
CITY OF DEER LODGE

**Public Health & Safety
COMMITTEE**

AGENDA

June 13, 2024 – 5:00 P.M. | Council Chambers, City Hall

1. Call Meeting to Order:

2. Approval of Minutes:

- a. Regular Meeting: May 16, 2024

3. Public Comment on Non-Agenda Items – (Limit to three minutes per person)

4. Continued Business: *(Public Comment period prior to each topic)*

- a. Police Department Supplemental Funding Discussion – Chief Smith & Jordan
- b. DL Police Department Gun Range – Chief Smith & Jordan

5. New Business:

- a. Department Reports: *(Accept reports as presented)*
 - 1. PD Report - Chief Smith
 - 2. Code Enforcement Report – Kody Ryan
 - 3. FD Report – Chief Pierson
 - 4. County Health Report – Ida Miller

6. Staff or Committee Comments or Concerns:

7. Announcement of the Next Meeting:

- a. Regular Meeting: Thursday, July 11, 2024, at 5:00 PM.

8. Adjournment:

Public Health & Safety Committee

Members

John Molendyke (Chair) | William Fox | Curt Fjelstad

CITY OF DEER LODGE

Public Health & Safety Committee

MINUTES

May 16, 2024, at 5:00pm | Council Chambers

Members Present: Kirk Hayes, Curt Fjelstad, John Molendyke

Members Absent: None

Mayor: Absent

CAO: Jordan Green

Staff: Cyndi Thompson, Fire Chief Pierson, Police Chief Smith, Kody Ryan, Ida Miller

Guests: None

1. Call Meeting to Order:

Chairman Molendyke called the meeting to order at 5:00pm.

2. Approval of Minutes

- a. Regular Meeting: April 11, 2024

Member Fjelstad motioned to approve as presented. Member Hayes seconded the motion. 3 Ayes, 0 Nos. Motion passed.

3. Public Comment – Limited to Three Minutes Per Person

- a. None

4. Old Business:

- a. None

5. New Business:

- a. Police Department Supplemental Funding Discussion – Jordan
Police Chief Smith outlined items that the Police Department are in need of, 1. Extra Employee 2. Vehicle 3. Car and Hand Held Radios. Jordan referred the Chief to Headwaters RC&D for possible grants for the PD. Jordan spoke of the influx from the Board of Investments of

\$25,000. Chief Smith and Jordan will meet to discuss numbers and provide better information at the next meeting.

No motion, ongoing discussion.

b. DL Police Department Gun Range – Chief Smith & Jordan

Chief Smith discussed the gun range location and the steps he still needs to complete such as, reaching out to the residents that live in the area, already received an approval from Sherm Anderson for the location. Discussed how the gun range would be set up for officers and public safety.

No motion, ongoing discussion.

c. Department Reports: ***Department Reports Accepted as presented.***

1. Police Police Chief Smith

Police Chief Smith summarized recent department activities for April based on 205 calls for service 188 reports generated, 58 traffic stops and 21 Citations issued.

2. Code Enforcement..... Kody Ryan

Kody summarized recent department activities for April based on 10 dogs at large calls, 27 new cases, 2 DLDP assist, 4 junk vehicles removed, 2 animal cruelty reports, 2 city to paws adoptions of abandoned animals, 1 dog attack on live poultry, 1 dog parking compliant. 14 citizen complaints, 171 year-to- date dog tags issued, 1 dog detained at shelter per judges' orders, Beaver Remediation, 6 New property cleanups, Daily patrols.

3. Fire..... Fire Chief Pierson

Fire Chief Pierson summarized recent department activities for April based on 2calls for service.

4. County Health April Report.....Ida Miller

Child Safety: Powell County Public Health has car seats available on a sliding scale basis and a trained child seat technician to help with installation and questions. We hosted a child seat inspection and installation on April 30th at the Community Center in conjunction with Safe Start.

Public Health Office: The Powell County Public Health office has changed their regularly scheduled office hours to **every Wednesday** from 11 am to 2 pm. The office is on the lowest level of the courthouse in Suite 106.

Animal bites: Three dog bites in April

Influenza/Covid-19: There was 1 case of COVID-19 reported in April and no other active cases of respiratory illness were reported in April.

Spring is here. Some health issues to be aware of are:

Rabies: As more wildlife becomes active as the weather warms, caution should be taken to prevent potential exposure.

Rabies is a fatal but preventable viral disease. It can spread to people and pets if they are bitten or scratched by a rabid animal. In the United States, rabies is mostly found in wild animals like bats, raccoons, skunks, and foxes. However, in many other countries dogs still carry rabies, and most rabies deaths in people around the world are caused by dog bites.

Ticks: Different species carry different types of disease, in Montana the main species of tick we worry about are the black-legged tick or deer tick and the American dog tick. Those are the ones that carry diseases of the most concern to us right now, including Lyme disease which only deer ticks carry, and Rocky Mountain spotted fever which is carried by the dog tick.

Hantavirus: With spring weather, cleaning of outbuildings which may harbor rodents can lead to potential for exposure to hantavirus. Appropriate precautions should be used when evidence of rodents is visible. The most important hantavirus in the United States that can cause Hantavirus Pulmonary Syndrome is spread by the deer mouse here in Montana.

Highly Pathogenic Avian Influenza: This virus is extremely infectious and fatal to poultry and some species of wild birds. HPAI is now being found in dairy cattle and can cause decreased milk production and illness. The USDA has confirmed that there is no threat to human health and milk. Dairy products remain safe to consume. Pasteurization (high heat treatment) kills harmful microbes and pathogens in milk, including the influenza virus. Infections of HPAI have been identified in Montana in wild bears, mountain lions, skunks, raccoons, foxes, and domestic cats. Although the risk to humans is very low, Montanans should take precautions when handling game birds or any sick or dead bird or any other animal that they find. Gloves should always be worn when handling game birds or any sick or dead bird or animal that must be handled for disposal. People are encouraged to report unusual or unexplained cases of sickness and/or death of domestic or wild birds by calling code enforcement at 406-594-0911 or public health at 406-691-0242.

Measles: Although there has only been a suspected case of Measles in Montana this year, the possibility of it occurring is increasing. If you are notified that you have been exposed to a case of measles, contact your healthcare professional so that they may determine if you are immune based on your immunization status, age, or laboratory evidence or evaluate you for symptoms.

6. Staff Comments or Concerns:

- a. None

7. Announcement of the Next Meeting:

- a. Regular Meeting: Thursday, June 13, 2024 at 5:00PM.

8. Adjournment:

a. Meeting was adjourned at 5:29PM.

Prepared by: Cyndi Thompson, City Clerk

Chairperson: _____
John Molendyke

Date: _____

Public Health & Safety Committee
Members

John Molendyke (Chair) | Kirk Hayes | Curt Fjelstad

DEER LODGE POLICE DEPARTMENT

JUNE 2024

HIGHEST NEEDS ABOVE REGULAR BUDGET

DESCRIPTON	COST	
2 Patrol Cars	\$60,000.00	
2 Patrol Set-Ups	\$20,000.00	
FTE LEO	\$77,000.00	<i>only \$25,000 per year for first 2 years if grant is awarded</i>
Duty Weapon	\$900.00	
Taser	\$1,600.00	
TOTAL	\$159,500.00	

NEXT LEVEL NEEDS

DESCRIPTON	COST
7 Portable Radios	\$25,000.00
6 New Duty Weapons	\$6,000.00
TOTAL	\$31,000.00



DEER LODGE Police Department

May 2024 Monthly Report

Chief George Smith

- 253 Calls for Service
- 201 Reports Generated
- 89 Traffic Stops
- 25 Citations Issued
- Highlighted Calls
 - Vehicle Theft
 - Accidental GSW to Hand
 - 2 drug cases
 - 5 Assaults
 - 3 Vandalisms
 - Injured Hawk turned over to Bozeman Raptor Rehabilitation Center

Officer Highlights

Sergeant Slauson- Investigated a gunshot wound case. Ended up being an accidental self-inflicted GSW to the hand.

Officer Schmidt- Investigated and charged a person for disorderly conduct and obstructing a peace officer.

Officer Malcomb- Located an injured Red Tail Hawk and cared for it until The Bozeman Raptor Rehabilitation Center arrived and took it.

Officer Denend- Has an ongoing case for counterfeit bills being passed.



CODE COMPLIANCE REPORT MAY 2024

HIGHLIGHTS

- 12 dog at large complaints
- 3 abandoned dogs
- 2 dogs at shelter
- One vicious dog detained at shelter pending court ruling
- 186 dog tags sold year to date
- 19 new cases added
- Enforcement of parking ordinances
- 3 citations issued
- 3 stop work orders issued
- 1 junk vehicle removed
- Culvert inspections and clearing
- Property cleanups (slow) 3 new added
- Daily patrols

INTEREST ITEMS FOR CITY COUNCIL

None



FIRE DEPARTMENT REPORT

MAY 2024

HIGHLIGHTS

3 Calls for Service:

- 2 Gas Leak calls. 1 was found to be nothing. The other was a machine struck a customer line south of city limits. We protected the scene until Northwest Energy stopped the leak.
- 1 Car wreck with entrapment. We were turned around in route as the occupants were able to free themselves.

INTEREST ITEMS FOR CITY COUNCIL

Department Happenings:

- We conducted a water operations training joint with Rock Creek Fire Rural District. All went well.

Powell County Public Health MAY 2024

Child Safety: Powell County Public Health has car seats on a sliding scale basis and a trained child seat technician to help with installation and questions.

Public Health Office: The Powell County Public Health office has changed their regularly scheduled office hours to **every Wednesday** from 11 am to 2 pm. The office is on the lowest level of the courthouse in Suite 106.

Animal bites: One dog bite in May

Influenza/Covid-19: There were 6 cases of COVID-19 reported in May.

Spring is here. Some health issues to be aware of are:

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The Powell County Public Health Board has amended the Montana Clean Indoor Air Implementation Protocol for Powell County. The amendment has changed the wording from a reasonable distance in section 4.2 to 30 feet to provide clarification for enforcement if needed.

**MONTANA CLEAN INDOOR AIR ACT IMPLEMENTATION PROTOCOL FOR
POWELL COUNTY**

Section 1 – Intent, purpose, and scope

1.1. Pursuant to MCA § 50-40-102 the Montana Legislature enacted the Montana Clean Indoor Air Act for the following purposes:

- 1) to protect the public health and welfare by prohibiting smoking in public places and places of employment;
- 2) to recognize the right of nonsmokers to breathe smoke-free air; and,
- 3) to recognize that the need to breathe smoke-free air has priority over the desire to smoke or the act of smoking.

1.2. The declared purpose of **Powell County** Clean Indoor Air Act protocol is to prohibit smoking in enclosed public places to:

- 1) reduce unwanted and unwelcome exposure to secondhand smoke; and,
- 2) assure a cleaner more hygienic environment for **Powell County**, its residents, and visitors, including children and persons with existing respiratory conditions, while recognizing the threat of smoking to public health and the environment.

1.3. All provisions included are in addition to all state and federal laws.

1.4. Failure to comply with these regulations will subject individuals, business owners, and/or employers who violate the **Powell County** Clean Indoor Air Act to the penalty provisions of MCA § 50-40-115.

1.5. If any section, paragraph, sentence, clause, or phrase of this protocol should be declared invalid for any reason, such invalidity shall not affect the remaining portions of this protocol. The provisions of this protocol are hereby severable.

Section 2 – Effective date

2.1. All provisions established under this protocol are effective as of **June 3, 2024**.

Section 3 – Definitions

Whenever used in this protocol, the following terms shall be construed as follows:

- 3.1. "Department" means the department of public health and human services provided for in MCA § 2-15-2201.
- 3.2. "Enclosed Public Place" means an indoor area, room, or vehicle that the general public is allowed to enter or that serves as a place of work, including but not limited to the following:
 - a. restaurants;
 - b. stores;
 - c. public and private office buildings and offices, including all office buildings and offices of political subdivisions, as provided for in MCA § 50-40-201, and state government;
 - d. trains, buses, and other forms of public transportation;
 - e. health care facilities;
 - f. auditoriums, arenas, and assembly facilities;
 - g. meeting rooms open to the public;
 - h. bars and casinos and similar facilities;
 - i. community college facilities;
 - j. facilities of the Montana university system;
 - k. public schools, as provided for in MCA § 20-1-220 and 50-40-104;
 - l. common use areas, including restrooms, lobbies, reception areas, hallways, and other similar places;
 - m. lobbies, hallways, and similar common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple residential facilities;
 - n. shopping malls including connecting walkways, enclosed parking areas and partially enclosed parking areas; and
 - o. indoor sports arenas, including but not limited to sports pavilions, stadiums, organized sports fields, gymnasiums, health spas, boxing arenas, roller and ice rinks, bowling alleys, golf courses, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

- 3.3. "Bar" means an establishment with a license issued pursuant to Title 16, chapter 4, that is devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving of food is only incidental to the service of alcoholic beverages or gambling operations. The term includes but is not limited to taverns, night clubs, cocktail lounges, and casinos.
- 3.4. "Place of Work" means an enclosed room where one or more individuals work.
- 3.5. "Enclosed Room" means an area with a wall on all sides reaching from floor to ceiling, exclusive of windows and doors, and does not include an area completely or partially open to the outside air such as a roofed shelter.
- 3.6. "Establishment" means an enterprise under one roof that serves the public and for which a single person, agency, corporation, or legal entity is responsible.
- 3.7. "Private Residence" means the personal living quarters of an individual, regardless of the legal status of the property, such as incorporation of a ranch, unless the residence is part of a structure, such as a health care facility, where smoking is specifically prohibited by MCA Title 50, chapter 40, part 1.
- 3.8. "Person" means an individual, partnership, corporation, association, political subdivision, or other entity.
- 3.9. The word "Board" means the **Powell County Board of Health** and its designees.
- 3.10. "Designee" means, for purposes of determining who is designated by the department to act on its behalf in enforcement of the Montana Clean Indoor Air Act of 1979, is any entity with which the department has entered into an agreement outlining mutual responsibilities.
- 3.11. "Smoking" or "To Smoke" includes inhaling, exhaling, burning, lighting, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form, including the use of electronic smoking devices and marijuana.
- 3.12. "Electronic Smoking Device" means any device, regardless of whether it contains nicotine, used to deliver nicotine or another substance in any manner for the purpose of inhaling vapor or aerosol from the device. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

Section 4 – Smoking in enclosed public places prohibited and places where prohibition inapplicable.

4.1. Places Where Smoking is Prohibited. Smoking in an enclosed public place is prohibited within Powell County, except as otherwise provided in this section.

4.2. Smoking Distance.

Smoking is not permitted within thirty (30) feet of an enclosed public place or an establishment such that smoke may not enter through its entrances, windows, ventilation systems, or other accesses and circulate to indoor, nonsmoking areas.

4.3. Signage.

The proprietor or manager of an establishment containing enclosed public places shall post a sign in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily read and understood, that smoking in the enclosed public place is prohibited and that smoking is prohibited within thirty (30) feet of the enclosed public place such that smoke may not enter through its entrances, windows, ventilation systems, or other accesses and circulate to indoor, non-smoking areas.

4.4. Exemptions.

The prohibition of smoking and smoking distance provision do not apply to the following places, whether or not the public is allowed access to those places:

- a. a private residence unless it is used for any of the following purposes, in which case the prohibition of smoking applies:
 - a family day-care home or group day-care home, as defined in MCA § 52-2-703 and licensed pursuant to MCA Title 52, chapter 2, part 7;
 - an adult foster care home, as defined in MCA § 50-5-101 and licensed pursuant to MCA Title 50, chapter 5; or
 - a health care facility, as defined in MCA § 50-5-101 and licensed pursuant to MCA Title 50, chapter 5;
- b. a private motor vehicle;
- c. school property in which smoking is allowed pursuant to the exception in MCA § 20-1-220;

- d. a hotel or motel room designated as a smoking room and rented to a guest; however, not more than 35% of the rooms available to rent to guests may be designated as smoking rooms; and
- e. a site that is being used in connection with the practice of cultural activities by American Indians that is in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.

Section 5 – Enforcement and penalties

5.1. Enforcement.

Per MCA § 50-40-108, the provisions of this part must be supervised and enforced by the department and the department's designees, local boards of health, and the boards' designees under the direction of the department.

Education and enforcement of smoking prohibitions in Section 4.1 and 4.2 is the responsibility of the managing entity of the public place. If the managing entity is unable to compel compliance with the smoking prohibitions, local law enforcement may be called upon to assist.

5.2. Penalties. Failure to comply with these regulations will subject individuals, business owners, and/or employers who violate the **Powell County Clean Indoor Air Act** to the penalty provisions of MCA § 50-40-115.

PROCEDURE FOR ENFORCEMENT IN POWELL COUNTY

The Powell County Board of Health (Board) shall enforce the Act.

Filing a Complaint

A person may file an anonymous complaint, or a signed written complaint against a business responsible for enforcing the Act with the Montana Department of Public Health and Human Services (Department) or the Powell County Board of Health (Board).

Investigating a Complaint

When a signed complaint is filed, the Board shall conduct an investigation and keep record of its findings. A written complaint is proof of a violation unless the investigation conclusively shows otherwise. An anonymous complaint is evidence of a violation only if it substantiated or corroborated by the investigation.

Investigations are to be conducted by a person delegated by the Board. An investigation is to be completed by interviewing the complaining party, and listed witnesses, and the business owner. Upon completion, the business is to be provided with a written warning (if the complaint is not validated or if it is a first violation), or a written reprimand (if the complaint is validated and it is a second or subsequent violation). A copy of the warning or reprimand shall be forwarded to the Board and kept on file for a period of three years.

Prosecution for Multiple Complaints/Violations

A conviction may not occur unless, in addition to a current validated violation, there is proof that the person also received a written warning and a written reprimand within 3 years; or there is a prior conviction within 3 years of the current validated violation.

When a business responsible for enforcing the Act receives three written reprimands within a three-year period, or, upon a single written reprimand following a conviction, the Board shall forward its file to the Powell County Attorney for prosecution.

Penalties

A person responsible for enforcing the Act is guilty of a misdemeanor and shall be subject to a fine of not less than \$10.00 or more than \$500.00 if the person owns, manages, operates, or otherwise controls an enclosed public place or an enclosed place of employment/work, and either allows or fails to prohibit smoking in the enclosed public place or the enclosed place of employment/work, or fails to post a "smoking prohibited" sign at all public entrances of an enclosed public place.

On a first conviction the person shall be punished by a fine of \$100.00 on the second conviction the person shall be punished by a fine of \$200.00. On the third or any subsequent convictions the person shall be punished by a fine of \$500.00 per conviction.

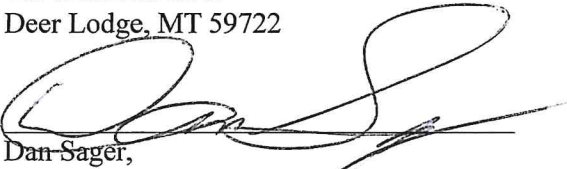
Executed this 3rd day June, 2024.

VACANT

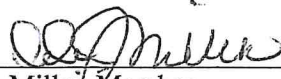
REM Mannix,
Powell County Commissioner
Powell County Board of Health
409 Missouri Ave.
Deer Lodge, MT 59722




Ruth Koehler,
Powell County Commissioner
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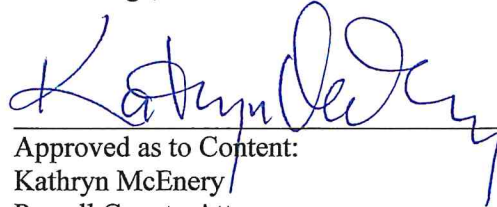
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Ida Miller, Member
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Jennifer Spring, Member
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Approved as to Content:
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