

City of White Sulphur Springs

The regular meeting of the City Council was held on November 21, 2023 at 6:00 P.M. Mayor Rick Nelson called the meeting to order with the following members present:

Ron Coleman
Pattie Berg
Rick Ellison

A. Call Meeting to Order

B. Roll Call

C. Pledge of Allegiance to Flag

D. 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.

The Mayor asked if there were any Public Comment. There was not.

The Mayor moved the New Business 2. Resolution 2023-13: Adopt Policy on CDL license – Public Works Division to the work session.

E. Unfinished Business - Items for Discussion and/or Action

1. Water System Draft PER document. Collette Anderson, Gt. West Engineering

Discussion and/or Action

Continued from 11/6 meeting: Review and provide comments/amendments as to draft document. Note method for calculating rate is different from initial proposal. Consider adoption of PER as submitted or with alterations to enable submission for transmission line project and other funding upon approval by Rural Development.

Accept Public Comment

Possible Motion: Move to adopt PER as presented and submit as appropriate with proposal for transmission line project. OR, Move to adopt PER as altered by discussion and submit as appropriate with proposal for transmission line project. OR, Move to continue to another meeting.

The water system PER provided to the Council on 11/6 has been edited to reflect a revised user rate increase calculation. The change is related to the use of two new numbers in the rate calculation:

- Changed 644 EDUs to **623 active billed services**
- Changed \$47.94 existing average user cost/month/EDU to **\$52.45 existing average user cost/month/billed service**

To summarize, the city does not currently use an EDU system for calculation of rate charges so trying to equate the system to EDUs is not how the funding agencies will calculate the loan coverage. The proposed user rate increase has been updated to reflect **\$1.43 per month per billed service** in place of the original \$4.18 increase per month per EDU. It is important to note these are just estimates at this time, as the final rate increase will be based on actual construction bid prices and SRF loan coverage calculations. There were minimal changes to the document and Shelly has been provided with a fully revised electronic copy and new hard copy pages for insertion into the hard copy document. For reference, the pages with changes are 4, 60-64, 132, 134, 135,139, and 140. These updated pages are attached to this letter.

The Council will be needing more time to review the PER document. The Mayor said that this item will be on the December Agenda.

2. Sewer Line Easement Request – 300 block East Larime Property – Bruce Lay

Discussion and/or Action

Continued from 11/6 meeting: Applicant is requesting a sewer line easement to connect Lot 7, which is the eastern most portion of the Lay property (Lot 6 is identified as 304 E. Larime and currently has a residential structure), to existing sewer from alley in the 300 block between East Larime and Washington Street. Connection would be to west of property in 3rd Ave. NE sewer line. Council seeking input from Gt. West Engineering as to existing lines in alley, potential for requirement of main extension installation and best practice.

Accept Public Comment

Possible Motion: Move to authorize installation of sewer service line in alley between Larime and Washington Streets connecting to 3rd Ave. NE sewer line at owner's expense. OR, Move to authorize owner to submit a plan for DEQ approval of sewer main extension in alley between Larime and Washington Streets connecting to 3rd Ave. NE sewer line for both properties at owner's expense. OR, Move to continue to another meeting.

It is understood a property owner within the city would like to develop an existing lot located at the 300 block of Larime Street. Based upon available mapping, there appears to be a 6-inch PVC water main located within Larime Street and water service connection could be accomplished in a straightforward manner by a water service line connection to this existing main in Larime Street. Available sewer mapping, however, indicates there is not an available sewer main adjacent to the property proposed for development (sewer map is attached with Lay property marked in red). The nearest sewer main appears to be located in 3rd Avenue NE, flowing to the south. In order to serve the proposed lot with sanitary sewer service, best practice is to install a main extension from the existing line in 3rd Avenue NE in either the alley between Washington Street and Larime Street or within Larime Street. It is not standard practice to install long lengths of service line (that are privately maintained) within public right of way. The practice of running long lengths of service line promotes crowding of pipes in the right of way, does not promote orderly expansion of the system, and promotes the potential for shared service lines which can create capacity concerns and result in sewage backups. Many other communities in Montana maintain engineering design standards or ordinances to guard against this potential situation. Below are examples of standard language that can be found within design standards for cities such as Three Forks, Helena, Kalispell, and Great Falls. "Any extension of an existing City sanitary sewer main must be extended through the entire frontage length of the property to be served, with a standard manhole located at the terminus of the new sewer main." "Improvement Extent: Roadways and utilities shall be constructed from existing facilities to the far property line of the development or such other point within the development that may be specified by the City. Extension of water mains beyond the property line may be required as determined by the City for looping and redundancy. All utilities shall be within a public right-of-way or easement to permit free and unobstructed access." Great West Engineering recommends the city require the developer to extend a sewer main extension to the eastern edge of the proposed property and also recommended the city develop a policy or ordinance to enforce this standard. A sewer main extension will require design by a professional engineer and approval by the Montana Department of Environmental Quality (MDEQ) and the City of White Sulphur Springs. The city may also want to consider development of a permit process for construction within the city right-of-way.

Pattie Berg motioned to authorize the owner to submit a plan to DEQ for approval of a sewer main extension in the alley between Larime Street and Washington Street connecting to the 3rd

Ave NE sewer line for both properties at the owner's expense. Rick Ellison seconded the motion. All said Aye. Motion carried and passed.

F. New Business- Items for Discussion and/or Action

1. Hospital Annexation and Utility Connections

Discussion and/or Action

Hospital is moving forward with installation of infrastructure for project. Anticipated connections differ from what is now possible at Folsom and 4th Ave SE. Options are being considered in terms of improving water mains/valving layout, but cost is just under \$50,000 and there are suggestions the City pay for these changes.

Accept Public Comment

Possible Motion: Move to authorize Mayor and Gt. West to negotiate changes to original installation plans and costs. OR, Move to authorize Mayor and Gt. West to negotiate changes to original installation plans subject to final approval by Council as to who pays the costs of installation/improvements. OR, Move to continue to another meeting.

The Contractor for Mountain View Medical Center determined through field investigation that the water main and valving layout at the intersection of E. Folsom Street and 4th Avenue SE differs from what is shown on the construction drawings TD&H Engineering prepared. The City has the option to consider asking the contractor to reconstruct the intersection, with the addition of valving and piping to provide a more practical layout of waterlines in the area, which will cost the City an estimated \$40,000 to \$50,000. The alternative is to have the contractor install the new 12" line and valve and connect to the existing tee in the intersection. The City could then improve the waterlines and valving layout in the intersection as part of a future project.

The Mayor, Collette Anderson, and the Council discussed the different options. The Mayor mentioned that there is an agreement that was approved May 16, 2023 with the Mountainview Medical Center Annexation Agreement document.

Pattie Berg motioned to authorize the Hospital to connect under the original plan installation connection to the existing system as it is now with no cost to be incurred to the City. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

Collette Anderson will relay to this to the Hospital. Ron Coleman asked if Great West Engineering could look into the hydrant that the hospital installed in the ditch along 6th Ave, well below the level of the street, and should be raised up or relocated. Collette Anderson said that they would look into it. Ron Coleman will take a picture of the hydrant and forward it onto Collette Anderson.

2. Resolution 2023-13: Adopt Policy on CDL license – Public Works Division

Discussion and/or Action

Consider Resolution 2023-13: proposal to adopt a policy on CDL licenses for Public Works Division.

Accept Public Comment

Possible Motion: Move to adopt Resolution 2023-13 as presented. OR Move to adopt Resolution 2023-13 as amended. OR Move to continue discussion to another meeting.

Moved the New Business 2. Resolution 2023-13: Adopt Policy on CDL license – Public Works Division to the work session.

G. WORK SESSION started at 6:50 pm

Council Discussion

1. Ordinance Code Book – Ordinance revisions and Fee Schedule updates.

Discussion:

1. Proposed Parks ordinance revisions, and
2. Adjustments to current fee schedule.

3. Additional discussion, time permitting, as to other revisions to Code Book.

No Action to be taken. Public Comment may be taken.

The Mayor, City Attorney, and Council discussed the Intrastate Class B CDL (Class B commercial driver's license), CDL B, for hire and for the existing City Crew Employees (Transition Plan for Current Employees) Policy draft.

A copy of the license, noting the status of interstate vs. intrastate, along with any restrictions or endorsements, shall be kept on file with the "Clerk's Office" not the Mayor. Any employee operating City equipment shall meet restrictions or endorsements *such as no restrictions for airbrakes* before operating City equipment.

Step 1 : City Identifies Commercial Driver Requirements and Deadline Date.

Step 2 : Driver Completes DOT Physical Examination and Deadline Date.

Step 3 : Driver Completes Theory Portion of Entry Level Driver Training and Deadline Date.

Step 4 : Driver Passes Commercial Drivers' Written Test and Deadline Date.

Step 4.5: Driver Obtains Commercial Driver Learner Permit and Deadline Date.

Step 5 : Driver Completes ELDT Behind-the-Wheel Training and Deadline Date.

Step 6 : Driver Completes Commercial Motor Vehicle Driving Demonstration and Deadline Date.

Step 7 : City Complies with Federal Pre-Employment Drug and Alcohol Testing Requirements.

Consequences for Failure to Obtain and Maintain a Commercial Driver License:

Resources :

Job Descriptions: Need to be reviewed and updated.

Public Works Supervisor

Public Works Employee

Employees are encouraged to begin scheduling and/or complete all steps in advance of the deadline. Proof of compliance is required by the deadlines indicated. Employees are ultimately responsible for scheduling training, however, the City may be able to work with other communities or providers to bring the training to the City.

Ron Coleman mentioned that the City Crew will need to learn the language to speak as the book does.

There was a discussion that the City Crew will need to obtain their Learner Permit, by Completing Step 1 thru Step 4 and then take the exam and pass Step 4.5 Driver Obtains Commercial Driver Learner Permit by Deadline Date by no later than April 1st. Then move forward with Step 5 training and take the test and pass Step 6 to obtain a Class B CDL (Class B commercial driver's license, CDL B) by the Deadline Date by no later than July 1st.

Step 1: by January 2, 2024

Step 2: by February 2, 2024

Step 3: by April 1, 2024

Step 4: by April 1, 2024

Step 4.5: by April 1, 2024

Step 5: prior to July 1, 2024

Step 6: by July 1, 2024

July 1, 2024 will be terminated unless verifiable attempts to obtain a CDL have failed despite demonstrated effort or scheduling conflicts have interfered with compliance by the indicated deadline(s). Employees must communicate with the Mayor as to their status throughout the process, particularly when confronted with an obstacle to compliance. Determination as to

compliance will be made on a case-by-case basis by the Mayor. Employees who fail to maintain the CDL during their course of employment will be subject to disciplinary action, up to and including termination.

The Mayor and Council will look into the Behind-the-Wheel Training providers and how go about it. The Employee is ultimately responsible for scheduling this training. However, the City may be able to work with other communities or providers to bring the training to the City. The Council will review the draft and bring any changes to the City Attorney and discussed at the December 4th Council Meeting.

It was discussed and approved earlier that an employee that obtains a CDL that they will receive a \$.50 cent increase hourly wage.

It was and approved years ago than an employee that tested and passed one of the three certification exams (water, water, or sewer) that the first certification that was obtained would receive a \$1.00 increase hourly wage and the second certification would be \$.50 cent more and the third certification would be another \$.50 cent more.

So far only Rocky Vinton has three all of the Certifications (Water Treatment 2B, Water Distribution 3A, and Sewer). Jake Gregory has his Water Distribution Certification 3A and has tried to take the water treatment 2B exam in March 2023 at Rural Water and can retest anytime after calling in and scheduling it in Helena as his application is in and is after the 30 days period. Matt Swett's application is in, the exam fee is paid and can test anytime, just have to call and set up a time.

Proposed Parks – Ordinance Revisions

Susan Wordal wrote up the drafted Ordinance No., An Ordinance Amending Title 7, Public Ways and Property, by Adding a New Chapter as to Parks and Public Spaces, and Making Amendments as to Style and Form for Purposes of Reference and Codification. The Council will review it and discuss it at the second January meeting.

Adjustments to Current Fee Schedule

The Council will review it and discuss it at the second January meeting.

Additional discussion, time permitting, as to other revisions to the Code Book.

The Council will review it and discuss it at the second January meeting.

H. Comments/Discussion

1. Future Business

2. Mayor's Comments—Rick Nelson

The sewer is connected to the two houses on Houston. The City Crew will still have about 6-8 more hours for compaction on Houston Street tomorrow. The Electrician installed the light, fans and outlets. They have worked on the City Shop walls. The heater arrived today and should be installed on Monday or Tuesday.

There will not be a second Council meeting for December.

January 1st is a Holiday.

January 2nd the oaths will be done for Rick Ellison and Ron Frisbie at City Hall that day.

January 8th will be the first Council meeting.

City Employee gift cards (enough on dinner for two) will be purchased and handed out in December.

The City Crew is working on the new Flag Pole at City Hall.

There was an inquiry about the damaged street lights by the Spa Motel and by Townsend Tire and if they were going to be reimbursed back to the City (each at \$4,395 + \$695 plus an electrician installation of \$300-\$400).

Susan Wordal said that she would look into the semi trucking company, Dan Tousley, that they damaged.

There was an inquiry on the manhole situation.

3. Council Comments/Discussion

a. President of the Council—Ron Coleman

Ron Coleman said that he will be gone for part of the last of November and most of December taking care of his wife after here open heart surgery.

b. Council Member—Lee Blanchard

Lee Blanchard was gone at a function.

c. Council Member—Pattie Berg

It was a discussion on the need for impact fees rules in regards to new developments within the City and the owners paying for the infrastructure not the City's cost. The City would pay to maintain the infrastructure after the developments were completed and tapped to the City's system.

d. Council Member—Rick Ellison

Concerns about the big hole manhole and about residents and dump trucks with pups running the stop signs, it is dangerous for kids, can people report license plates to the Sheriff Department if they see this.

I. Council Review of Financials

J. Claims Signing/Motion to Approve the Bills

The Mayor asked the Council if there is a motion to adjourn the meeting. Lee Blanchard motioned to adjourn the meeting. Rick Ellison seconded the motion. All said Aye. Meeting adjourned at 8:10 pm.

Pay the Bills

Accounting Claim Check #'s 19436-19464 November 1-21 for \$41,321.26

Accounting Journal Vouchers October 1-31 \$3,587.12

Payroll & Electronic Check #'s 9619-9625 November 1-15 for \$10,833.11

Utility Billing System Adjustments Journal Vouchers November 1-30 not yet

Received a copy Budget Expenditure/Revenue October

The Mayor and Council received the Pay the Bills and the monthly Budget Expenditures/Revenues. The Mayor asked if there is a motion to pay the bills. Pattie Berg motioned to pay the bills as presented. Rick Ellison 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. Ron Coleman motioned to adjourn the meeting. Pattie Berg seconded the motion. All said Aye. Meeting adjourned at 7:55 pm.



Michelle Stidham
City Clerk-Treasurer



Mayor – Rick Nelson