City of White Sulphur Springs

The regular meeting of the City Council was held on April 2, 2018 at 7:00 P.M. Mayor Rick Nelson called the meeting to order with the following members present:

George Kirkwood
Sara Driemeyer
Mike Eby
Rob Brandt

Mayor Rick Nelson asked council if there is a motion to accept or reject the minutes from the last meetings. George Kirkwood motioned to accept the regular minutes. Rob Brandt seconded the motion. All said Aye. Motion carried and passed.

Public Discussion – The Mayor asked if there was any public discussion.

Sheriff's Report – The Sheriff, Jon Lopp, any questions on the COMM Report. Jon Lopp said that they are slowly getting vehicles removed so it is working to clear the City streets. Jon Lopp asked if there were any other comments or concerns.

City Fire Report – Fire Chief, Otto Ohlson, said that it's been a good couple of months with no fire calls and a few fire inspections that all turned out well. Otto Ohlson said that one of the big concerns would be to get the new fire trucks to fit with the doors up all the way. Otto Ohlson said that they are looking into electric door openers. The County is going to fund the one electric door and the City would do the other one. Otto Ohlson asked if there were any questions.

City Engineer - Terry Threlkeld – The Mayor said that Terry Threlkeld would not be making the meeting do to the weather but he would get together and discussing the grant updates.

New Business

Brock Gebhardt - Brock Gebhardt presented the Council a plan to reorganize his 4 lots on Main Street for approval. Brock Gebhardt will have the property surveyed to reflect the 4 lots. George Kirkwood said that if the County records do not have a problem then he does not have a problem with it. The Mayor asked the Council if there was a motion to accept the changes of the 4 lot lines for Brock Gebhardt. Rob Brandt motioned to accept the change of the 4 lots. George Kirkwood seconded the motion. All said Aye. Motion carried and passed.

Bank CD's – Money Market Accounts – The Mayor spoke with Chris Hedrich about the CD's Linda Holm was on vacation. Mike Grove and the bank controller have been working on a proposal for the City CD's. The Bank hopes to have something to the City by the end of the week.

Sterling Codifiers – Ordinance Code Book - The Mayor said that Rob Rollins from Sterling Codifiers just received the answered emails, he just got back from a vacation, and has not had a

chance to review it all in order to propose a cost for updating the Ordinance book but he will and get back to the City.

David Ulrich – Rocky Mountain Computer Supply – City Offices – Quotes –. The Mayor said that George Kirkwood and Mike Eby were present when David Ulrich reviewed the three computers to provide a second opinion for the City Office's technology needs and get things running a bit more smoothly for the office with what the City currently has for equipment and then the City could start making bigger changes as needed.

The Mayor reviewed the email that David Ulrich sent the City below.

Recommend new business class firewall:

SonicWALL TZ300W Firewall with 3-year Support/Warranty $950

Estimate 1-2 Hours of Configuration/Installation/Testing $80/hr

(Would schedule trip to include other things as well)

File sharing for staff:

Share files off one of the current computers to get started

I would think this would take maybe 1 hour to setup $80/hr

(If more security is needed a small server would be recommended)

Recommend Online backup service:

Basic Online Backup of Main system with shared data $35/month

(Can always migrate to a more robust online backup solution $$75/month)

Computers:

Front Computer (Custom build)

Older system, but still has good performance according to user. It does need a good malware and application cleanup ran on it from what I saw. Would possibly use this one as the file sharing system to get that going. To have better reliability, since it's older, it would be a good idea to replace this one with a newer one if you add that functionality to it at some point. I would remove the 2 hard drives currently doing the backups and run full hardware test on it to make sure things look good if you want to use it for another year and at least feel semi-comfortable with it. Has antivirus subscription for a little bit still but still needs a cleanup.

Front Computer (Acer)

Again, an older system, but newer than the other front system. Still seems to perform good, needs a minor cleanup and would also run hardware diagnostics to make sure it passes current tests and update drivers. Currently not backed up, but if we do a file share off another system would make sure the user is saving things wanting to be backed up to that location. Has antivirus subscription for a little bit.

Mayor's Laptop (Acer)

Older system but for now functions for what is needed but would like to be sharing files like others. Would like to hook an external monitor to it as well while working on it in the office. Basic cleanup recommended, with updates for software and hardware. Needs virus software as none installed other than basic windows virus software.

New Dell Computer Tower estimate w/3yr warranty $950-$1100

(This would not include Office as I'm assuming there is a software licenses currently)

Monitor Pricing:

Dell E2216H (22" LCD)	$145
Dell E2417H (24" LCD)	$160
Dell P2417H (24" Proseries LCD)	$245

RMCS Proactive Service Agent w/Virus Software

As discussed, we have a monthly service for Workstations that allows us to help manage them, maintain the windows updates, virus software with updates/scans as well as some routine cleanups on them. This service also allows us to remotely connect and screen share with the user to trouble shoot problems they may be having, as long as the computer boots up and can get to the internet. This service is $11/pc/month, so for the 3 pc's it would be $33/month but includes the virus software as well as other features we can go over if interested. If you would like us to help support your PC's moving forward we will require this as a tool for us to help you.

George Kirkwood said grand total of about $1200. Rob Brandt said his pricing is in line with what he offered is in line to give us something that is needed but not extravagant over kill. Having the remote access to trouble shoot issues will save the City trip costs. It is a very fair proposal. The most important thing is to change out the router with the fire wall to fix the security issues. It is a good start moving forward. George Kirkwood would like a number on the small server cost just in case. George Kirkwood motioned to have Rocky Mountain Computer get started and get it working for the City. Sara Driemeyer seconded the motion. The Mayor said that there was a motion and a second to let Dave Ulrich from Rocky Mountain Computer start addressing the City needs and issues. All said Aye. Motion carried and passed.

<u>Updating Policy Manual – Clarification on vacation polices – Montana Code</u> - The Mayor said on updating the Policy Manual about clarification on vacation policies per Montana Code Susan Wordal went through it and added the part in Montana Code. Unfortunately when Susan Wordal sent the email the Resolution did not transmit through to act on the Resolution. This will have to be tabled without a Resolution to act on.

Policy on travel reimbursements – Mayor $50 monthly for gasoline – Resolution # 592 a Resolution of the City of White Sulphur Springs, Montana, establishing mileage reimbursement for the Mayor for in-town driving in the performance of Official Duties was read aloud below.

A RESOLUTION OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, ESTABLISHING MILEAGE REIMBURSEMENT FOR THE MAYOR FOR IN-TOWN DRIVING IN THE PERFORMANCE OF OFFICIAL DUTIES.

WHEREAS, the Mayor of White Sulphur Springs has duties in addition to the monthly meetings each month which necessitate driving within the city limits of White Sulphur Springs; and

WHEREAS, while the City maintains vehicles for use of employees, the City does not regularly maintain a vehicle for the Mayor's use for required travel; and

WHEREAS, the City Council has, in the past, compensated other Mayors for the use of their personal vehicles when used for necessary driving by the Mayor while in the performance of official duties; and

WHEREAS, the City Council believes the Mayor should not have to expend personal funds nor track mileage for driving in town, although the Mayor should be subject to the same requirements as other employees for travel outside the city limits.

NOW, THEREFORE BE IT ORDAINED AND RESOLVED BY THE CITY OF WHITE SULPHUR SPRINGS, MONTANA as follows:

The City of White Sulphur Springs hereby establishes a monthly stipend of $50.00 (Fifty Dollars), in addition to the Mayor's regular salary, shall be paid to the Mayor for each month the Mayor is in office to reimburse the Mayor for costs resulting from the usage of the Mayor's personal vehicle while on official business within the City. The Mayor shall be subject to the same policy for reimbursement for travel outside the city limits as other employees.

The stipend shall be retroactive to the beginning of the year. And, each year hereafter, the amount shall be reviewed by the City Council and approved in the annual budget.

This measure is effective upon passage.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the ___ day of _____, 2018.

The Council had a discussion and would like to make the stipend $80.00 a month. This is what it would take to typically fill a tank of gas for a truck. George Kirkwood motioned to pass Resolution #592 with the modification of changing the stipend to $80.00 a month. Rob Brandt seconded the motion. Motion has been made and seconded to pass Resolution #592. All said Aye. Motion carried and passed.

Resolution #591 on Temporary Moratorium on Water Well Permits/Applications - The Council had a discussion on Resolution #591 below.

RESOLUTION OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, ESTABLISHING A TEMPORARY MORATORIUM ON WATER WELL PERMITS WHILE THE CITY COUNCIL CONSIDERS MODIFICATIONS TO THE MUNICIPAL CODE TO BETTER ADDRESS RESTRICTIONS TO PROTECT THE PUBLIC WATER SYSTEM AND THE BOND ISSUE ASSOCIATED WITH THE WATER SYSTEM.

WHEREAS, the City of White Sulphur Springs maintains a public water system; and

WHEREAS, the public water system incurred expenses associated with upgrades to the system which are being paid for by a bond issue; and

WHEREAS, the bond issue is supported by funds derived from a calculation based on the number of water users and the metered use of water; and

WHEREAS, the City's ability to meet its obligations under the bond issue may be impacted by withdrawal of large water users from the City's public water system through the use of well water; and

WHEREAS, the City has a mechanism for granting permits for water well drilling through an application process, and the application is considered by the City Superintendent; and

WHEREAS, the Council desires to consider all water well drilling applications on their merits and consider such applications on a case-by-case basis and allow for an appeal in the event the City Superintendent should decide to decline a permit application; and

WHEREAS, the Council desires to consider alterations to the water well drilling application process as well as the applicable water regulations, and needs time to consider impacts of such alterations on pending and future applications, as well as the residents, business and governmental entities impacted by the regulations of the City.

NOW, THEREFORE BE IT ORDAINED AND RESOLVED BY THE CITY OF WHITE SULPHUR SPRINGS, MONTANA as follows:

The City Council hereby declares a temporary moratorium on all pending and future water well drilling applications until such time as the Council has considered alterations to the Municipal Code under Title 4, Chapter 10 - Water Well Regulations, and Chapter 8 - Water Regulations, and has determined the best way to protect the revenue stream which services the water system bond issue as well as consider the individual needs of the residents, businesses and other governmental entities related to individual water wells.

This moratorium shall be in effect until such time as modifications to the above referenced code provisions have been considered, and passed or rejected. The City Council shall, upon concluding its work, lift the moratorium by corresponding resolution.

The Council decided to table this until more information was available on the City's water rights and review the growth policy again. Rob Brandt motioned to table Resolution #591 until the regularly scheduled May 1st meeting. Mike Eby seconded the motion. Motion was been made and seconded to table Resolution #591 until the May 1st meeting. All said Aye. Motion carried and passed.

Ordinance #363 on Amending Title 4 Chapter 10 – Water Well Regulations – The Council had a discussion on Ordinance #363 below.

AN ORDINANCE AMENDING TITLE 4 CHAPTER 10 OF THE WHITE SULPHUR SPRINGS MUNICIPAL CODE TO ALTER THE WATER WELL REGULATIONS TO ADDRESS APPLICATION, REVIEW AND CONDITIONS OF ISSUANCE OF A WATER WELL PERMIT, ADDRESS APPEALS, AND MAKE MINOR CHANGES IN STYLE.

WHEREAS, the City of White Sulphur Springs maintains a water supply system and regulations for water well regulations within the city limits; and

WHEREAS, the public water supply system is subject to a bond issue to pay for upgrades to the water supply system; and

WHEREAS, the bond issue is paid for through a calculation based on the users attached to the system and the metered water used; and

WHEREAS, installation of water wells poses an issue for sustaining the payments on the bond issue; and

WHEREAS, the City Council desires to protect the City's ability to meet the water bond issue while allowing for consideration of water wells now and in the future; and

WHEREAS, the City Council desires to allow for a full hearing of any denial of a water well permit to consider such applications on a case-by-case basis; and

WHEREAS, limitations on water wells to non-potable uses may achieve the desired balance when considering water well applications;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of White Sulphur Springs Montana, that Title 4 Chapter 10 be amended as follows:

Section 1

WATER WELL REGULATIONS

4.10.010 Definitions. As used in this chapter, unless the context otherwise requires:

1) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

2) "Water well" or "well" shall mean any digging, drilling, or excavation, by hand or by the use of machinery or equipment, whereby water is obtained from under the surface of the ground to be used on or above the ground surface for any purpose.

3) "Cross connection" shall mean a physical arrangement whereby a public water supply system is connected with another water supply system, either public or private, or with any wastewater or sewer line, in such a manner that a flow of water into the public water supply system from such other source of water, waste, or sewage is possible.

4) *"Irrigation" shall mean application of water to crops, lawns, trees, or planting beds incidental to a dwelling or commercial structure and shall not include any use of the water for potable means.*

4.10.020 Application, Investigation, and Permit. Any person desiring to drill, dig, or excavate for a water well within the corporate limits of the city must first apply to the city superintendent for a permit therefor and must advise the city of the exact location of the proposed water well *and the intended use therefore*. The application for such permit must contain:

1) A plan whereby a reduced pressure backflow preventer will be installed on the applicant's distribution line (which must be the equivalent of a Watts 9-D backflow preventer);

2) An agreement by the permittee that ~~he will submit~~ a water sample *will be submitted* to the State Department of Health and Environmental Sciences for the purpose of determining the potability of the water, and pay any applicable fee to the State of Montana for the test; ~~That~~ *and* if the water is certified as not potable by the State Department of Health and Environmental Sciences, the permittee must post a sign at the well indicating that the water is not potable;

3) ~~If water from the well is to be used for human consumption,~~ Aan agreement by the permittee that ~~he submit~~ an annual water sample *be submitted* to the State Department of Health and Environmental Sciences and that ~~he~~ *the permittee (or owner)* pay any applicable fee to the State of Montana for the test;

4) That the permittee must submit to *an* inspection of the well by the Ceity Ssuperintendent or other city employee at any reasonable time, upon prior notice, except that the provisions concerning time and notice are waived in the event of an emergency. *Such inspection mayl include an inspection to determine and verify the well is not attached to the City water system or the residence or building's potable water supply.*

5) That before it is put into operation, the Ceity Ssuperintendent will inspect the well to determine that the backflow preventer has been properly installed, *that the well is not connected to the residential or building potable water supply, and if indicated in the plans and approved, any use of the water is for the purpose of irrigation only.*

6) *The permittee agrees any well will not be attached to the potable or domestic water system for the residence or building and will not be used as a source of potable water as long as the city continues to support a bond issue for the City water system.*

4.10.030 Responsibility for Permit. The permit required by this chapter must be obtained by either the person who is actually drilling the well or by the landowner on whose land the well is to be drilled. Both the landowner and the well driller are subject to the penalty set forth in this chapter for failure to obtain the required permit.

4.10.040 Permit Fee. *A fee of $20.00 shall be paid by the applicant upon submission of the application and plans prior to* ~~Upon~~ the Ceity Ssuperintendent's review. ~~and approval that the permit application conforms with the plans submitted and the requirements of this chapter, the applicant shall pay to the city a fee of $20.00 for the permit~~. *A renewal fee of $20.00 must be paid on the anniversary of the original grant of the permit. Failure to pay the fee shall result in a notice from the City Clerk that the permit is out of compliance and subject to withdrawal.*

4.10.041 Withdrawal of Permit *In the event the renewal fee is not paid or the City Superintendent determines the requirements of the chapter or the original plans are not being met, a notice shall be sent to the applicant/permittee and the owner of the property advising the permit is out of compliance and subject to withdrawal. The reasons for determining non-compliance shall be outlined in the notice. The notice may originate from the City Superintendent or the City Clerk. The applicant/permittee and the owner shall have thirty (30) days to remedy the non-compliance. If the non-compliance is not remedied at the conclusion of the thirty (30) days, then the permit is deemed withdrawn and the well must be disabled. If the applicant/permittee and/or the owner have not disabled the well and the City has to come on the property, the applicant/permittee and the owner shall pay the costs of rendering the well disabled.*

4.10.050 Review. The *City Superintendent shall review the application and attached plans to determine if the plans submitted conforms to the requirements of this chapter. Any* refusal of the Ceity Ssuperintendent to grant approval of any application or to issue a permit for a water well is subject to review by the Ceity Ceouncil.

4.10.051 Appeal. *In the event the City Superintendent denies or refuses to grant approval of the application for a well permit, the applicant may submit the matter to the City Council for review by filing a written request with the Clerk . The matter shall be scheduled for the next*

regular meeting of the City Council. As part of the written request, the applicant shall state the basis for the need for a water well permit.

4.10.060 Control Valves. Any water well drilled, dug, or excavated pursuant to a permit granted under this chapter must be equipped with adequate shut-off valves or control valves for the purpose of controlling the flow of water from the water well and for the protection of the city water system in the event of pollution or other hazards. Any backflow preventer must meet the requirements set forth in this chapter.

4.10.070 Marking and Inspection. The issuance of a water well permit may be conditioned on marking the water well in a manner to be designated by the Ceity Ssuperintendent for the purposes of identification or location, or for inspection at such times as may be reasonably required. All water wells within the city may be inspected by the Ceity Ssuperintendent or other city employee at any reasonable time, upon prior notice, except that the provisions concerning time and notice are waived in the event of an emergency.

4.10.080 Cross Connections. No water well may be maintained within the city which has any cross connection with the public water supply system unless equipped with a reduced pressure backflow preventer which is in conformity with the requirements of this chapter.

4.10.090 Penalty. Any person, whether as principal, agent, employee, or otherwise who violates any of the provisions of this chapter shall be subject to a fine not to exceed $500.00 and a term of imprisonment not to exceed six months. *Each day in which a violation remains shall constitute a separate violation.*

Section 2

Repealer. All resolutions, ordinances, and sections of the White Sulphur Springs Municipal Code and parts thereof in conflict herewith are hereby repealed.

Section 3

Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Section 4

EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5

CODIFICATION. Upon Final Passage and Adoption, the City Clerk is authorized to publish the foregoing ordinance, making amendments as to referenced code sections, notations, and grammar as well as style to be consistent with the ordinance as passed and shall insert this ordinance and shall remove the prior provisions inconsistent with the current ordinance, as

passed and adopted, in any official publication or on-line version of the White Sulphur Springs Municipal Code.

The Council decided to table this until more information was available on the City's water rights and review the growth policy again. George Kirkwood motioned to table Ordinance #363 until the regularly scheduled May 1st meeting. Rob Brandt seconded the motion. Motion was been made and seconded to table Ordinance #363 until the May 1st meeting. All said Aye. Motion carried and passed.

Old Business

New Library – water/sewer hookups – The Council discussed the new library. Gordon Doig approached the Council to discuss the new library construction phase start date in May. The Library Foundation is hoping that the City would consider waiving the water and sewer connection fees to the new library. Gordon Doig said that the library is both the City and County library. Gordon Doig said that the County has already graciously donated to the new library. Gordon Doig said that it was his understanding that the City Attorney asked if they could wait a month for the answer on the legal clarification on amending the Resolution for the water/sewer hookups to not charge non-profit groups possibly. The Mayor said that Susan Wordal has not given a legal response yet. Mike Eby proposed to in lieu of the exemption for the water/sewer hookups make a donation to the new library. Mike Eby motioned to donate half of the $2,000 needed cost toward the water/sewer connection costs. Rob Brandt seconded the motion. Motion has been made and seconded to donate $1,000 to the City/County New Library to help with their water/sewer hook ups. All said Aye. Motion carried and passed.

Gordon Doig approached the Council on another topic of the Absaroka Energy Project. Gordon Doig said that he had invited the Council up to the meeting about the Absaroka Energy, but just the Sheriff and one commissioner was there, he still had a couple of questions on the community. Gordon Doig said that one of the prime considerations that was presented to the community. One question for the Council is what is the capacity here verses where it is now, of additional water/sewer services with the current water/sewer services. Absaroka Energy was interested in and they are the biggest project to come to Meagher County and they are fully funded Gordon Butte Project near Martinsdale. George Kirkwood said that the water and sewer system has a maximum capacity population of 2,000. The current population is about 980. The Council said that they could absorb whatever new water/sewer connections Absaroka would have. Absaroka is planning on a population of about 500 here in the next 4 years around Martinsdale/Harlowton area. George Kirkwood said that there will be another possible 200 employee increase on the population with the mine for 3 to 4 years. A discussion was made on the concerns over needing housing, trailer parks, permanent housing, and preventing temporary man camps.

Memorandum of Understanding – The Mayor said that in Polson he spoke with Kelly Lynch and she asked if we could forward on the Attorney General letter's response. Kelly Lynch asked if the City was still considering mediation and the Mayor said he did not think so. Kelly Lynch would be available if we needed her. The City Committee will meet with the commission and

try and figure out what the next step would be to resolve the issues in their monthly lunch meeting.

Review Ordinances – Sterling Codifiers are reviewing the City Ordinance to propose a cost to update the Code Book.

Mayor Comments – The Mayor said that the 1st Council Meeting in May, due to the Elected Officials/Clerks Training in Billings, MT on May 6-10, the meeting will be Tuesday May 1st. Starting in May the Council will go two meetings a month with the second meeting being Tuesday May 22nd. The Mayor went to the Executive Forum for Mayor's with Local Government Center and MMIA at the end of March. The Mayor said that it was a wonderful training and he met some wonderful Mayors that have years of experience. The Mayor said that it was very educational listening to Dan Clark.

Comments on Future Business – The Mayor had no comments on future business.

Council Comments on Future Business – George Kirkwood said that due to the possibility of an influx in population the City will have to review the Growth Policy with the Planning Board and make some changes. The Council asked if the Planning Board was active since Jim Richard passed away. The City will have to keep the Planning Board active for the future.

Public Works Report – Rocky Vinton said that the City Crew have been putting in water meters. The Sand Filter is off line from the turbidity and will be back online in a couple of months. The City Crew have been working on equipment maintenance. The City Crew has been snow plowing. The City Crew have been catching and live trapping cats. The City Crew has caught about 23 cats. The Stafford Animal Clinic have taken 11 cats. There was a plugged sewer line but it was the on the customers property. There have been complaints on the smell of the lagoon. The Council asked if the City Animal Control would be doing a spay and neuter clinic this summer. The City Crew have been setting it up.

Pay the Bills - The Mayor asked the Council if there is a motion to pay the bills. George Kirkwood motioned to pay the bills. Sara Driemeyer seconded the motion. All said Aye. Motion carried and passed.

The Mayor asked council if there is a motion to adjourn the meeting. George Kirkwood motioned to adjourn the meeting. Mike Eby seconded the motion. All said Aye. Meeting adjourned at 8:36 pm.

Michelle Stidham – Clerk-Treasurer

Rick Nelson - Mayor