



COUNCIL AGENDA

July 1, 2024 - 6 PM

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

1. **Call Meeting to Order | Pledge of Allegiance**
2. **Public Comment** – Members of the audience may comment on any non-agenda item. State Statute limits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.
3. **Public Hearing.**
 - a. None
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: June 17, 2024
 - b. Committee Report
 - c. Board Report
 - d. June Claims- Receive the informational report. Accept the recommendation from the Finance Committee.
5. **Continued Business** (continued or tabled)
 - a. None
6. **New Business Items** - The Council will act on each item after accepting public comments.
 - a. Ordinance 2024-5 1st Reading: Rezoning of Old Pioneer Federal Building – Jordan
 - b. Ordinance 2024-6 1st Reading: Reducing Speed Limits at AOK Campground – Jordan
 - c. iWorQ Software Business Licensing and Online Pay Feature Contract – Jordan
 - d. Marijuana Excise Tax Update – Jordan
7. **Schedule of Committee Meetings** – Tentative until confirmed by Committee Chairs.
 - Finance – July 1st at 4:30pm
 - Economic Growth & Dev – July 10th at 5pm
 - Council Operations – July 8th at 5pm
 - Public Health & Safety – July 11th at 5pm
 - Planning Board – July 15th at 10am
 - Council #2 – July 15th at 6pm
 - Parks & Rec – July 22nd at 5pm
 - Public Works – July 23rd at 5pm
 - Joint City/County (if needed) – July 17th at 5:30pm

8. Mayor and Council Concerns: (ONLY Concerns that are not included in this meeting's Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. **This time is solely for COUNCIL and MAYOR comment, not public. NO ACTION can be taken at this time.** If action is necessary, the item will be put on the next meeting agenda following a majority vote of the City Council.

9. Next Meeting Announcement(s)

- a. Regular Meeting: July 15, 2024 at 6:00pm

10. Adjournment

**Deer Lodge City Council typically meets at City Hall
300 Main Street, Deer Lodge, MT 59722
For Further Information Contact: Cyndi Thompson, City Clerk
cthompson@cityofdeerlodgemt.gov | 406.846.2238**

CITY COUNCIL

MINUTES

The City Council met on June 17, 2024, at 6 PM | Council Chambers, City Hall

| | |
|-------------------------|--|
| Members Present: | John Henderson, John Molendyke, Rob Kersch, Kirk Hayes, Curt Fjelstad, Rian King-Chavez, William Fox |
| Members Absent: | Gordon Pierson |
| Mayor: | James Jess |
| CAO: | Jordan Green |
| Staff: | Cyndi Thompson, Trent Freeman, Fire Chief Pierson, Kody Ryan |
| Consultants | None |
| Guests: | See sign in sheet |

1. Call Meeting to Order | Pledge of Allegiance

Mayor Jess called the meeting to order at 6 PM. All present recited the Pledge of Allegiance.

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

a. None

3. Public Hearing:

a. 401 Milwaukee Ave Rezoning - Jordan
Action Item: Vote on the request

This was approved by the Planning Board with favorable recommendation to City Council.

Mike and Andrea Dunlop, representing DAM Properties, LLC, submitted a Rezoning Application on May 14, 2024 to request a rezoning of the properties at 401 Milwaukee Ave and 409 4th St from the R-3, Residential, High Density District to the B-1, Central Business District to accommodate the use of the property for their business: Cowpoke Ranch Supply. 401 Milwaukee Ave currently houses the old Pioneer Federal Savings and Loan building, and 409 4th St is a parking lot directly to the north of the bank

structure. The properties were historically considered grandfathered, nonconforming uses in the R-3 District; therefore, a rezoning to accommodate a new commercial use is required. The applicants also intend to build a storage structure to the north of the existing building. The property is located in the Original Addition of Deer Lodge, Section 33, Township 07 North, Range 09 West. The properties are surrounded by residential uses to the north, east, and south, and commercial use to the west. The properties are directly adjacent to the current B-1, Central Business District.

The site has historically been used as a commercial use, and therefore is compatible with the requested zoning district. Furthermore, as previously mentioned, the B-1 District is intended to expand as necessary to accommodate additional commercial uses. Compatible urban growth is generally predicated on two principles: that non-compatible uses be separated by district, and that commercial uses generally function best in a downtown core. This requested rezoning satisfies both principles of compatible urban development.

The existing Cowpoke Ranch Supply business operates in the B-1 District, which is the requested zone for this property. As that business has existed in this zoning district for many years, the character of the district and the suitability of the district will not be impacted by this rezoning.

City Administration recommends the Planning Board recommend to City Council the rezoning of the subject properties from the R-3 Residential, High Density District to the B-1, Central Business District to accommodate use of the properties as the future location of Cowpoke Ranch Supply.

Member Hayes: discussed the unloading and loading of semi-trucks at the Planning Board meeting, we discussed Noise and how that would impact the residents. There is only 1 fork lift so not much noise. Favorable recommendation from the Planning Board.

Jordan: Planning Board committee member stated in the meeting, they reached out to several residents in the community and reported the community was in favor of this new location for Cow Poke. No negative concerns at the meeting. Received a letter of support from Ron Snow. City Clerk stated a resident that lives across were the new location would be stated she was in favor of this, and if necessary, the owners would put in a privacy fence.

Council President Kersch asked if there was any weight limit from semi-trucks for that area. PW Supervisor Trent replied, "No restriction.

Member Henderson asked how large the storage shed would be. Jodi replied it wouldn't be to large, just big enough to store salt and feed.

Public Hearing Opened at: 6:13pm

Jodi Pauley, Manages Cow Poke store. Excited to be able to make the move. Discussed her current lease and her moving time frame.

Yvonne Hanson discussed how clean and organized Cow Poke business is.

Public Hearing Closed at: 6:16pm

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

4. Consent Agenda Items:

- a. Regular Meeting: June 3, 2024
- b. Department Reports: CAO, Public Works, Police, Fire, Code Enforcement, Recreation

Member Hayes motioned to approve as presented. Member Fjelstad seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

5. Mayor and Council Concerns: (ONLY Concerns that are not included in this meeting's Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. **This time is solely for COUNCIL and MAYOR comment, not public. NO ACTION can be taken at this time.** If action is necessary, the item will be put on the next meeting agenda following a majority vote of the City Council.

- a. County Meeting in July-if needed, any council concerns you can email the Mayor and Jordan.

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

- a. None

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

- a. None

8. Next Meeting Announcements

- a. Monday, July 1, 2024 at 6:00pm

9. Adjournment

Mayor Jim Jess adjourned the meeting at 6:19PM.

Prepared By: Cyndi Thompson, City Clerk

Mayor Jim Jess

Date



COUNCIL COMMITTEE REPORT

JUNE 2024

Council Ops – Rob Kersch (Chairperson)

June 10th - Reviewed personnel policy updates. Discussed implementing a project tracker. Discussed legislative requirements for audio recording of meetings.

Finance – Gordon Pierson (Chairperson)

June 3rd -

Economic Growth & Development – John Henderson (Chairperson)

June 5th - Business Improvement District: The committee decided to propose the BID fee at a single price. Jordan and the committee listed the steps to the creation of the BID. 1. Create Flashy Graphics for presentation. 2. Get the Chamber and Discover Deer Lodge involved. 3. Create a time frame to implement the steps. 4. Go door to door with the proposal for the businesses in the BID. 5. Establish Q&A and Graphics for Info meeting. 6. Hold an informational meeting. 7. Pass Resolution of Intention. 8. Start notices and newspaper articles. 9. Hold protest period. 10. Public Hearings. 11. Pass Resolution. Rotating Street Banner: Council Member Chairman Henderson suggested involving community groups be included in a program where the Main St. banners are changed out a few times a year. Street Art update: Ava announced that Lori Pentland won the bid to do the murals on the former Elk tips building. The next regular meeting was changed to July 10th due to the Independence Day Holiday.

Public Health & Safety – John Molendyke (Chairperson)

June 13th -We discussed the possibility of supplemental funding for the Police Department. We also discussed the Deer Lodge Police Department Gun Range and what is necessary to continue forward with that. We received department reports from the Police Department, Code Enforcement, Fire Department and a County Health Report. Next meeting July 11, 2024 at 5pm.

Parks & Rec – Rian King-Chavez (Chairperson)

June 24th -Discuss more areas where lighting at Jaycee Park is most important. The first consideration is for safety and vandalism prevention. The committee also discussed stadium lighting to open the chance for tournaments in the future. Discussed remaining budget for 2024.

Public Works – Gordon Pierson (Chairperson)

June 25th -



Council Board Reports

JUNE 2024

1. **Airport Board – Gordon Pierson**

2. **Powell County Parks Board – John Molendyke**

The Powell County Parks Board met on June 19, 2024. We got an update from the DEQ on the future work to be done on Arrowstone Park. We also discussed where we are at with Old Yellowstone Trail and the future of the Milwaukee Roundhouse area.

3. **Chamber of Commerce – John Henderson**

Unable to attend.

4. **Historic Preservation – Curt Fjelstad**

5. **Landfill – Rob Kersch**

Regular reports. Approved garage doors for equipment shed. Reviewed fencing bid proposal language.

6. **Local Emergency Planning Committee – Jordan Green**

7. **Library – Rian King-Chavez**

Discussed the 2025 budget. Will ask for a wage increase for library staff, to better match the state standard for libraries of the same size. The hope is that the library will then be better equipped to hire and retain quality employees. Further discussion Regarding the donation from the estate of Father Murray. Currently reviewing options and possibilities for deposit of the funds.

8. **Planning Board – Kirk Hayes**

Meeting started at 10. Discussed 401 Milwaukee Rezoning. Questions asked were about truck loading and offloading. About a fence to separate the property from the neighbor's house. Noise of equipment. Answers were, Milwaukee or Alley. The yard would be fenced in. Equipment mainly during business hrs. All yes votes to move forward to Council. Next meeting July 15, 2024 at 10am.

9. **Youth Board – Kirk Hayes**

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
William Fox
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: Ordinance 2024-5 1st Reading: Rezoning of Old Pioneer Federal

For Meeting on: 07/01/2024 **Staff Member/Committee Referring:** _____

Description of the item:

This is the first reading of the ordinance to codify the rezoning of the old Pioneer Federal Savings and Loan property from the R-3 Residential High Density District to the B-1, Central Business District to accomodate Cowpoke Ranch supply using the property as a new storefront.

Attachments:

1. Ordinance 2024-5

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

The City Council held a public hearing on June 17, 2024 and voted to approve the rezoning.

Recommended Motion/Action:

Pass Ordinance 2024-5 on 1st Reading.

ORDINANCE 2024-5

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REZONING 401 MILWAUKEE AVENUE (28-1678-33-4-06-01-0000) AND 409 4TH STREET (28-1678-33-4-06-10-0000) FROM THE R-3, RESIDENTIAL HIGH-DENSITY DISTRICT TO THE B-1, CENTRAL BUSINESS 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 authorizes the City of Deer Lodge to adopt and enforce local zoning regulations to promote the public health, safety, morals, of 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 initiated the rezone action on the request of the property owner to allow commercial use of the two properties, as the prior commercial use had been grandfathered, non-conforming; and

WHEREAS, 401 Milwaukee Avenue is located at ORIGINAL ADD (DEER LODGE), S33, T08 N, R09 W, BLOCK 17, E 80' S 15' OF W 50' LOT 8 & ALL LOTS 9-10; and

WHEREAS, 409 4th Street is located at S33, T08 N, R09 W, S 16.2' LOT 6 ALL LOT 7 AND 7A PORTION LOT 8 AMENDED PLAT #5 W54.8' OF N15.1' & W20.1' OF E76.2' OF N4.3'; and

WHEREAS, the Planning Board discussed the rezone action at their June 17, 2024 meeting. FURTHER, the Planning Board agreed there is merit to the request as the rezoning allows for continued commercial use of the lots as the highest and best use of the properties; and

WHEREAS, the Planning Board held a duly noticed public hearing on June 17, 2024 to consider the rezone action. FURTHER, the Planning Board after receiving a summary from the City Administrator / Planner and public comments, elected to forward the rezoning to the City Council through a six to zero vote with one member absent; and

WHEREAS, the Deer Lodge City Council conducted duly noticed public hearings on June 17, 2024 at 6:00 PM to accept comments regarding the proposed amendment. FURTHER, the City Council at their regular meeting on June 17, 2024 agreed through a vote of seven to zero with one member absent to proceed with the rezone of 401 Milwaukee Avenue and 409 4th Street through subsequent ordinance readings; and

NOW, THEREFORE, BE IT ORDAINED, that the Deer Lodge City Council hereby rezones 401 Milwaukee Avenue and 409 4th Street from the R-3, Residential High-Density District to the B-1, Central Business District.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2025-5 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 2024-5 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 1st day of July, 2024.

| Council Member | Yea | Nay | Abstain/Present | Absent |
|--------------------|-----|-----|-----------------|--------|
| Curt Fjelstad | | | | |
| William Fox | | | | |
| Kirk Hayes | | | | |
| John Henderson | | | | |
| Robert Kersch | | | | |
| Rian King-Chavez | | | | |
| John Molendyke | | | | |
| Gordon Pierson | | | | |
| 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 15th day of July, 2024.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

The effective date of Ordinance 2024-5 is August 16, 2024

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
William Fox
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: Ordinance 2024-6 1st Reading: Reducing Speed at AOK Campground

For Meeting on: 07/01/2024 **Staff Member/Committee Referring:** Mayor James Jess

Description of the item:

This ordinance would reduce the speed limit within the AOK Campground to 5 mph. Currently, parks and alleys within the City are limited at 15 mph. Because the park has high recreational use, and also high vehicle use due to its nature as an RV park, humans are put into proximity with vehicles at much greater frequency than other parks or roadways within the City. This ordinance would further protect public health and safety on that site.

Attachments:

1. Ordinance 2024-6

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

None. Police Chief has recommended the reduction in speed.

Recommended Motion/Action:

Pass Ordinance 2024-6 on 1st Reading.

ORDINANCE 2024-6

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REZONING 401 MILWAUKEE AVENUE (28-1678-33-4-06-01-0000) AND 409 4TH STREET (28-1678-33-4-06-10-0000) FROM THE R-3, RESIDENTIAL HIGH-DENSITY DISTRICT TO THE B-1, CENTRAL BUSINESS DISTRICT

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

WHEREAS, 7-14-4103, MCA authorizes the City Council of an incorporated City to, by ordinance, regulate motor vehicles and their speed within the limits of the City and to prescribe and enforce fines and penalties for violation of the regulations; and

WHEREAS, the City of Deer Lodge Code of Ordinances Title 10, Chapter 2, Part 07(B) provides that no vehicles shall be driven in alleys, school zones and park zones at speeds more than 15 mph; and

WHEREAS, the City of Deer Lodge has a long-term lease agreement with the “Deer Lodge AOK Campground and RV Site,” a privately-owned commercial campsite business that operates on City-owned land on Park Street, adjacent to the Clark Fork River and in the Stuart Addition to the City of Deer Lodge; and

WHEREAS, the close proximity of rights-of-way and other access roads to recreation areas at the campground, and its express purpose as an RV park, increase the potential for vehicle and pedestrian conflict more so than in other parks within the City of Deer Lodge; and

WHEREAS, the City Council of the City of Deer Lodge wishes to provide for better public health and safety at the Campground by reducing the speed limit at the park and on the rights-of-way within the park to 5 mph.

NOW, THEREFORE, BE IT ORDAINED, that the Deer Lodge City Council hereby amends § 10.02.070 SPEED to require a 5-mph speed limit within the boundaries of the City Campground on Park Street, adjacent to the Clark Fork River. The amended language is attached to this Ordinance 2024-6 as Exhibit “A” and is incorporated herein.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2025-6 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 2024-6 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 1st day of July, 2024.

| Council Member | Yea | Nay | Abstain/Present | Absent |
|--------------------|-----|-----|-----------------|--------|
| Curt Fjelstad | | | | |
| William Fox | | | | |
| Kirk Hayes | | | | |
| John Henderson | | | | |
| Robert Kersch | | | | |
| Rian King-Chavez | | | | |
| John Molendyke | | | | |
| Gordon Pierson | | | | |
| 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 15th day of July, 2024.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

The effective date of Ordinance 2024-6 is August 16, 2024

Exhibit “A”

§ 10.02.070 SPEED.

(A) ~~(A)~~—No vehicle shall be driven at less than 15 mph, or more than 25 mph, within the limits of the city; provided, however, that at all times and under all circumstances, all vehicles must be operated at a safe speed regardless of the speed limit governing the particular places where the vehicle is being operated; and provided further, that the minimum speed limits herein referred to shall not apply to horse drawn or other vehicles not capable of attaining the minimum speeds herein mentioned.

(B) No vehicles shall be driven within the boundaries of the City Campground on Park Street, adjacent to the Clark Fork River, at speeds more than 5 mph.

(CB) No vehicles shall be driven in alleys, school zones and park zones at speeds more than 15 mph.

(Prior Code, § 10.02.070) (Ord. 1, passed 1-17-1980; Ord. 2021-14, passed 12-20-2021; Ord. 2024-6, passed 07-15-2024, effective 0-16-2024)

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
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City Council
Curt Fjelstad
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John Henderson
Robert Kersch
Rian King-Chavez
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: iWorQ Business License and Online Pay Portal Contract

For Meeting on: 07/01/2024 **Staff Member/Committee Referring:** Jordan Green

Description of the item:

The City uses an online platform called iWorQ to track code enforcement and building permits. That price has historically been \$2,250/yr. iWorQ also has a program to track business licenses, and an online payment platform. These together would be an additional \$3,000/yr. This would allow better tracking, and allow for electronic renewal notices and online payment for all programs. Currently, the City pays \$1,360/yr for BMS business licensing and approx. \$500/yr on postage for renewals.

Attachments:

1. New Contract Proposal from iWorQ.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

Finance Committee discussed the item today, July 1, 2024.

Recommended Motion/Action:

Approve the new contract with iWorQ.

IWORQ SERVICE(S) AGREEMENT

For iWorQ application(s) and service(s)

Deer Lodge hereafter known as ("Customer"), enters into THIS SERVICE(S) AGREEMENT ("Agreement") with iWorQ Systems Inc. ("iWorQ") with its principal place of business 1125 West 400 North, Suite 102, Logan, Utah 84321.

1. SOFTWARE AS A SERVICE (SaaS) TERMS OF ACCESS:

iWorQ grants Customer a non-exclusive, non-transferable limited access to use iWorQ service(s), application(s) on iWorQ's authorize website for the fee(s) and terms listed in Appendix A. This agreement will govern all application(s) and service(s) listed in the Appendix A.

2. CUSTOMER RESPONSIBILITY:

Customer acknowledges that they are receiving only a limited subscription to use the application(s), service(s), and related documentation, if any, and shall obtain no titles, ownership nor any rights in or to the application(s), service(s), and related documentation, all of which title and rights shall remain with iWorQ. Customer shall not permit any user to reproduce, copy, or reverse engineer any of the application(s), service(s) and related documentation.

iWorQ is not responsible for the content entered into iWorQ's database or uploaded as a document or image.

3. TRAINING AND IMPLEMENTATION:

Customer agrees to provide the time, resources, and personnel to implement iWorQ's service(s) and application(s). iWorQ will assign a senior account manager and an account management team to implement service(s) and application(s). Typical implementation will take less than 60 days. iWorQ account managers will call twice per week, provide remote training once per week, and send weekly summary emails to the customer implementation team. iWorQ can provide project management and implementation document upon request.

iWorQ will do ONE import of the Customer's data. This import consists of importing data, sent by the Customer, in an electronic relational database format.

Customer must have clear ownership of all forms, letters, inspections, checklists, and data sent to iWorQ.

4. CUSTOMER DATA:

Customer data will be stored on AWS GovCloud. iWorQ will use commercially reasonable efforts to backup, store and manage Customer data. iWorQ does backups twice per week and offsite backups twice per week. The subscription will renew each year on the anniversary date of this Agreement unless terminated (see 7. TERMINATION).

Customer can run reports and export data from iWorQ application(s) at any time.

Customer can pay iWorQ for additional data management service(s), onsite backups, application(s) and other service(s).

Data upload and storage is provided to every Customer. This includes uploading files up to 3MB and 10 GB of managed data storage on AWS GovCloud. Additional upload file sizes and managed data storage sizes can be provided based on the application(s) and service(s) listed in Appendix A.

Customer can upload and store images with personal information like driver's license, and more. This Data can be used by the customer to complete the permitting, licensing, or code enforcement processes. Customer understands that the data must be uploaded and stored in the Sensitive Data Upload section of the iWorQ software for access and security purposes.

iWorQ is not responsible: (1) For the content entered into iWorQ's database, (2) For images or documents scanned locally and uploaded by the iWorQ users, (3) For documents or images uploaded by citizens over the web, and (4) For backup data sent to the Customer by iWorQ.

5. CUSTOMER SUPPORT:

Customer support and training are FREE and available Monday-Friday, from 6:00 A.M. to 5:00 P.M. MST, for any authorized user with a login. iWorQ provides unlimited remote Customer training (through webinars), phone support, help files, and documentation. Basic support request is typically handled the same day. iWorQ provides "Service NOT Software".

6. BILLING:

iWorQ will invoice Customer on an annual basis. iWorQ will send invoice by mail and by email to the address(s) listed in Appendix A. Terms of the invoice are net 30 days. Any billing changes will require that a new Service(s) Agreement be signed by Customer.

Any additional costs imposed by the Customer including business licenses, fees, or taxes will be added to the Customer's invoice yearly. Support and services fees may increase in subsequent years, but will increase no more than 5% per year.

Customer pricing is based on a 3 Year Term and reflects a discounted annual price. Changes to the Term or the Termination Policy (Section 7. Termination:), will affect the annual pricing and could double your annual cost. Customer reserves the right to pay the 3 Year Term upfront to secure discounted annual pricing.

7. TERMINATION:

Either party may terminate this agreement, after the initial 3-YEAR TERM, without cause if the terminating party gives the other party sixty (60) days written notice. Should Customer terminate any application(s) and or service(s) the remaining balance will immediately become due. Should Customer terminate any part of the application(s) and or service(s) a new Service(s) Agreement will need to be signed.

Upon termination (7. TERMINATION), iWorQ will discontinue all application(s) and or service(s) under this Agreement; iWorQ will provide customer with an electronic copy of all of Customer's data, if requested by the Customer (within 3-5 business days).

During the term of the Agreement, the Customer may request a copy of all of Customer's data for a cost of no more than \$2500; and all provisions of this Agreement will continue.

8. ACCEPTABLE USE:

Customer represents and warrants that the application(s) and service(s) will only be used for lawful purposes, in a manner allowed by law, and in accordance with reasonable operating rules, and policies, terms, and procedures. iWorQ may restrict access to users upon misuse of application(s) and service(s).

9. MISCELLANEOUS PROVISIONS:

This Agreement will be governed by and construed in accordance with the laws of the State of Utah.

Customer recognizes that iWorQ Systems is a software company located in Utah. Any changes to this section, including changes to the Venue or Forum, will be subject to an increase in their annual pricing.

10. CUSTOMER IMPLEMENTATION INFORMATION:

Primary Implementation Contact _____ Title _____

Office Phone _____ Cell _____ Email _____

Secondary Implementation Contact _____ Title _____

Office Phone _____ Cell _____ Email _____

11. CUSTOMER BILLING INFORMATION:

Billing Contact _____ Title _____

Office Phone _____ Cell _____ Email _____

PO# _____ (if required) Tax Exempt ID # _____

12. ACCEPTANCE:

The effective date of this Agreement is listed below. Authorized representative of Customer and iWorQ have read the Agreement and agree and accept all the terms.

Signature _____

Effective Date: _____

Printed Name _____

Title _____

Office Number _____

Cell Number _____

Agency Website Contact- Portal Link

(All field are required)

Name: _____

Title: _____

Email: _____

Office Number: _____

Cell Number: _____

Signature: _____

(This person is responsible for placing the iWorQ Portal Link being placed on the agency's website within 90 days of the agreement signature. The iWorQ Portal Link will remain on agencies website for the entire Term of the agreement. If the iWorQ Portal Link is not placed on the city website within 90 days, the Agency agrees to pay an additional \$1000 dollars towards setup costs (this is to cover iWorQ's time).

iWorQ Service(s) Agreement

APPENDIX A

iWorQ Cost Proposal

| | |
|--|----------------------------------|
| Deer Lodge | Population- <u>2994</u> |
| 300 Main Street Deer Lodge , MT 59722 | Prepared by: Mike Swanton |

Annual Subscription Fees

| <u>Application(s) and Service(s)</u> | <u>Package Price</u> | <u>Billing</u> |
|---|---|----------------|
| <p>Community Development (Basic) *Permit Management *Code Enforcement</p> <p>-Available on any computer, tablet, or mobile device using Chrome Browser -Track permits and cases with customizable reporting -Track fees and payments -Inspection and plan review tracking -Track violations, activities and follow ups -Includes Premium Data (25MB Uploads, 100GB Total Storage) -OpenStreetMap tracking abilities with quarterly updates -Free forms, letters, and/or permits utilizing iWorQ's template library, and up to 3 custom letters</p> | \$2,250.00 | Annual |
| <p>Business License Management (Enterprise Package) *License Management *Portal Home *Online Credit/Debit card processing integrated with iWorQ. (PayRoc)</p> <p>-Available on any computer, tablet, mobile device using Chrome Browser -Quarterly Parcel Upload -License for Businesses -Renewal and invoicing capabilities for one owner to one property -Unlimited letters utilizing iWorQs template library, and up to 3 custom letters -Reminder letter generation -Includes Premium Data (25MB Uploads, 100GB Total Storage) -Includes Sensitive File Uploads that are required to licensing process (i.e Driver's License) -Configurable portal for ease of applying for licenses and tracking them online -Includes 3 Custom Forms -Messaging feature for easy interaction with citizens -OpenStreetMap tracking abilities with quarterly updates -3 Scheduled Reports -Built-in automatic workflow capabilities -iWorQ Notifications included</p> <p>GIS REST Services - iWorQ will publish your agency's WMS layers in iWorQ Community Development applications. iWorQ will update parcel information monthly from the published service.</p> <p>GIS REST Services - iWorQ will be able to publish your agency's ESRI REST Services monthly if the following conditions are met: 1. The Rest Service URL is either a public access URL or the</p> | \$3,500.00 \$3,000.00 | Annual |

| | | |
|---|-------------------|--|
| <p>agency will allow iWorQ to be added to the user group of that data.</p> <p>a. User Group must have permission settings set to allow root access to pull the data.</p> <p>2. The Rest Service data contains the information needed for system functionality and field types match.</p> <p>a. The format of that data must conform to iWorQ Systems</p> <p>*Note: If configuration changes (i.e. FTP location, name format, field changes, or interval for published updates) iWorQ will charge a minimum fee of \$500 with each additional hour to accommodate new configuration changes.</p> | | |
| Subscription Fee Total (This amount will be invoiced each year) | \$5,250.00 | |

One-Time Setup, GIS integration, and Data Conversion Fees

| <u>Service(s)</u> | <u>Full Price Cost</u> | <u>Package Price</u> | <u>Billing</u> |
|--|----------------------------|----------------------|-----------------|
| One-Time Setup Total (This amount will be added year 1) | \$500.00 | \$0.00 | Year One |

NOTES SERVICE(S) DESCRIPTION

- I. Invoice for the (Annual Subscription Fee Total + One-Time Total) will be sent out 2 weeks after signature and Effective Date
- II. This subscription Fee and Agreement have been provided at the Customer's request and is valid for 25 days
- III. This cost proposal cannot be disclosed or used to compete with other companies.
- IV. This agreement combines existing services totaling \$2,250 with proposed added services (License Management Enterprise,) totaling \$3,000 for a new annual total of \$5,250. Added services may be prorated.

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
William Fox
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: Marijuana Excise Tax Update

For Meeting on: 07/01/2024 **Staff Member/Committee Referring:** Jordan Green

Description of the item:

In 2022, Powell County passed a 3% excise tax on recreational marijuana sales within the County. 1.45% goes to the City of Deer Lodge and a small percentage to the State. Now that the City has a dispensary, \$1,109.39 has been collected from the 3% tax. \$525.50 of that goes to the City. The County has dedicated their funds to public safety.

Attachments:

None

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

Finance Committee discussed the item today, July 1, 2024.

Recommended Motion/Action:

Discussion. A potential motion may be made for a certain use of the funds. Staff recommendation is for public safety.