at shelter per judge's order
- 1 dog attack on livestock or poultry
- 1 dog barking complaint
- 171 dog tags sold year to date
- 14 citizen complaints
- beaver abatement
- monthly culvert inspections
- daily patrols and inspections

INTEREST ITEMS FOR CITY COUNCIL

- Possible code language change for barking dogs (clarification for deciding nuisance value).



RECREATION PROGRAM REPORT

APRIL 2024

HIGHLIGHTS

- Finished up with pickle ball. Had a 5 team tournament. Not what we were hoping for, but it got the word out.
- Adult softball will start in June.

PROJECT SUMMARIES

None

INTEREST ITEMS FOR CITY COUNCIL

None

STAFFING CONCERNS

None.

COVID-19 RESPONSE

No update.

April 24, 2024

To: Jordan Green
Chief Administrative Officer
City of Deer Lodge

My name is William (Jack Jack) Fox and I live at 210 Fourth Street, Deer Lodge.

I am interested in filling the vacant seat for Ward 1 on the Deer Lodge City Council.

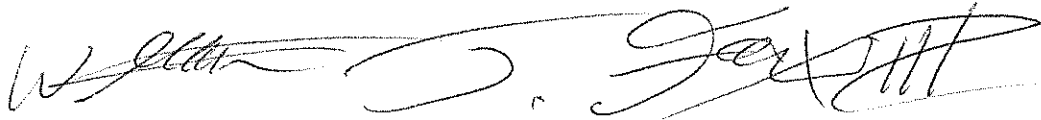
I am a veteran that served 10 years; 8 active and 2 inactive ready reserve. I have lived inside the city limits of Deer Lodge for over 20 years.

I am currently a Licensed Peer Support Specialist for Veterans in Montana.

I am a life member of VFW Post 689, American Legion Post 10, Director of the American Legion Riders Post 10, and a member of Honor Guard.

I feel I would be a good fit for the open position on the Council.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "William Fox". The signature is stylized with a large, sweeping initial "W" and a long horizontal line extending across the middle of the name.

William Fox
(406) 565-7924

4/30/2024

CITY OF DEER LODGE

WARD 1 CITY COUNCIL MEMBER OPENING

Dear Council Members,

I would like to respectfully remind the council that Greg Larkins, former Ward 1 representative, did not run unopposed in the last election.

I was officially registered as a contender for Representative of Ward 1. However, mine was a write in option only as I had missed the official registration date to have my name printed on the ballot. I know this does not guarantee my position as representative, but it does show my willingness and desire to participate, even before the resignation of the former member.

Please take this letter as my official request to fill the position of Ward 1 City Council Representative.

Thank you for your time and consideration, I look forward to working with you!

Sincerely,



Lisa Langley

203 5th Street

Deer Lodge, MT 59722

406-560-6769

LISA LANGLEY

BUSINESS MANAGER

I own and operate two businesses, I am an active volunteer in my community, and I strive to continue my education.

CONTACT INFO

(406)560-6769
wildflowerselc@gmail.com
www.montanawildflowers.net
Deer Lodge, MT 59722

EXPERIENCE

OWNER AND DIRECTOR, Jan 2018-Current

Wild Flowers Early Learning Center, PV84061 Wild Flowers Academy, PVI06108

Center director- all aspects of maintaining state, quality, and licensing standards through effective program management.

OWNER AND OPERATOR, JAN 2018-CURRENT

Big Mountain Construction and Contracting

Construction management- payroll, monthly finances and administrative duties, reports, audits, contracts, etc.

OWNER AND DIRECTOR, APRIL 2010-APRIL 2011

Bay Babies, Bay Babies Preschool Plus

Center director- all aspects of maintaining state, quality, and licensing standards through effective program management.

EDUCATION

ASSOCIATES OF ARTS

Coos Bay Community College,
Oregon
Human Development
One Year Certificates-
Human Services-Basic Technical
Skills,

Human Services-Program
Management

CURRENT-in progress
Bachelor of Early Childhood
Education Administration

Professional Development
LEVEL 5-
Montana Early Childhood
Practitioner Registry

Director Credential

Volunteer Leadership-
Girl Scout Leader Troop 3608
Parent Advisory Council, Deer
Lodge Jr High

Professional Development Record



Name: Lisa Langley	Career Path Level: Level 5 Certification	Date Report Printed: 4/29/2024
Registry ID: 36008	PS #: PS201464	Date PR Expires: 12/31/2024

Employment History					
License	Position Name/Program Name	Program Type	Start Date	End Date	Verified
	Child/Family Service Agency Staff				
N/A	A.W.A.R.E. Inc.	Not Licensed	7/14/2004	7/31/2005	Yes
	Director/Owner				
N/A	Bay Babies, LLC	Not Licensed	1/4/2010	5/10/2011	Yes
N/A	Rascal Ranch, LLC	Not Licensed	4/1/2014	5/1/2015	Yes
	Director				
PV106108	Wild Flowers Academy	Child Care Center	4/1/2022		Yes
	Director and Owner				
PV84061	Wild Flowers Early Learning Center	Child Care Center	1/1/2018		Yes

Degrees Certificates and Credentials					
Degree					
Title	Major	Program Name	Award Date	Type	
Associates Degree	General Liberal Arts and Science	Southwestern Oregon Community College	12/12/2009	Higher Education	
Some College	Early Childhood Education	Ashford University	8/26/2019	Higher Education	
Some College	Early Childhood Education	University of Arizona	4/8/2024	Higher Education	
Credential					
Title	Major	Program Name	Award Date	Expires	
<u>First Aid-CPR combined</u>	Adult and Pediatric First Aid/CPR/AED	American Red Cross	2/21/2019	2/21/2021	
<u>First Aid-CPR combined</u>	First Aid CPR AED-Child CPR AED	IHMIF-American Heart Association	4/25/2017	4/25/2019	
<u>First Aid-CPR combined</u>	Adult and Pediatric First Aid/CPR	American Red Cross	12/28/2020	12/28/2022	
<u>First Aid-CPR combined</u>	Adult and Pediatric First Aid/CPR	American Red Cross	11/5/2022	11/5/2024	

Approved Training List							
Event ID	Course Title	Date	Credits	Hours	Level	Sponsor	Verified
521813	Atypical Development	4/8/2024	3.00	45.00	College Credit Option	University of Arizona	Yes
517877	Leading the Way: Defining Your Leadership Role in Early Childhood	9/22/2023	0	4.00	Advanced	CCR&R: Child Care Resources	Yes
517829	For Directors: Staffing, Setting expectations, Communication, Observation, and Feedback	9/21/2023	0	2.00	Advanced	CCR&R: Child Care Resources	Yes
519291	Child Homelessness and Child Care = a Growing Economic Crisis	9/13/2023	0	1.00	Advanced	Zero to Five Montana	Yes
519297	Nurturing Tomorrow: Cultivating a Thriving Child Care Ecosystem through Collaboration	9/13/2023	0	1.00	Advanced	Zero to Five Montana	Yes
512419	Look Who's Talking: Language Development in Infants and Toddlers	9/6/2023	0	2.00	Intermediate	CCR&R: Child Care Resources	Yes

Professional Development Record



Approved Training List

Event ID	Course Title	Date	Credits	Hours	Level	Sponsor	Verified
515393	Outdoor Environments	9/6/2023	0	6.00	Intermediate	CCR&R: Child Care Resources	Yes
514512	Creating Nurturing Mealtimes, Overcoming Reluctant Eating	12/10/2022	0	3.00	Beginning	CCR&R: Child Care Resources	Yes
516287	Health & Safety Review 2022-2025	11/15/2022	0	3.00	Beginning	CCR&R: Child Care Resources	Yes
516705	Director Roundtable- How do we support your staff?	9/22/2022	0	2.00	Advanced	CCR&R: Butte 4 C's	Yes
512996	Positive Guidance in Early Childhood Settings (online)	5/1/2022	0	2.00	Intermediate	CCR&R: Child Care Resources	Yes
510798	Ethics in Early Childhood Education	4/17/2022	0	2.00	Intermediate	CCR&R: Child Care Resources	Yes
515045	FY22 CACFP Directors' Training	1/19/2022	0	4.00	Beginning	CCR&R: Child Care Resources	Yes
513122	Building Skills and Safe Spaces: Supporting young children impacted by trauma	1/11/2022	0	6.00	Advanced	CCR&R: Child Care Resources	Yes
511840	Developmental Screening: Develop a process to identify and support individual child development, promote family engagement, and enhance program quality.	7/17/2021	0	4.00	Advanced	CCR&R: Child Care Resources	Yes
513274	FY21 CACFP Directors' Training	3/31/2021	0	4.00	Beginning	CCR&R: Child Care Resources	Yes
512915	What's the Fuss: Assessment for Quality Improvement – Family/Group Programs	2/24/2021	0	3.00	Intermediate	CCR&R: Butte 4 C's	Yes
512898	Eligibility SOS	2/4/2021	0	2.00	Intermediate	CCR&R: Butte 4 C's	Yes
510455	Montana Medication Administration 2 (online course)	9/13/2020	0	3.00	Intermediate	CCR&R: Child Care Resources	Yes
509888	STARS to Quality Essentials	9/10/2020	0	2.00	Beginning	CCR&R: Child Care Resources	Yes
504956	Healthy Smiles: Promoting Oral Health in Child Care	9/10/2020	0	2.00	Beginning	CCR&R: Child Care Resources	Yes
504924	Montana Early Learning Standards	8/17/2020	0	3.00	Beginning	CCR&R: Child Care Resources	Yes
508935	Food Safety in Child Care	8/14/2020	0	4.00	Intermediate	CCR&R: Child Care Resources	Yes
510766	FY20 MT State CACFP Annual Training	7/7/2020	0	4.00	Beginning	CCR&R: Child Care Resources	Yes
510006	Pyramid Model: Blended Module 1	2/8/2020	0	6.00	Beginning	CCR&R: Butte 4 C's	Yes
505769	Introduction to the Pyramid Model	2/7/2020	0	2.00	Beginning	CCR&R: Child Care Resources	Yes
508689	Understanding Behavior & Family Dynamic	7/22/2019	3.00	45.00	College Credit Option	Ashford University	Yes
508405	Program Management Essentials for Directors	7/15/2019	0	3.00	Beginning	CCR&R: Butte 4 C's	Yes
508396	Early Childhood Essentials	7/15/2019	0	3.00	Beginning	CCR&R: Butte 4 C's	Yes
508687	Child Development	6/17/2019	3.00	45.00	College Credit Option	Ashford University	Yes
508688	Nutrition and Health of Children and Families	5/13/2019	3.00	45.00	College Credit Option	Ashford University	Yes
506694	YIKES: Disaster Planning - Emergency Preparedness	4/27/2019	0	2.00	Beginning	CCR&R: Child Care Resources	Yes
505276	Infant Safety Essentials	4/17/2019	0	2.00	Beginning	CCR&R: Child Care Resources	Yes

Professional Development Record



Approved Training List

Event ID	Course Title	Date	Credits	Hours	Level	Sponsor	Verified
504678	Together We Grow	4/13/2019	0	3.00	Beginning	CCR&R: Child Care Resources	Yes
505770	Child Abuse and Neglect: Mandatory Reporting in Child Care	4/4/2019	0	3.00	Beginning	CCR&R: Child Care Resources	Yes
506692	Prevention and Control of Infectious Diseases/Immunizations	4/1/2019	0	2.00	Beginning	CCR&R: Child Care Resources	Yes
506693	Protecting Children From Harm	3/19/2019	0	2.00	Beginning	CCR&R: Child Care Resources	Yes
508013	Introduction to EC Education	3/4/2019	3.00	45.00	College Credit Option	Ashford University	Yes
504404	Prevention of Shaken Baby Syndrome and Abusive Head Trauma	1/15/2018	0	2.00	Beginning	CCR&R: Child Care Resources	Yes
504881	Safe Sleep	1/10/2018	0	2.00	Beginning	CCR&R: Child Care Resources	Yes
496616	Medication Administration I	5/25/2014	0	3.00	Beginning	CCR&R: Child Care Resources	Yes
Total			15.00	329.00			

Summary of Core Knowledge by Level

Core Knowledge Area	Beginning	Intermediate	Advanced	Credit
Child development	9.00	2.00	0.00	135.00
Family and community partnerships	0.00	0.00	5.00	15.00
Health and Well-being	34.00	13.00	6.00	45.00
Professionalism	2.00	2.00	5.00	0.00
Program Management	7.00	5.00	4.00	0.00
Teaching and engagement	8.00	2.00	0.00	30.00
Total:	60.00	24.00	20.00	225

Summary of CDA by Level

This summary includes training from March 1, 2009 forward.

CDA Knowledge Area	Beginning	Intermediate	Advanced	Credit
Building productive relationships with families	0.00	0.00	4.00	15.00
Maintaining a commitment to professionalism	2.00	2.00	5.00	0.00
Managing an effective program operation	7.00	5.00	5.00	0.00
Planning a safe and healthy learning environment	34.00	13.00	6.00	45.00
Supporting children's social and emotional development	8.00	2.00	0.00	30.00
Understanding principles of child development and learning	9.00	2.00	0.00	135.00
Total:	60.00	24.00	20.00	225.00



Declaration for Nomination and Oath of Candidacy

FOR FILING OFFICE ONLY
 Filed this _____ day of _____, 20____
 Document # _____
 Fee paid: cash check _____ credit
 By: _____
 Deputy or Filing Officer

DECLARATION AND OATH OF CANDIDACY TO BE FILED WITH SECRETARY OF STATE OR COUNTY ELECTION ADMINISTRATOR AS APPLICABLE

Filing for office of: City Council 2 year term Ward 1 _____ OR Nonpartisan
Full name of office including district and/or department numbers if applicable Name of Political Party

Candidate Name (printed exactly as it should appear on the ballot): Lisa Langley

Mailing Address: 203 5th St City and State: Deer Lodge MT Zip Code: 59722

Residence Address: 203 5th St City and State: Deer Lodge MT Zip Code: 59722

County of Residence: Powell Contact Phone: 406-500-6769 Email Address: wildflowerselc@gmail.com Website Address: montanawildflowerselc.com

IF THIS DECLARATION IS FOR THE OFFICE OF GOVERNOR, YOU MUST COMPLETE THE FOLLOWING INFORMATION:

Lieutenant Governor Name (printed exactly as it should appear on the ballot): Lisa Langley

Mailing Address: 203 5th St Residence Address: _____

Phone: _____ Email Address: _____ Website Address: _____

IF THIS DECLARATION IS FOR THE STATE LEGISLATURE, YOU MUST SELECT ONE OF THE FOLLOWING:

- (a) I hereby affirm that I am either a resident of the county in which I am a candidate, if it contains one or more legislative districts, or of the legislative district if it contains all or parts of more than one county, OR
- (b) I hereby affirm that I will meet the residency qualification(s) in (a) above for 6 months preceding the general election and will notify the office of the Secretary of State in writing when I qualify or if I do not qualify.

FILING FEE - FEE MUST BE PAID BEFORE FILING IS VALID. Candidate Filing Fee, if applicable, in the amount of \$ 15.00 is hereby submitted with this Declaration and Oath of Candidacy. #1013

OATH OF CANDIDACY - CANDIDATE MUST SIGN IN THE PRESENCE OF A NOTARY PUBLIC OR AN OFFICER OF THE OFFICE WHERE THIS FORM IS FILED:

I hereby affirm that I possess, or will possess within constitutional and statutory deadlines, the qualifications prescribed by the Constitution and laws of the United States and the State of Montana.

Lisa Langley Signature of Candidate Date: 7/25/23

NOTARY PUBLIC OR AUTHORIZED OFFICER

State of Montana
 County of Powell
 Signed and sworn to before me this 25 day of July, 2023 by Lisa Langley
Printed Name of Candidate

[Signature]
 Signature of Notary or Public Official

Printed Name of Notary Public _____
 Notary Public for the State of _____
 Residing at: _____
 My commission expires: _____, 20____

Where to file for Federal, Statewide, State District and Legislative offices:
 Montana Secretary of State
 State Capitol, 2nd Floor, Room 260
 PO Box 202801
 Helena, MT 59620-2801
 Online: sos.mt.gov
 By Fax: 406-444-2023

Where to file for County, City and most Local District offices:
 County Election Office
 A list of county election offices may be found at: sos.mt.gov/elections

JACQUELINE LAVELLE

April 28, 2024

James Jess
Mayor
City of Deer Lodge

Dear Mayor Jess

I would like to be re-appointed to the Deer Lodge Historic Preservation Commission.

In my 30 year career with the National Park Service I have a conversational familiarity with the Secretarial of Interior's Standards for the Treatment of Historic Structures working with concessioners in the preservation of buildings in Yellowstone, Grand Canyon, Zion, Bryce, and Glacier. I am willing to volunteer and donate my personal time for the goals of the Commission as well as to provide technical assistance that may be needed by this community.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jacqueline Lavelle". The signature is written in a cursive style with a large initial "J".

Jacqueline Lavelle

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: Ordinance 2024-4: B-1, Central Business District Use Revisions

For Meeting on: 05/20/2024 **Staff Member/Committee Referring:** _____

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 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. The City Council reviewed the changes at their May 6, 2024 meeting and elected to hold a public hearing.

Recommended Motion/Action:

Approve Ordinance 2024-4 on first reading.

ORDINANCE 2024-4

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL AMENDING THE PERMITTED AND CONDITIONAL USES OF THE B-1, CENTRAL BUSINESS DISTRICT ZONING DISTRICT.

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

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

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

WHEREAS, the Planning Board determined that the permitted and conditional uses of the B-1, Central Business District Zoning District were not representative of both current and desired future uses in the District; and

WHEREAS, the City of Deer Lodge Planning Board reviewed changes to the B-1, Central Business District permitted and conditional uses on February 12, 2024 and, following discussion, elected to send the changes to a public hearing; and

WHEREAS, on March 18, 2024, the City of Deer Lodge Planning Board held a duly noticed public hearing on the changes to the B-1 Central Business District. FURTHER, the Planning Board, following the public hearing, elected to recommend the changes to the City Council for public hearing; and

WHEREAS, on May 6, 2024, the City Council held a duly noticed public hearing on the recommended changes. FURTHER, the City Council, following the public hearing, elected to approve the changes as recommended by the Planning Board and authorized City Staff to write an ordinance to codify the changes.

NOW, THEREFORE, BE IT RESOLVED, that the Deer Lodge City Council hereby proceeds to amend the permitted and conditional uses of the B-1, Central Business District with the language contained in Exhibit A of this Ordinance.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2024-4 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2024-4 and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Passed and Approved by the City Council of the City of Deer Lodge, Montana on the first reading at a Regular Council Meeting on the 20th day of May, 2024.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

Passed and Approved by the City Council of the City of Deer Lodge, Montana on final reading at a Regular Council Meeting on the 3rd day of June, 2024.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

The effective date of Ordinance 2024-4 is July 4, 2024

EXHIBIT "A"

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
<u>First floor Residential</u>	Conditional use
<u>Second/third floor residential</u>	Permitted
Residential care	Conditional use
<u>Hotel/inn/bed and breakfasts</u>	<u>Conditional use</u>
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.

<u>Antique stores and pawn shops</u>	<u>Permitted</u>
<u>Convenience stores</u>	<u>Permitted</u>
Liquor stores	Conditional use
<u>Retail</u>	<u>Permitted</u>
Taverns and eateries (less than 5,000 square feet of gross floor area)	Permitted
<u>Thrift stores</u>	<u>Permitted</u>
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)

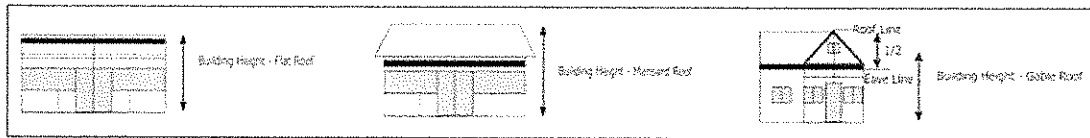
§ 11.01.200.060 PROPERTY LINE SETBACKS.

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)