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# CITY OF DEER LODGE

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# COUNCIL AGENDA

July 15, 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 Presentation:**

- a. CCIP Start up with Stahly Engineering and Associates

**4. Public Hearing:**

- a. 312 Missouri Avenue Conditional Use Permit

Action Item: Vote on Approval of the Conditional Use Permit - Jordan

**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: July 1, 2024
- b. Department Reports: CAO, Public Works, Police, Fire, Code Enforcement, Recreation
- c. Ordinance 2024-5 2<sup>nd</sup> Reading: Rezoning of Old Pioneer Federal Building – Jordan
- d. Ordinance 2024-6 2<sup>nd</sup> Reading: Reducing Speed Limits at AOK Campground – Jordan

**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. Beaumont Place Addition Request for Temporary Abatement of Street Maintenance District Assessments - Jordan
- b. Cutler Bros Liquor License Renewal – Mayor Jess
- c. Emergency Ordinance 2024-7: Immediate Reduction of Speed Limits at AOK Campground - Jordan

**9. Next Meeting Announcement(s)**

- a. Regular Meeting – Monday, August 5, 2024 at 6pm.

**10. Adjournment**

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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](mailto:cthompson@cityofdeerlodgemt.gov) | 406.846.2238

# CONDITIONAL USE PERMIT STAFF REPORT

Jordan Green – July 15, 2024

## **Introduction –**

Jesse Mullen of 312 Missouri Avenue submitted a Conditional Use Permit application on June 17, 2024. The petitioner is seeking permission to operate a full-time residence in the back of the Silver State Post building, located at 312 Missouri Avenue, while keeping the front of the building to be used as office space.

The parcel is in Deer Lodge in the Original Addition, Section 33, Township 08N, Range 09W, Block 18, and the west 36.3 feet of the east 70 feet of lots 17 through 20. The parcel is located in the B-1, Central Business District of the City of Deer Lodge Zoning Ordinance. The location of the parcel is identified on the attached map.

The City of Deer Lodge Zoning Ordinance requires the issuance of a Conditional Use Permit for residential and lodging uses on the first floor in the Central Business District.

## **Analysis of Application –**

The analysis of this application followed the requirements specified in Chapter 12 of the City of Deer Lodge Zoning Ordinance. The requirements and staff comments used in this analysis follow.

### **Chapter 12, Section 2-1: The use conforms with the objectives of the Growth Policy and the intent of this Code**

This use conforms with the Growth Policy by promoting infill development and providing a better variety of housing types and locations. The Zoning Code states that the intent of the district is to act as a “focal center” for “the community’s business, government, service, and cultural activities.” Allowing the applicants to operate a residential space in the back half of the structure will not compromise the front half and its contribution to the intent of the district. Furthermore, adding more residential uses downtown decreases vacancy, allows for better mixing of compatible uses, and locals residential uses within walking distance of amenities.

### **Chapter 12, Section 2-2: Such use will not adversely affect nearby properties or their occupants**

The proposed residential use will not affect nearby properties or their occupants. A business will typically have a greater impact on parking than a residential use, and there is no expected increase in traffic due to the allowance of a residential use. Parking is readily available for the future tenants or owners of this residential space. Furthermore, the properties on both sides of the structure are currently residential uses. As such, they will not be adversely affected by the use of the space as residential.

### **Chapter 12, Section 2-3: Such use meets density, coverage, yard, height and all other regulations of the district in which it is to be located, unless otherwise provided for in this Code**

As the Conditional Use would not change the exterior structure of the building in and of itself, there will be no impact on the regulations of the Central Business District as provided in the Zoning Code.

**Chapter 12, Section 2-4: Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter**


The City Administrator sent out 27 letters to adjacent property owners asking for comments for the Conditional Use public hearing. There have been no responses to the letters. The Silver State Post ran the required public hearing notice in their July 3<sup>rd</sup> and July 10<sup>th</sup> editions.

A public hearing for the Conditional Use Permit Application will be held for the Planning Board on July 15, 2024. The second public hearing for City Council will be held July 15, 2024, should the Planning Board give a favorable recommendation to City Council.

**Recommendation –**

Based on the above information as well as the provided preliminary plan documents, the City Administration recommends the Planning Board send a favorable recommendation of the CUP application subject to the following considerations:

- The applicants are required to abide by all testimony as presented in the public hearings before the Planning Board and City Council.
- The applicants receive all necessary permits for commercial buildings from the State Department of Labor and Industry and follow all applicable building codes and local zoning codes.

  
\_\_\_\_\_  
Chief Administrator/ City Planner

07/12/23  
Date

Attachment: Parcel Location



# City of Deer Lodge

300 Main Street | Deer Lodge, MT | 59722 | 406.846.2238 | 406.846.3925 (f) | cityofdeerlodge.org

## CONDITIONAL USE PERMIT

### APPLICATION

The submission of this application acknowledges that all information is true and correct including all supporting documents and plans.

Site Plan - The plan must show parcel boundaries, existing and proposed structures, access from public road, parking areas, waterways & drainage structures, landscaping, and public infrastructure.

Please submit the completed Application and all supporting documents & scaled plans, and the appropriate fee to the Deer Lodge City Hall - 300 Main Street, Deer Lodge, MT 59722.

Applicant(s): Jesse Muller

Address: 312 Missouri Ave Deer Lodge MT 59722

Email: Jessejamesmuller@gmail.com Telephone #: 406 438 2540

Property Address: 312 Missouri Ave Deer Lodge MT 59722

Assessor Code(s): \_\_\_\_\_ Geocode(s): \_\_\_\_\_

Authorized Agent Information: Jesse Muller

Address: see above

Email: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Property Owner / Authorized Agent Signature: [Signature] Date: \_\_\_\_\_

Legal Description of Property (Subdivision / Addition and Blocks & Lots): \_\_\_\_\_

Zoning District: B1 Overlay District: \_\_\_\_\_

Use of Structure or Property? Residential / Commercial

Describe the Request (Submit additional pages if necessary & all supporting documentation): \_\_\_\_\_

Conditional use to allow residential use long term in back of unit and office space in front.

Owner / Agent Initial: [Signature]

Date: 6/17/24

# CITY COUNCIL

## MINUTES

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The City Council met on July 1, 2024, at 6 PM | Council Chamber City Hall

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

**Members Absent:** None

**Mayor:** James Jess

**CAO:** Jordan Green

**Staff:** Cyndi Thompson, Peter Elverum, Stan Glovan

**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. None

**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 – Member Pierson gave his report for Public Works as it didn't make it in the initial report.

c. Board Report

d. June Claims- Receive the informational report. Accept the recommendation from the Finance Committee.

Council President motioned to approve the consent agenda items as presented. Member King-Chavez seconded the motion. 8 Ayes, 0 Nos. 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. Ordinance 2024-5 1<sup>st</sup> Reading: Rezoning of Old Pioneer Federal Building – Jordan

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 accommodate Cowpoke Ranch supply using the property as a new storefront. City Council held a public hearing on June 17, 2024 and voted to approve the rezoning.

Member Fox titled Ordinance 2024-5:

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

Member Pierson motioned to approve the 1<sup>st</sup> reading of Ordinance 2024-5 as presented. Member Hayes seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- b. Ordinance 2024-6 1<sup>st</sup> Reading: Reducing Speed Limits at AOK Campground – Jordan

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. This was approved and recommended by the Chief of Police.

CAO Green titled Ordinance 2-24-6:

**AN ORDINANCE BY THE DEER LODGE CITY COUNCIL AMENDING TITLE 10 OF THE CITY OF DEER LODGE CODE OF ORDINANCES TO REDUCE THE SPEED LIMIT AT THE CITY RV CAMPGROUND TO 5 MPH.**

Council President Kersch motioned to approve the 1<sup>st</sup> reading of Ordinance 2024-6 as presented. Member King-Chavez seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- c. iWorQ Software Business Licensing and Online Pay Feature Contract – Jordan

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. This was approved and recommended to City Council by the Finance Committee.

Council President Kersch motioned to approve as presented. Member King-Chavez seconded the motion. 8 Ayes, 0 Nos. Motion passed.

d. Marijuana Excise Tax Update – Jordan

Jordan provided an update to City Council. 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. Finance Committee reviewed this at their July 1st meeting.

No comments or motions made by City Council.

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

- Finance – July 1<sup>st</sup> at 4:30pm
- Economic Growth & Dev – July 10<sup>th</sup> at 5pm
- Council Operations – July 8<sup>th</sup> at 5pm
- Public Health & Safety – July 11<sup>th</sup> at 5pm
- Planning Board – July 15<sup>th</sup> at 10am
- Council #2 – July 15<sup>th</sup> at 6pm
- Parks & Rec – July 22<sup>nd</sup> at 5pm
- Public Works – July 23<sup>rd</sup> at 5pm
- Joint City/County (if needed) – July 17<sup>th</sup> at 5:30pm

**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. Mayor Jess informed Council No Joint City/County Meeting this month.
- b. Member Fjelstad gave his resignation. All present thanked him for his service and applauded.

**9. Next Meeting Announcements**

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

**10. Adjournment**

Mayor Jim Jess adjourned the meeting at 6:30PM.

Prepared By: Cyndi Thompson, City Clerk

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Mayor Jim Jess

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Date



**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



*Montana's Undiscovered Treasure*

300 MAIN STREET  
DEER LODGE MT 59722-1057  
406.846.2238

**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:** 312 Missouri Avenue Conditional Use Permit

**For Meeting on:** 07/15/2024 **Staff Member/Committee Referring:** Planning Board

**Description of the item:**

Jesse Mullen wishes to convert the back half of the Silver State Post building into a full-time residential use, while keeping the front space as an office. The B-1, Central Business District Zoning requires a conditional use permit for first floor residential uses.

**Attachments:**

1. 312 Missouri Avenue CUP Staff Report

**Previous Committee Engagement:**

*(discussion, outcomes, recommendations, public comment)*

The Planning Board discussed at their July meeting.

**Recommended Motion/Action:**

Approve the Conditional Use Permit subject to the conditions found in the staff report.

# CITY OF DEER LODGE

## CAO REPORT

July 2024

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### PROJECT SUMMARIES

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#### City Planning

- Stahly has presented the first round of subdivision regulation amendments to stay compliant with state law. Planning Board has begun review.
- 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 latecomers agreements concerning the Pintler Meadows Subdivision.
- The two subdivisions have received their approval from the City to submit engineering plans to the Montana DEQ. DEQ has approved the infrastructure hookup and are almost done with the actual schematic review.
- The Planning Board has been working on zoning districts for the two subdivisions.

#### Grants

- We have received notice of availability for \$342,500 from the Reclamation and Development Grant (RDGP) cycle for remediation at the Passenger Refueling Area. We had received this grant last year, but the funding was unavailable due to State cash flow until now. We have received an additional \$46,000 planning grant to begin work on the project before we can start cleanup work. Hydrometrics has been performing a monitoring well inventory.
- DEQ subcontractors performed additional site characterization at the Hotel Deer Lodge on 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. Open houses were held June 27<sup>th</sup> and 28<sup>th</sup>. We had about 25 attendees. We are now working on a survey instrument.
- 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. Samples have been taken and we are awaiting the report.
- 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.

- We did not receive funding from the Pilot Community Tourism Grant Program. Amanda Cooley and I had a review call with Department of Commerce. They gave some ideas to strengthen the application, but said it was very strong. The only reason we did not get the funding is because they selected one community per region, and Anaconda's was a little stronger. We are confident we will win the \$2.75 million next year.
- 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.
- We also received an MCEP Planning Grant for the Wastewater Treatment Plant PER update. We had previously been told we did not win this award, but the State received some extra funding. I have written the Request for Proposals and will perform a limited solicitation this week.
- Working on MCEP Construction and RRGL Construction grants for Phase 2 of the Sewer Inflow and Infiltration project.
- ATIP application for the Main Street Makeover Project is almost complete. We have received half match from MDT and are submitting this week.
- Reviewing and preparing to apply for an Emergency Tourism Grant from the bed tax program.

#### **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.
- We have begun transfer of business licensing from Black Mountain Software to iWorQ.
- The City has adopted a communications strategy for getting information to the public better.
- Jodi Rogers with the League of Cities and Towns has been helping prepare and catch up on financial reporting.

#### **Floodplain Administration**

- Received first draft of new floodplain boundaries from DNRC. 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.
- Floodplain Development Permits submitted by the County for work at the Milwaukee Roundhouse Site and by Northwestern Energy for natural gas line replacements. Northwestern Energy FDP approved.
- Met with members of the Breanna Rome Memorial Foundation about floodplain requirements at the site. They are working on a site plan to submit as part of a permit.

## **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.
- 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.
- The Chamber of Commerce has agreed to support the creation of a downtown Business Improvement District. Economic Growth and Development Committee will invite residents and business owners to be part of a steering committee.

## **INTEREST ITEMS FOR CITY COUNCIL**

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- 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

### June 2024

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#### PROJECT SUMMARIES

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##### **Street Maintenance**

- Sweeping Streets
- Grading Alleyways
- Patching potholes

##### **Sewer Utility**

- 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 has been completed. 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. Northwestern Energy has the pedestal for the Rialto lift station wired in. Once the tank is in place, the contractor's electrician will connect the electrical to that pedestal. The lining of the lift station and some additional electrical work and piping have been completed
- 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 discharge permit.
- Attending monthly meetings with all stakeholders for the Inflow and Infiltration project

##### **Parks and Rec**

- Cemetery Crew watering and mowing the parks

##### **Water**

- The first phase of the new Public Water Supply Well is complete. Next steps will be the design for the well house and the tie-in into the distribution system. Anticipated completion 2025
- Working with Hydrosolutions on redundant water rights transfer to the new well
- Lightning Strike near the water tank caused a power surge through the PLC at the water tank. Ran wells in hand for nearly two weeks before the new parts could be

delivered and installed. The UPS, the surge protector, and the level transducer were all damaged and needed replaced

#### **Solid Waste**

- New garbage cans have been delivered

#### **Mosquito Abatement**

- Spaying for mosquitos

#### **INTEREST ITEMS FOR CITY COUNCIL**

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- 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
- Ongoing correspondence with the Developers for the Beaumont Place Addition Subdivision
- Attended Continuing Education trainings sponsored by Montana Rural Water Systems and Core and Main
- New public works employee started June 17<sup>th</sup> and is working out well
- Modified the lower Banner Posts on the Decorative Light Poles on Main St. While installing the Senior Class Banners in May for graduation, we noticed there were several lower banner mounts that were broken off. The mounts have been modified to include a spring on the lower mount to absorb the impact of being hit and potentially reducing the risk of breaking off
- Supplied Barricades and garbage cans for the territorial day parade and street closure
- Supplied candles for the draft horse expo



# DEER LODGE Police Department

June 2024 Monthly Report

Chief George Smith

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- 263 Calls for Service
- 210 Reports Generated
- 96 Traffic Stops
- 31 Citations Issued
- Highlighted Calls
  - 8 Assaults/Disturbances
  - 6 Unwanted Person(s)
  - 3 Vandalisms
  - 1 Unattended Death
  - 2 Trespassing
  - 2 Internet Fraud
  - 3 Drug Cases
  - 13 Bar Checks
  - 9 Welfare Checks
  - 8 Medical Assists

## Officer Highlights

Sergeant Slauson- 21 cases, including a drug distribution case.

Officer Schmidt- 16 cases, including a domestic violence case.

Officer Malcomb- 93 cases, including 70 traffic stops.

Officer Kinsey- 13 cases, including 2 disturbances.

Officer Denend- 52 cases, including 11 bar checks.



# FIRE DEPARTMENT REPORT

JUNE 2024

## **HIGHLIGHTS**

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### **4 Calls for Service:**

- 1 Truck vs powerline. Truck was in the river. We helped protect the scene then handed it to the PD.
- 2 Vehicle fires. Both at MM 191 on I-90 eastbound on separate days.
  - 1 RV with a blown engine component. Occupant had out before we arrived.
  - 1 Car on the side of the Frontage Road with fire in the engine compartment. We extinguished. The car was unattended.
- 1 Electrical hazard call. Occupant was hanging pictures and put a nail through and electrical wire. We shut the breaker off and advised they call an electrician.

## **INTEREST ITEMS FOR CITY COUNCIL**

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### **Department Happenings:**

- None





# CODE COMPLIANCE REPORT

June 2024

## HIGHLIGHTS

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- 43 new cases started
- 10 dog at large calls
- 1 dog surrender
- 3 animal attacks (citations issued)
- 2 reports of animal cruelty
- 2 City to Pawh's adoptions of abandoned animals
- 1 dog held at shelter per judge's order
- 2 dog barking complaints
- 196 dog tags sold year to date
- 26 property and grass cleanup cases started 7-01-2024
- Water usage monitoring
- 2 cases started for watering on wrong days
- 2 stop work orders
- 5 citations issued
- 4 junk vehicles removed
- Beaver abatement
- 12 citizen complaints
- Monthly culvert inspections
- Daily patrols and inspections

## INTEREST ITEMS FOR CITY COUNCIL

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None



# RECREATION PROGRAM REPORT

## JUNE 2024

### **HIGHLIGHTS**

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- City Rec has 8 teams this year for softball. 1 team played a couple games but couldn't field a team regularly.
- Territorial days Cornhole was cancelled due to rain and lack of participation.
- Draft horse expo Cornhole tournament was lacking in participation also we had 14 signups for a total of 7 teams.
- July 29th-August 2nd, we have soccer camp.
- Cooking on the Clark for was cancelled but we will connect with the brews and blues and see if they want us to do a cornhole tournament also.

### **PROJECT SUMMARIES**

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None

### **INTEREST ITEMS FOR CITY COUNCIL**

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None

### **STAFFING CONCERNS**

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None.

### **COVID-19 RESPONSE**

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No update.

**ORDINANCE 2024-5**

**AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REZONING 401 MILWAUKEE AVENUE (28-1678-33-4-06-01-0000) AND 409 4<sup>TH</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> Street through subsequent ordinance readings; and

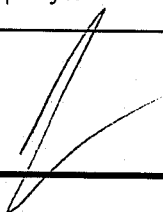
NOW, THEREFORE, BE IT ORDAINED, that the Deer Lodge City Council hereby rezones 401 Milwaukee Avenue and 409 4<sup>th</sup> Street from the R-3, Residential High-Density District to the B-1, Central Business District.

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.

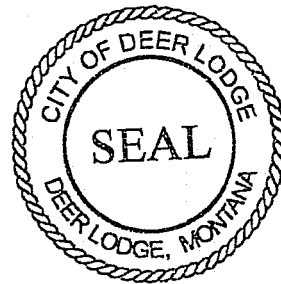
Passed and Approved by the City Council of the City of Deer Lodge, Montana on the first reading at a Regular Council Meeting on the 1<sup>st</sup> day of July, 2024.

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

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

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk

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

**ORDINANCE 2024-6**

**AN ORDINANCE BY THE DEER LODGE CITY COUNCIL AMENDING TITLE 10 OF THE CITY OF DEER LODGE CODE OF ORDINANCES TO REDUCE THE SPEED LIMIT AT THE CITY RV CAMPGROUND TO 5 MPH.**

**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

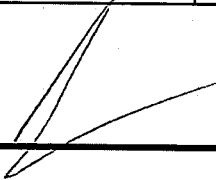
WHEREAS, the City Council of the City of Deer Lodge wishes to provide for better public health and safety at the Campground by reducing the speed limit at the park and on the rights-of-way within the park to 5 mph.

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.

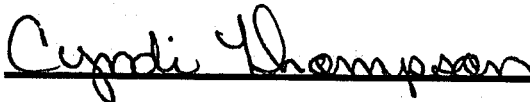
SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2025-6 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed 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.

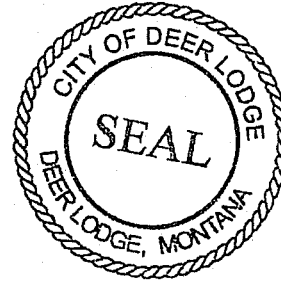
Passed and Approved by the City Council of the City of Deer Lodge, Montana on the first reading at a Regular Council Meeting on the 1<sup>st</sup> day of July, 2024.

Council Member	Yea	Nay	Abstain/Present	Absent
Curt Fjelstad	X			
William Fox	X			
Kirk Hayes	X			
John Henderson	X			
Robert Kersch	X			
Rian King-Chavez	X			
John Molendyke	X			
Gordon Pierson	X			
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 15<sup>th</sup> 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				

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James Jess, Mayor

Attest:

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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**  
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:** COMMITTEE  **TO:** CITY COUNCIL

**Agenda Item Name:** Beaumont Place Add. Req. for Temp. Abatement of Street Maintenance Assessments

**For Meeting on:** 07/15/2024 **Staff Member/Committee Referring:** Finance

**Description of the item:**

This draft contract is between the Beaumont Place Addition and the City. As Beaumont Place will not be built out immediately, the developers are requesting a temporary abatement on street maintenance assessments. The abatement would be on vacant lots for 5 years or when a building permit is pulled, whichever is sooner. This will help keep the development affordable, and will not impact our current street maintenance projects.

**Attachments:**

1. Draft Street Maintenance Assessments Abatement Contract

**Previous Committee Engagement:**

*(discussion, outcomes, recommendations, public comment)*

Finance Committee discussed at their July meeting and recommended approval to the City Council.

**Recommended Motion/Action:**

Approve the contract and authorize the Mayor to sign on behalf of the Council.

**CONTRACT FOR TEMPORARY STREET MAINTENANCE ASSESSMENT  
ABATEMENT**

**BETWEEN**

**CITY OF DEER LODGE, MONTANA**

**AND**

**MTX DEER LODGE, LLC & BEAUMONT PLACE DEVELOPMENT, LLC**

This Contract ("Agreement") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2024, by and between the City of Deer Lodge, a municipal corporation of the State of Montana, hereinafter referred to as the "City," and MTX Deer Lodge, LLC and Beaumont Place Development, LLC, both private companies, hereinafter referred to as "MTX and Beaumont Place Development."

**RECITALS**

WHEREAS, MTX and Beaumont Place Development have gained preliminary plat approval for a major subdivision called the Beaumont Place Addition within the City; and

WHEREAS, the City has a Street Maintenance District #4 that assesses properties within the city limits for the purpose of maintaining streets pursuant to Title 7, Chapter 12, Part 44 of the Montana Code Annotated (MCA); and

WHEREAS, under MCA 7-12-4401, the City is authorized to create and maintain street maintenance districts for the purpose of maintaining streets, avenues, and other public places within its jurisdiction; and

WHEREAS, under MCA 7-12-4402, the City Council may create maintenance districts, define their boundaries, and designate them by number; and

WHEREAS, construction will not commence on all lots within the Beaumont Place Addition immediately, resulting in many lots remaining vacant until such construction takes place; and

WHEREAS, vacant lots will not contribute to street or road deterioration until such time that construction commences; and

WHEREAS, MTX and Beaumont Place Development have requested a temporary abatement of the street maintenance assessments on these vacant lots to reduce the tax burden;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

## **1. TERM OF ABATEMENT**

1.1 The abatement of street maintenance assessments shall apply to the vacant lots within the Beaumont Place Addition.

1.2 The abatement for each lot will cease as soon as the owner of the lot has applied for a building permit for the lot.

1.3 The maximum timeframe of any lot's abatement shall be five (5) years from the date of final plat approval.

## **2. OBLIGATIONS OF THE CITY**

2.1 The City agrees to temporarily abate the street maintenance assessments on the vacant lots within the Beaumont Place Addition in accordance with the terms specified in this Agreement.

2.2 The City shall resume the street maintenance assessments on any lot as soon as a building permit is applied for that lot or upon the expiration of the five (5) year abatement period, whichever occurs first.

## **3. OBLIGATIONS OF MTX AND BEAUMONT PLACE DEVELOPMENT**

3.1 MTX and Beaumont Place Development shall promptly notify the City in writing upon the application for any building permit within the Beaumont Place Addition.

3.2 MTX and Beaumont Place Development shall comply with all other applicable City ordinances, regulations, and requirements during the development and construction within the Beaumont Place Addition.

## **4. MODIFICATIONS**

4.1 Any modifications to this Agreement shall be agreed to by both parties and must be in writing and signed by both parties.

## **5. NOTICES**

5.1 Any notice required or permitted under this Agreement shall be deemed sufficiently given or served if sent by certified mail, return receipt requested, or delivered by hand to the respective addresses of the parties as set forth below:

**City:**

City of Deer Lodge  
300 Main Street  
Deer Lodge, MT 59722

**MTX and Beaumont Place Development:**

PO Box 833

Deer Lodge, MT 59722

Either party may change its address for notice by providing written notice to the other party.

**6. SEVERABILITY**

6.1 If any term of this Agreement is declared or becomes void or unenforceable by judicial decree or operation of law, all other terms of this Agreement shall continue to be effective unless the void or unenforceable term materially defeats the manifest intent and purpose of this Agreement.

**7. JURISDICTION AND VENUE**

7.1 This Agreement shall be governed by and construed in accordance with the laws of the State of Montana. The parties agree that any litigation concerning this Contract must be brought in the Third Judicial District Court, Powell County, State of Montana.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the day and year first above written.

**CITY OF DEER LODGE**

By: \_\_\_\_\_  
James Jess, Mayor

**MTX DEER LODGE, LLC AND  
BEAUMONT PLACE ADDITION, LLC**

By: \_\_\_\_\_  
Lin Hicks, Owner

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Peter Elverum, City Attorney

**ATTEST**

By: \_\_\_\_\_  
Cyndi Thompson, City Clerk

**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
Peter Elverum  
**City Clerk**  
Cyndi Thompson  
**Compliance Officer**  
Kody Ryan  
**Public Works Superintendent**  
Trent Freeman  
**Treasurer**  
Stanley Glovan  
**City Services Coordinator**  
Gena Micu



*Montana's Undiscovered Treasure*

300 MAIN STREET  
DEER LODGE MT 59722-1057  
406.846.2238

**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:** Emergency Ordinance 2024-7: Immediate Reduction of Speed Limit at AOK Campground

**For Meeting on:** 07/15/2024 **Staff Member/Committee Referring:** Mayor Jess

### **Description of the item:**

This emergency ordinance will do exactly what Ordinance 2024-6 will do, only with an immediate effective date. Due to continuous speeding at the Campground, and with this being the busy season for the Campground, an immediate reduction in speed limits will protect public health and safety. The ordinance is only valid for 90 days or until Ordinance 2024-6 becomes effective, whichever is sooner.

### **Attachments:**

1. Emergency Ordinance 2024-7

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

The City Council passed Ordinance 2024-6 at their July 1, 2024 meeting. However, upon second reading it will only go into effect 30 days after July 15.

### **Recommended Motion/Action:**

Pass emergency ordinance 2024-7.

**EMERGENCY ORDINANCE 2024-7**

**AN EMERGENCY ORDINANCE BY THE DEER LODGE CITY COUNCIL TO IMMEDIATELY REDUCE THE SPEED LIMIT AT THE CITY RV CAMPGROUND TO 5 MPH DUE TO SPEEDING IN THE AREA THAT COULD RESULT IN PEDESTRIAN INJURY OR FATALITY.**

**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.

WHEREAS, the City Council of the City of Deer Lodge passed Ordinance 2024-6 on first reading at its regular meeting on July 1, 2024, which, if passed upon second reading, would amend Title 10 of the City of Deer Lodge Code of Ordinances to require the speed at the RV Campground to be 5 mph and would be effective August 16, 2024; and

WHEREAS, 7-5-104, MCA states that in the event of an emergency, the governing body may waive the second reading. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires a two-thirds vote of the whole governing body for passage. An emergency ordinance shall be effective on passage and approval and shall remain effective for no more than 90 days; and

WHEREAS, there is concern that the current speed limit, and the presence of speeders in the RV Campground, provides imminent threat of pedestrian injury or fatality; and

WHEREAS, the City Council of the City of Deer Lodge sees that an immediate reduction in speed at the RV Campground to 5 mph should be passed to protect the public health and safety of pedestrians during the time period in which Ordinance 2024-6 may not become effective.

NOW, THEREFORE, BE IT ORDAINED, that the Deer Lodge City Council hereby sets a 5-mph speed limit within the boundaries of the City Campground on Park Street, adjacent to the Clark



Fork River. This emergency ordinance is valid until October 15, 2024, or until Ordinance 2024-6 becomes effective, whichever is sooner.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Emergency Ordinance 2025-7 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Emergency Ordinance. The City Council hereby declares that it would have passed this Emergency Ordinance 2024-7 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 and final reading at a Regular Council Meeting on the 15<sup>th</sup> day of July, 2024.

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

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk

**The effective date of Emergency Ordinance 2024-7 is July 15, 2024 and will remain in effect until October 15, 2024 or until the effective date of Ordinance 2024-6, whichever is sooner.**