

## City of White Sulphur Springs

The regular meeting of the City Council was held on January 3, 2022 at 7:00 P.M. Mayor Rick Nelson called the meeting to order with the following members present:

Pattie Berg – via zoom  
Ron Coleman  
Stacy Menard  
Rick Ellison

**A. Call Regular Meeting to Order**

**B. Roll Call and Seating of Council**

**A. Pledge of Allegiance to Flag**

**D. Read & Approve - Accept or Reject Minutes**

1. October 4<sup>th</sup> Meeting – Regular Session

*Possible Motion: Move to Accept Minutes as presented or as amended.*

Stacy Menard motioned to accept the minutes as amended. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

2. October 19<sup>th</sup> Meeting – Regular Session

*Possible Motion: Move to Accept Minutes as presented or as amended.*

Stacy Menard motioned to accept the minutes as amended. Pattie Berg seconded the motion. All said Aye. Motion carried and passed.

3. November 1st Meeting – Regular Session

*Possible Motion: Move to Accept Minutes as presented or as amended.*

Pattie Berg motioned to accept the minutes as amended. Stacy Menard seconded the motion. All said Aye. Motion carried and passed.

4. November 16<sup>th</sup> Meeting – Regular Session

*Possible Motion: Move to Accept Minutes as presented or as amended.*

Stacy Menard motioned to accept the minutes as amended. Pattie Berg seconded the motion. All said Aye. Motion carried and passed.

5. November 16<sup>th</sup> Meeting – Work Session

*Possible Motion: Move to Accept Minutes as presented or as amended.*

Not ready yet.

6. December 6th Meeting – Regular Session

*Possible Motion: Move to Accept Minutes as presented or as amended.*

Not ready yet.

**E. Public Comment:** Public comment will be accepted on public matters not listed on this agenda and are within the jurisdiction of the City Council and having a significant interest to the

public. During a regular session, there will be time after each agenda item for comment about that item.

1. Step up to the podium and state your name and address for the record.
2. Please limit your comments to THREE (3) minutes.

#### **F. Receive/Accept Reports**

##### **1. Sheriff's Report – Sheriff Jon Lopp**

Sheriff Jon Lopp said that December was a very busy month. Jon Lopp asked if the Council had received the COMM Report and if there were any comments or concerns. There was a public service announcement on December 16<sup>th</sup> that there was a Tic Tok challenge going around for doing school shootings on 12/17/2021. Because of the threat they had Deputy Jeremy West there to monitor students/staff. Deputy John Gearheart is back from the academy and writing tickets.

##### **2. City Court Report – City Judge Lori Sorenson**

City Judge, Lori Sorenson, reported the monthly Citation Activity and Case Statistics. The Council thanked Lori Sorenson for all of her hard work that she has been putting in to get cases caught up and handled so far, it is appreciated.

##### **3. Fire Department Report - City Fire Chief Sam Peeler**

The Mayor said that Sam Peeler reported that Otto Ohlson had been and is still working on applying for grants for the Fire Department and he will have the grant amounts at the next meeting.

##### **4. Library Report – Jessica Ketola**

No Report.

##### **5. City Engineer's Report**

The Mayor said that Terry Threlkeld will finish the Phase III Water Main Replacement Transmission Project on Lincoln Street. The Mayor said that Threlkeld will finish up the ARPA application because it is due in a few weeks. The Mayor said that the new engineer will work on the Water System PER Update, Phase IV Water Main Replacement Transmission Project, and any future ARPA funding applications.

##### **6. Public Work's Report - City Public Works Supervisor Rocky Vinton**

Rocky Vinton said that it has been slow in a lot of things and the crew has been working on different projects at the shop. Rocky Vinton said that the County graciously has let the City Crew use their heated bays for working on equipment and vehicles. The Mayor said that the City Crew will temporarily use the City's plow truck to plow the Courthouse and Library parking lots until their truck plow's transmission is fixed or they hire someone to plow. The Mayor said that Marc Pryor and Jake Gregory are going to take the written portion on the CDL on Wednesday.

##### **7. Animal Control Report – Marc Pryor**

Marc Pryor reported a dog verses deer situation, the dog went back home. Marc Pryor reported a dog bite in a home; the dog had previously bitten a child and was later euthanized.

##### **8. Deer Management Plan – JD Walker**

The Mayor said that there was not anything to report, but JD Walker had told him that Monday it was unbearably windy. JD Walker traps every Monday and Friday. There are 8-10 people on the waiting list for meat. They will trap and harvest does and small bucks. Marc Pryor will report any problem or aggressive deer to the Sheriff Department/FWP.



#### 9. Parks Committee Report – Pattie Berg

Pattie Berg that the Parks Advisory Committee will be having a meeting on Wednesday and they are still looking for two committee members. They were looking into Candi Short Richardson to fill one of the vacant positions. Pattie Berg will let the City Office know what the qualifications are for the position so that they can place an ad in the newspaper.

### **G. Unfinished Business - Items for Discussion and/or Actions**

#### **1. 2<sup>nd</sup> Reading of Ordinance 378: Amendments to Title 5 Ch. 22 re: Medical Marijuana provisions**

2<sup>nd</sup> Reading of Ordinance 378, as modified from 1<sup>st</sup> Reading, amending Title 5 Ch. 22 of the Current Code to modify the terms of the Medical Marijuana provisions in the City Ordinance in conformity with Initiative 190 and House Bill 701, which made changes in the manner in which licenses are issued and businesses are authorized. Meagher County is deemed to have opted out of legalization of marijuana generally, but the City has certain provisions which exist and must be modified to conform with existing law.

*Possible motion: Move to approve Ordinance 378, as modified from 1<sup>st</sup> Reading, amending Title 5 Ch. 22 of the existing code to conform with current state law.*

The Mayor said that the Council should have received the amended version in their packets. This was table because all of the Council did not receive a copy of the amended Ordinance 378.

### **H. New Business- Items for Discussion and/or Actions**

#### **1. Appoint Committees**

Mayor to Appoint Members of Council to City Committees.

The Mayor said that Pattie Berg will remain on the Parks, Ron Coleman will remain on Streets/Alleys and Water/Sewer, Stacy Menard will be on Finance, Rick Ellison will be on Finance and Water/Sewer. The Mayor said that the Council will need to Appoint a President of the Council. Stacy Menard motioned to kept Pattie Berg has President of the Council, if she accepts the nomination. Ron Coleman seconded the motion. Pattie Berg accepted to continue as President of the Council. All said Aye. Motion carried and passed.

#### **2. Consideration of Proposed Federal Drug And Alcohol Testing Program as a City Policy for Commercial Driver's License (CDL) employees**

Council to consider drafted U.S. Department of Transportation Federal Motor Carrier Administration Drug and Alcohol Testing Program as a City Policy for City employees using a CDL. Draft courtesy of Commissioner Pattie Berg.

*Possible Motion: Move to bring back for further discussion; OR, Move to bring back as Resolution to adopt proposed Drug/Alcohol Testing Program.*

The Mayor, Council, and City Attorney discussed the Drug and Alcohol Testing Program document. Page 6, B. Drug Use 1, the link needs to be updated. The word him/herself needs to be changed to themselves and his/her to their. It was discussed if an employee who tested positive for alcohol/drugs they should then be immediately fired. The policy allows employees testing at .02 to .04 alcohol concentration to be taken off of duties that may be safety-sensitive functions. The .04 alcohol and below level are not considered to be a positive test. In other private driver vehicles the law states that a level of .08 and above is

considered a positive test. There was a discussion on mouthwash and cold medicine that has alcohol in them and if that would make a positive test. The discussion continued on that if an employee tested .02 - .04, if action could be taken against the employee, such as firing. The Council agreed that any positive alcohol or drug test would be an immediate termination. The language will be amended and Susan Wordal will forward the revised drafted document. The Mayor said that MMIA will review the City of White Sulphur Springs, Montana U.S. Department of Transportation Federal Motor Carrier Administration Drug and Alcohol Testing Program draft and leave their suggestions/comments, by the next meeting February 7<sup>th</sup>, for Council approval. Stacy Menard motioned to bring back as a Resolution to adopt the proposed Drug/Alcohol Testing Program after MMIA has reviewed/commented on the document on February 7<sup>th</sup>. Ron Coleman seconded the motion. All said Aye. Motion carried and passed. There was a discussion on setting up a reasonable suspicion training.

### **3. RFP – Engineer/Planner**

Council to discuss the submitted RFP/RFQs regarding a City Engineer/City Planner, disclose their rankings of the submissions, and determine award of a single contract for both or individual contracts for each position.

*Possible motion: Move to award On-Call City Engineer/Planner to \_\_\_\_\_.*

The Mayor said that the City received three City Engineer/Planner proposals, KL&J Engineering, Great West Engineering, and TD & H Engineering. The Council scored the evaluations on the three bidder proposals.

#### TD&H

Stacy Menard – 61

Ron Coleman – 45

Pattie Berg – 31

Rick Ellison – 60

#### KLJ

Stacy Menard – 60

Ron Coleman – 45

Pattie Berg – 41

Rick Ellison – 64

#### Great West

Stacy Menard – 64

Ron Coleman – 70

Pattie Berg – 65

Rick Ellison – 74

The Council rated Great West Engineering as the highest. Stacy Menard motioned to award On-Call City Engineer/Planner to Great West Engineering. Ron Coleman seconded the motion. All said Aye. Motion carried and passed. The Mayor said that a contract will be negotiated with Great West Engineering.



#### **4. RFP – City Attorney/City Prosecutor**

Mayor and Council to discuss submissions for City Attorney/City Prosecutor. Mayor to appoint City Attorney/City Prosecutor for statutory 2-year term with consent of Council.

*Possible motion: Move to approve Mayor's appointment of \_\_\_\_\_ as City Attorney/City Prosecutor for 2-year term.*

The Mayor said that there was one applicant, Susan Wordal, for City Attorney/City Prosecutor a 2-year term. The Mayor and Council reviewed the Professional Services Proposal: City of White Sulphur Springs, MT City Attorney, Civil and/or Criminal. The cost went up \$200 a month from the last two years. It was suggested that when writing up the ordinance language that it would be so the public could understand it easily. It was suggested to have a shorter turn-around of working documents for Council approval so that items could be completed and be able to work on the next document. There were concerns with the Interim Land Use (Zoning) Ordinance document that has been worked on for about 24 months and the Codification Document has been at least that long also. It was brought up to have the new Engineer/Planner review the Land Use (Zoning) Ordinance and see what their comments/suggestion would be and go from there. It was brought up as a reminder that this is not Bozeman it is White Sulphur Springs and documents should reflect the needs of the City of White Sulphur Springs. Stacy Menard motioned to approve the Mayor's appointment of Susan Wordal as City Attorney/City Prosecutor for a 2-year term. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

#### **I. Comments/Discussion**

1. Future Business

2. Mayor's Comments—Rick Nelson

The Mayor said that there will be a work session meeting on Tuesday January 18<sup>th</sup> at 6:00 pm to discuss the Codification Book draft. The Mayor welcomed the newly elected Council Member Rick Ellison to the Council.

3. Council Comments/Discussion

a. President of the Council—Pattie Berg

Pattie Berg said asked about the updated zoning map from Terry Threlkeld and if the new engineer would be able to use that updated map for future use. The Mayor said that he will visit with Terry Threlkeld to get the updated map for future use.

b. Council Member—Ron Coleman

Nothing else.

c. Council Member—Stacy Menard

Nothing else.

d. Council Member—Rick Ellison

Rick Ellison said that he is learning. He wanted to thank everyone for welcoming him and he will try to incorporate, use some common sense, and see what happens.

**J. Claims Signing/Motion to Approve the Bills**

Pay the Bills

Claim Check #'s 18391-18441

December 7, 2021 thru December 30, 2021 for \$164,740.76

Journal Vouchers #'s Payroll Check #'s 8905-8931 for \$18,958.65

Electronic Check #'s 6,873.96

12-07-2021 thru 12-30-2021 were presented for Council's approval. The Mayor asked if there is a motion to pay the bills. Stacy Menard motioned to pay the bills as presented. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

**K. Motion/Vote to Adjourn the Meeting**

The Mayor asked the Council if there is a motion to adjourn the meeting. Stacy Menard motioned to adjourn the meeting. Ron Coleman seconded the motion. All said Aye. Meeting adjourned at 8:52 pm.



Michelle Stidham—Clerk-Treasurer



Mayor – Rick Nelson