

## City of White Sulphur Springs

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

Pattie Berg  
Ron Coleman  
Stacy Menard  
Rick Ellison

### **A. Call Regular Meeting to Order**

### **B. Roll Call**

### **C. Pledge of Allegiance to Flag**

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

#### 1. February 7<sup>th</sup> Meeting – Regular Session

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

#### 2. February 15<sup>th</sup> Meeting – Regular Session

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

#### 3. February 15<sup>th</sup> Meeting – Work Session

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

**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 asked if there were any comments or questions about the COMM Report presented to the Council. It was asked if things are good after the school's lock down. The Sheriff said that the school is good but have not been able to find out where the call came from as of yet. Cody Wilson is going to go again for more dog training in April/May with Tank.

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

The Mayor said that the City Judge is on vacation.

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

City Fire Chief Sam Peeler said that the Firefighters will be working on the extrication equipment, aging lights, and new compressed pump foam equipment from Missoula fire department. The Fire Department did the annual walk through at the school to make sure everything is working properly. There were two calls, one was a chimney fire in town and the other one was a page to go to Martinsdale, but were turned back around because the fire was contained. The Firefighters have been working traffic control during accidents. Fire season could rough again if there is not more snow, rain, and spring run off.

#### 4. Library Report – Jessica Ketola

Jessica Ketola said that in February there were:

New Cards issued - 4

Story Time programs - 6 with 34 attendees

Fun 2 Go Bags – 20 given out

SRP – programs 4 with 40 attendees

SRP Book Giveaways – 12

Reference Questions Answered – 82

1-on-1 Tech Assistance Sessions – 76

Food Bank lbs Donated – 100

Youth Volunteer Hours – 5

Community Room Uses – 16

It was mentioned that community residents from the Senior Center often have technology questions that the library would be able to help with. Jessica Ketola's last day will be March 26<sup>th</sup>. The Council wished Jessica Ketola well with her move to Texas.

#### 5. City Engineer's Report

The Mayor said that Great West Engineering are currently working on three applications for the City, the CIP, PER update, and replacing the generator. Last week Great West Engineering tour the City's Facilities with Rocky Vinton.

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

Rocky Vinton said that the City has been on Willow Creek for the last 3 weeks, the turbidity is holding for now, but had been fluctuating up and down. There is still ice on the sewer cell lagoons and something has made all three cells go septic and with the warmer weather then colder weather it rolls the sludge bottom and then it starts to smell. Adding more bugs to the lagoon may not help, the sewer water temperature would need to be at least 42 degrees. The City Crew are working on the maintenance program and making an excel spreadsheet for maintenance/inspection records. Rocky Vinton said that the streets are getting soft so unless there is at least 3-6 inches of snow the streets will not be plowed because the streets being torn up.

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

Marc Pryor said that there have been 12 deer that have died. Two deer died because of being hit by a vehicle. The other deer that died were tested and the results reported an overdose of barley grain. There have been 3 dog attacks. Marc Pryor had to give a citation and pound fee. Marc Pryor said that there are 89 registered dogs in town.

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

The Mayor said that they finally trapped two deer but they were fawns so they released them. The deer traps were put out December 15 - February 15 on Mondays and Fridays and were monitored. The deer traps will need to be rearranged where the deer can't get to the bait unless they go into the trap, the deer were using their tongues to get to the food. Weather is a huge obstacle with trapping also. FWP asked for the list of residents interested in receiving a deer.

9. Parks Committee Report – Pattie Berg

The Mayor asked if there was a parks report, Pattie Berg said that she did not have anything else to report. Jen Frazer said that she will report on the bids for fencing and irrigation at McStravick Park on the Agenda at that item time.

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

**1. 2<sup>nd</sup> Reading: Ordinance 2022-379: Codification of Revised City Code**

2<sup>nd</sup> reading of Ordinance 2022-379 adopting the Codification of the revised City Code, which includes Attachment A: the new Code of Ordinances, and Attachment B: amendments and alterations to the new Code of Ordinances. A Memorandum explaining the changes incorporated into the reorganized City Code has been provided.

*Proposed Motion: Move to approve Ordinance 2022-379 on 2<sup>nd</sup> reading adopting the new Code of Ordinances in Attachment A and the amendments or alterations in Attachment B as modified. OR, Move to continue 2<sup>nd</sup> reading of Ordinance 2022-379 to March 15, 2022.*

The Mayor, City Attorney, and Council discussed 2<sup>nd</sup> reading of Ordinance #2022-379 an Ordinance Adopting and Enacting a new code for the City of White Sulphur Springs, Montana; providing for the repeal of certain ordinances no included therein; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective. Susan Wordal said that the document Attachment B the red colored strike outs are highlighted. There was a discussion on the numbering of buildings, addressing County - City. There was a discussion on adding an exception in the dangerous/vicious dog ordinance of Police dogs. Ron Coleman motioned to approve Ordinance 2022-379 on 2<sup>nd</sup> reading adopting the new Code of Ordinances in Attachment A and Attachment B as presented. Stacy Menard seconded the motion. All said Aye. Motion carried and passed.

**2. Acceptance and Award of Bids: McStravick Park – Jen Frazer**

Acceptance and award of Bids for Fencing and Irrigation work at McStravick Park.

*Proposed Motion: Move to award Fencing project to XXX and Irrigation Project to: XXX.*

The Mayor said that the City received a bid for the irrigation for \$3,880 from Castle Mountain Sales. Jen Frazer said that it will be a battery powered timer underground 3 zone sprinkler system to water trees. Jen Frazer said that beautification funds (\$2,000) and a DNRC \$500 tree grant will help to fund the irrigation project, but the project is short about \$1,380. It was suggested to table this item until more information was available and the Parks Committee meets again on March 16th. The Mayor said that there were two fence bids. One bid was from Bison Fence LLC for \$3,936.86 and the other bid was from Menard Construction Inc. for \$1,890. Lee Menard said that he would use the old gate and will replace the hinges. Pattie Berg motioned to award the fencing project to

Menard Construction Inc. Stacy Menard abstained. Rick Ellison seconded the motion. Ron Coleman, Pattie Berg, and Rick Ellison said Aye. Motion carried and passed.

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

##### **1. Consider Freedom Day's Request – Fourth of July Street Closure And Open Container Waiver (if requested)**

Discuss Freedom Day's street closure request for the 4<sup>th</sup> of July similar to last year. If application received, discuss details and consider approval of closure and possible Open Container Waiver.

*Possible Motion: Move to approve Freedom Day's street closure and Open Container Waiver for July 4<sup>th</sup>; OR, Move to continue this matter to XXX meeting date for consideration of formal application.*

The Mayor asked if the Freedom Day's group was on zoom. They were not on the zoom link. The Mayor said that they wanted to be on the Agenda, but since they were not there they would be on the next Agenda in April to present their formal request application. Rick Ellison mentioned that he had heard that several people were not happy about businesses excluded from the Labor Day street dance. It was asked about how the Freedom Days LLC evolved. Individuals (Cassidy Coburn, Amber Coburn, Kate Martin, and Joshua Manning) formed the LLC to organize events downtown throughout the year without putting liability on their establishments (Bar 47, The Jawbone, and The Lane). The LLC bought separate event insurance. The LLC sponsors an event, provides a band, and submits an application to close the street through the Sheriff and Department of Transportation with the City's authorization. There was a discussion on businesses that were not allowed to participate in last year's festivities, they had previously been able to attend and set up, but were asked to leave because they were not invited by the LLC event. It was brought up and discussed that the LLC is preventing local businesses to make money especially on 4<sup>th</sup> of July, Red Ants Pants Music Festival, and Labor Day weekend. There will be more discussion about the LLC, events, and who is invited.

##### **2. Appoint Park Advisory Committee Member**

Consider appointment of Kaye Ringer to the Park Advisory Committee.

*Possible Motion: Move to approve Kaye Ringer's appointment to the Park Advisory Committee.*

The Mayor said that Kaye Ringer withdrew her letter for the Mayor to consider her appointment to the Park Advisory

Committee. The Park Advisory Committee is still looking for a member.

##### **3. Authorize Mayor to Act: Survey McStravick Park and Happy Trail Park**

Discuss needed surveys for McStravick Park and Happy Trail Park, whether this requires a request for bids for the work, and authorization for the expenditure.

*Possible Motion: Move to authorize Mayor to contract for surveys for McStravick and Happy Trail Parks and expend up to \$XXX toward this work; OR Move to authorize Mayor to begin bid process for surveys for McStravick and Happy Trail Parks.*

The Mayor, City Attorney, and Council discussed surveys for McStravick and “Spike’s Happy Trails” parks. The Mayor said that with the Tennis park nearing completion the parks’ boundaries need to be known. The Mayor said that Spike’s Happy Trails park survey can wait to survey for now. The Mayor reached out to a local surveyor, Dan Schauber in Townsend, who knows White Sulphur Springs well, Schauber Surveyor, to receive an approximate cost (\$1,500-\$2,000) to survey McStravick park. Pattie Berg motioned to authorize the Mayor to contract for a survey through Schauber Surveyor for McStravick park and expend up to \$2,000 toward this work. Stacy Menard seconded the motion. All said Aye. Motion carried and passed. The Mayor said that the City would be able to contribute streets fund, gas tax fund, or BaRSAA funds to pay for part (75%) of the survey and the other part (25%) in the Parks’ fund, because the survey will border north/south/east parts of streets/alleys and would be identifying streets/alleys.

#### **4. Discuss and authorize ARPA LRF – Phase IV Water Main Replacement Project**

Discuss report from Terry Threlkeld, Contract City Engineer, regarding ARPA grant application(s) submitted for White Sulphur Springs for Phase IV Water Main Replacement and project budget. Consider authorization for project budget. City Match (ARPA funds \$241,000 & City funds \$100,000)

*Possible Motion: Move to authorize Phase IV Water Main Replacement Project and project budget with ARPA and other funds as presented.*

The Mayor said that the Council would need to approve the matching funds for the Phase IV Water Main Replacement Project if they wanted to continue to be considered for the ARPA grants. The Mayor said that if the City does not receive the grant then the funds would go back as they were. The Council agreed that they needed to move forward on the project and approve the matching funds. Pattie Berg motioned to authorize the Phase IV Water Main Replacement Project and project budget with ARPA and other funds as presented. 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 when he attended the Executive Forum in Choteau for Mayors, he visited with the Mayor in Choteau about their nice streets and how they maintain the streets in Choteau. The Mayor of Choteau said that the City uses a Asphalt Zipper to maintain the streets and rotates their street zones that they have. The Asphalt Zipper attaches to the front loader and grinds up the street down under about 3 inches, and go behind with a road grader and roller repair the street and then call a chip sealer contractor like Helena Sand & Gravel or whoever is cheaper and have them chip seal the street. There was a discussion on purchasing an Asphalt Zipper AZ360 for \$17,500 with 400 hours on it from Kalispell, MT. The Mayor said that he will talk to the Mayor in

Choteau and try to set up a time for Rocky Vinton and another person to view how they use the zipper. There is BaRSAA that the City needs to use this year of some of the special road street allocation (HB473) project funds (\$12,793 year 2018/\$27,344 year 2019/\$39,112 year 2020 /\$39,032 year 2021 and the current \$ year 2022 (not yet requested for \$33,647). The City will need to have some streets surveyed. It was asked about doing a street improvement plan and if BaRSAA funds could be used. The Mayor said that he would call Jodi Rogers in Choteau and get more information about the BaRSAA funds. The Mayor said that the next Council meeting will be next Tuesday and will discuss the Fee Schedule. The Mayor said that an Airport board member mentioned that the courtesy 1993 Lincoln Town Car, that was donated to the Airport and City, is in need of some repairs on rear suspension and would cost approximately \$800. When the weather gets better the City will get it to Berg Garage for repairs. The Mayor said that he did have a great educational session in Choteau.

### 3. Council Comments/Discussion

#### a. President of the Council—Pattie Berg

It was asked if there were any annexations pending. The Mayor said that there are not any pending annexations, but there was a gentleman last week that was inquiring about sewer lines, it is a property off of Badger Street and Central, he is talking to DEQ about possibly being able to put in a septic tank but it is in the floodplain. The Mayor said that the Hospital's annexation two weeks ago DEQ signed off the application for the waterline. The Mayor said that in the annexation application fee it says \$500 but it should also state that there is the additional engineer cost that goes along with the application. Pattie Berg asked about the Zoning document. The Mayor and Susan Wordal said that the fee schedule and code book is now and when that is done then can start back up on the zoning document. Susan Wordal said that Great West Engineering was given the last version of the zoning document, growth policy, CIP, and subdivision document to review.

#### b. Council Member—Ron Coleman

Ron Coleman asked if the City was planning on purchasing the asphalt zipper. The Mayor said that it will have to go onto an Agenda and discuss the purchase of the asphalt zipper. The Mayor has been looking into getting bids for a 40X60 City Shop building to attach on the south side a building (\$50,000-\$60,000), plus the concrete pad with a drain (sump trap drain type) and electrical (\$40,000) with a total cost of approximately \$100,000.

#### c. Council Member—Stacy Menard

Stacy Menard would like to have a copy of the fee schedule before the work session. Susan Wordal said that she will be emailing the Council Friday.

#### d. Council Member—Rick Ellison

Rick Ellison said that the Tennis Court panel pallet has not been picked up yet, but as soon as it has been scheduled he will come up to Bozeman and pick it up. Rick Ellison said that he forwarded on the GSA Auctions Montana Auto Auctions of MT in Billings (<https://www.govplanet.com/>) 406.252.6332 to the Mayor last week. The next auction is Wednesday March 9<sup>th</sup>.

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

### Pay the Bills

Claim Check #'s 18481-18514 February 1, 2022 thru February 28, 2022 for \$15,485.72

Payroll Check #'s 8963-8988 for \$17,727.87  
Electronic Check #'s \$5931.11  
Utility Billing System Adjustments \$1.71

02-01-2022 thru 02-28-2022 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 8:45 pm.

  
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Michelle Stidham—Clerk-Treasurer

  
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Mayor – Rick Nelson