

## City of White Sulphur Springs

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

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

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

Stacy Menard motioned to accept the November 16<sup>th</sup> work session minutes as amended.

Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

#### 2. December 6<sup>th</sup> Meeting – Regular Session

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

Stacy Menard motioned to accept the December 6<sup>th</sup> regular session minutes as amended.

Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

#### 3. January 3<sup>rd</sup> Meeting – Regular Session

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

Stacy Menard motioned to accept the January 3<sup>rd</sup> regular session minutes as amended.

Rick Ellison seconded the motion. All said Aye. Motion carried and passed.

#### 4. January 18<sup>th</sup> Meeting – Regular Session

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

Stacy Menard motioned to accept the regular session as presented. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

#### 5. January 18<sup>th</sup> Meeting – Work Session

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

Stacy Menard motioned to accept the regular session as presented. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

**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**

COMM Report was emailed to the City Office for the Council's review.

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

Judge Lori Sorenson said that she has two Community Service Supervisors, but is still looking for one more. Ron Coleman and Lee Blanchard will be managing the defendants that are required to complete their sentence of community service. It was brought up that currently there is not any penalty for defendants that do not show up for their scheduled community service work. The only requirement now is that as long as they complete the community service by the deadline given, they can be late as often as they like and no show. The Council will look into adding in penalties, like extra work hours for being late or missed time for a community service sentence. Judge Lori Sorenson said that there are two defendant cases currently that have been given community service. Community Service defendants will be required to wear an orange jumpsuit, a fluorescent vest, and safety goggles when working.

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

None.

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

City/County Librarian, Jessica Ketola, said that there were 58 1-on-1 tech assistant sessions, 87 reference questions answered, 3 new library cards issued, 3 story time programs with 27 kiddos, 4 preschool story time programs with 24 preschoolers, 4 useful volunteer hours, the community room was used by 14 different groups, gave away 12 books to preschoolers, gave away 30 kit craft bags, and 75 lbs. to the food bank. Jessica Ketola is moving in a month and a half but hopes to train the new librarian for two weeks before she moves to Texas.

### **5. City Engineer's Report - Great West Engineering**

The Mayor, City Attorney, Council, and Great West Engineering discussed the possible grants for planning projects, Rural Development, CDBG, and ARPA funds. Collette Anderson talked about the on-call agreement with the task order list. Craig Erickson discussed the grants available. Craig Erickson said that a good place to start would be a Capital Improvements Plan. The City did have a very basic CIP done a couple of years back but should have a through CIP done in the future. Now all CDBG planning grants can submitted quarterly. The City will need to update the Preliminary Engineering Report. There is a planning grant from DNRC for \$15,000 that is available, and the City could apply for a RD Grant for \$30,000 to fund the updated PER project. The generator that was donated to the City from the Sheriff does not work and can't get it to work so it will need to be replaced. This would be a backup generator for the water system wells and would also power the wastewater lift station. It was asked if the City had obligated the local ARPA funds yet? The Mayor said that the City had not used any of the local ARPA funds as of yet. Collette Anderson said that a generator would be an eligible use of ARPA funds. Craig Erickson said that he would apply for a State of Montana Minimum Allocation Grant and use the City's U.S. Treasury Local Recovery Funds as a match, and he would have the application ready to go by the end of the month. The City can also use some of the City's Local ARPA funds for grant writing by the Consultant Agreement. Great West Engineering will work on the projects such as preparing the CDBG planning grant application for completion of a CIP submittal (\$1,500) on or by the March 1<sup>st</sup> deadline and preparing the RD Search grant and RRGL planning grant application for completion of a Water System Preliminary Engineering Report for submittal (\$1,500) in March 2022. The Mayor, Public Works Supervisor-Rocky Vinton, and Great West Engineering will schedule and meet to tour and review the City's facilities. Stacy Menard motioned to authorize the Mayor and Great West to pursue any eligible grant funding opportunities between now and March 31, 2022, identified as Task Order #1, and report back to the Council on the applications made and any obligations for the City. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

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

Rocky Vinton said that the City Crew has the weather gets warmer the city has been able to do some maintenance outside. There have been a few problems with sewer issues with disposing grease down the sewer and causing blockages on South Street by Wall Street/All Seasons Inn there where there are not any manholes there to check so the City Crew will need to put in three manholes along that route.

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

Marc Pryor reported an issue incident of a dog that was off leash and ran out of a door and jumped up to a gentleman, there was not any broken skin. The dog was not licensed, but has since been licensed through the City. There was a cat that was unfortunately killed by a loose dog, the man will need to register his dogs by tomorrow or he will be ticketed \$50 per animal for not having them licensed. Marc Pryor reported that there are approximately 48 registered and licensed by the City this year. Marc Pryor said that there were three deer casualties that appeared to be of natural causes in a week and a half. Marc Pryor said that he will be speaking with Jay Kolbe and see if any testing is needed to find out if there is a disease going around. The Mayor, Sheriff, Marc Pryor, and Susan Wordal worked through the protocol process that is needed and to be followed in reporting animal control.

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

The Mayor said that the deer were not going into the traps due to it being warm weather and no snow.

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

The Mayor said that Pattie Berg had emailed the Parks Committee Report to him. The Mayor printed out the email for the Council to read. The Parks Committee Report included committee appointment of Candi Short-Richardson. Kaye Ringer applied to fill the 5<sup>th</sup> committee position. Craig Erickson from Great West Engineering zoomed in to the committee's meeting and gave some great information on Funding, Master Plans, and CIP's. The Skate Park area (60'X100') was discussed.

### 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, Council, and City Attorney discussed Ordinance 378. Page 5, 3) on the Fees: “an initial licensing fee of \$3,000” was discussed to increase the fee to \$5,000. There was a discussion on concerns on whether the City would be losing tax dollars by not allowing the recreational use and sale in the city. The Mayor said that the breakdown of tax revenues that would be trickling down to the city would be very small unless it was passed in Meagher County. Stacy Menard motioned to approve Ordinance 378 as amended from 1<sup>st</sup> reading, amending Title 5 Ch. 22 of the existing code to conform with current state law. “Fees: An existing medical marijuana business which becomes the holder of a license to conduct such existing medical marijuana business within the City of White Sulphur Springs, and which is duly registered by the State of Montana, shall obtain a license from the City in cooperation with the Meagher County Sheriff's Office and shall pay an initial licensing fee of \$5,000.00; and shall, thereafter, pay a renewal fee of 1% of the average monthly revenue for the previous year, but not less than \$3,000.00. Such fees shall cover the cost to the City for employee time related to paperwork, inspections, monitoring and recordkeeping associated with this provision. All license fees shall be paid upon application for such license and shall be paid annually on or before July 1 of each year. All licenses shall expire on June 30 following the issuance of the license or renewal thereof. Operation of an existing medical marijuana

business without a City license under this code, or a violation of any portion of this Chapter shall result in revocation of such license and shall be punishable by a fine of not less than \$1,000.00 nor more than \$3,000.00. Other or additional sanctions may be as delineated in Montana Code Title 16, Ch. 12.” Rick Ellison seconded the motion. All said Aye. Motion carried and passed.

## **2. Resolution 2022-1: Adopt City Policy for Federal Drug And Alcohol Testing Program as to Commercial Driver’s License (CDL) employees**

Council to consider Resolution adopting as a City Policy a modified U.S. Department of Transportation Federal Motor Carrier Administration Drug and Alcohol Testing Program as to City employees using a CDL. Policy was reviewed by MMIA staff after initial discussion. Draft courtesy of Commissioner Pattie Berg.

*Possible Motion: Move to adopt Resolution 2022-1 establishing a City Policy Drug/Alcohol Testing Program for CDL employees.*

The Mayor that Derreck Shepherd from MMIA reviewed the City’s Drug and Alcohol document and came back with his comments, track changes, and mark ups. City Attorney, Susan Wordal, reviewed MMIA’s comments and provided possible alternatives to the language for the Council below.

P. 4: Applicability, #2: Mr. Shepherd indicated the last line should be changed because: When I look at policies, I get hung up on words like “must” and “shall” because there is no getting out of those and there are a lot of unforeseen circumstances, like the person decides they cannot start for two months or something. This is just a recommendation and you can ignore it, if you prefer your wording. The line originally read: The drug and alcohol testing must be the last step in the conditional offer process, and the applicant must be told that they will receive the job if they pass the DOT drug and alcohol test. Mr. Shepherd’s change would result in: “... and the applicant will receive a final job offer if they pass the DOT drug and alcohol test.” Another way to put it would be: “... and the applicant shall be advised a final job offer depends on their passing the DOT drug and alcohol test.” Either way, Mr. Shepherd’s point is valid. There may be issues with promising a job when the person might not be able to start for a period of time, which isn’t convenient to the City. Rather, if they are mandated to be informed that the job isn’t their unless and until they take and pass the DOT testing, this eliminates an issue for the City in the event they attempt to delay testing by delaying their start date or something. The decision to change the language is up to the Council.

The Council agreed to:

2. Applicants for City employment in a covered position. These individuals will be subject to pre-employment drug and alcohol testing after a conditional employment offer has been made.
  - a. The drug and alcohol testing must be the last step in the conditional offer process, and the applicant will receive a final job offer if they pass the DOT drug and alcohol test.

P. 6: Prohibitions. #2(a) The comment by Mr. Shepherd is: It seems like the city will be taking action by removing the person from safety-sensitive functions and removing job functions is considered an adverse employment action. What work will they perform if they are removed from these functions? Maybe say the city will not take disciplinary action. The issue is the language underlined below: The City will not take any action against a covered employee under this program based solely on test results showing an alcohol concentration less than 0.04. However, this does not prohibit the City from taking actions otherwise consistent with law. Mr. Shepherd’s suggestion would cause the first part of the sentence to read: “The City will not take any disciplinary action against a covered employee...”. This would allow the employee to continue to

work at certain tasks not related to operation of a commercial motor vehicle, and the remainder of the provision retains the City's right to exercise other disciplinary measures.

The Council agreed to:

2. a. The City will not take any disciplinary action against a covered employee under this program based solely on test results showing an alcohol concentration less than 0.04. However, this does not prohibit the City from taking actions otherwise consistent with law.

P. 4. B. Drug Use #4 and #5. Mr. Shepherd's comments on these two items seek to clarify the requirements. The comments are: Maybe add, "drug use that may adversely impact the employee's ability to perform safety-sensitive job functions." And Every over-the-counter medication every time they purchase it? Maybe use "should consult" to avoid positive drug tests and understand the effects the drug will have on them. The resulting language would be: 4. The City may require a covered employee to provide the City with information about any therapeutic drug use that may adversely impact the employee's ability to perform safety-sensitive job functions. 5. Covered employees should consult with a pharmacist when purchasing over-the-counter medications to avoid positive drug tests and understand the effects the drug may or will have on them. The Council is not required to make these two changes, but the language would, considering Mr. Shepherd's comments, make the position more defensible from a legal standpoint.

The Council agreed to:

4. The City may require a covered employee to provide the City with information about any therapeutic drug use that may adversely impact the employee's ability to perform safety-sensitive job functions.
5. Covered employees should consult with a pharmacist when purchasing over-the-counter medications to avoid positive drug tests and understand the effects the drug may or will have on them.

P. 7. Voluntary Self-Identification Program. C. 1 & 2 Mr. Shepherd's comments are concerned with time and with potential lack of specificity. Comment 1 as to ¶1: This, in conjunction with the below, may create a situation where the city will be required to provide paid leave for an unknown amount of time. Leave without pay can be an adverse action, but it can also be a reasonable accommodation. I recommend listing the actions the city will not take such as "terminate, demote, or formally discipline." Comment 2 as to ¶2: Without any parameters, this is pretty broad. I would recommend allowing reasonable accommodations to employees within the guidelines of the Americans with Disabilities Act. I recommend saying, "The employee will be provided a reasonable accommodation to seek..." Given that the Administrative Actions are found on p. 18, it might be worth being a little more specific here to avoid any misunderstandings, particularly if there is paid or unpaid leave involved, as there is no knowing exactly how long that might be. The paragraphs, if changed as recommended, would read: 1. The City will not take adverse action, such as termination, demotion or formal discipline, against an employee who self-identifies within the parameters of Section B, above. 2. The employee will be provided with a reasonable accommodation in order to seek evaluation, education or treatment to establish control over their drug and/or alcohol problem.

The Council agreed to:

1. The City will not take adverse action, such as termination, demotion or formal discipline, against an employee who self-identifies within the parameters of Section B, above.
2. The employee will be provided with a reasonable accommodation in order to seek evaluation, education or treatment to establish control over their drug and/or alcohol problem.

P. 9. Types of Testing Conducted. A. 3. Mr. Shepherd's comment is to the effect we might wish to identify "DER" specifically, since the definition of the acronym is at the very end. If so, the paragraph would begin: "The Designated Employer Representative (DER) or designee will notify..."

The Council agreed to:

3. The "Designated Employer Representative" or DER or designee will notify the applicant of the date and time of the pre-employment testing. In order to allow time to receive test results, this testing should take place no less than 3-4 working days prior to the start date. The prospective employee will be responsible for getting themselves to the test collection site on the scheduled date and time.

P. 10. Post-Accident Testing C. 1. Mr. Shepherd's comments as to C.1.b and C.1.c related to timing on the part of law enforcement. Is comment is: My concern here is that you are at the mercy of your law enforcement. If they are busy or drop the ball on this, your own policy would disqualify you from drug testing an employee, but you may have another reason for this. I think the issue is his concern that our policy is tied to both an accident with injuries or an accident with disabling damage AND the receipt of a citation. In many communities, law enforcement may not issue a citation immediately at the scene, or within 32 hours after an incident. I think he would suggest that regardless of the issuance of a citation, the policy should require testing to be sure alcohol and/or drugs were not involved. As you have expressed a desire for a zero-tolerance stance, this would be more restrictive, not less restrictive, which would be in keeping with Montana law. I'm not as sure about federal law. The lines could read:

b. The accident resulted in bodily injury to any covered employee or another person requiring immediate medical treatment away from the scene and/or a covered employee received a citation within 32 hours of the accident; or c. The accident caused disabling damage to any motor vehicle that required any vehicle to be towed away and/or the covered employee received a citation within 32 hours of the accident. Mr. Shepherd's other comment was pertaining to the next line, which states all covered employees involved will be tested. He wanted to know whether those tested would include passengers or just the drivers. The flow chart would suggest only the driver would be tested. If you desire to include any/all covered employees, then the flow chart would need to be modified, as it would if you opt to change the lines to read as suggested above.

The Council agreed to:

- b. The accident resulted in bodily injury to any covered employee or another person requiring immediate medical treatment away from the scene and/or a covered employee received a citation within 32 hours of the accident; or
- c. The accident caused disabling damage to any motor vehicle that required any vehicle to be towed away and/or the covered employee received a citation within 32 hours of the accident.

All covered employees involved in the accident will be tested. See Post Accident Testing Flowchart, Appendix C.

P. 11. Random Testing D.2.a Mr. Shepherd's comment is more semantics than anything else. He states: Suggest changing to "is employed in" because "performing" may indicate the employee is doing that function at that exact time. Because this section involves random testing, it might be difficult to time such a request for exactly when a covered employee may be performing a task which is covered by the policy, so Mr. Shepherd's concern may be valid. But I'm not sure his suggestion would work exactly given the multitude of duties for these employees. The language could read: a. Random controlled substance and alcohol testing may be performed at any time a covered employee is employed in a position involving a safety-sensitive function.

The Council agreed to:

2. Random Testing Process

- a. Random controlled substance and alcohol testing may be performed at any time a covered employee is employed in a position involving a safety-sensitive function.
- b. An individual selected for random testing and the individual's supervisor will be notified the same day the test is scheduled; preferably within two hours of the scheduled test.
- c. The employee will be notified whether they have been drawn for a drug test, an alcohol test, or both.
- d. The employee will be provided enough time to stop performing their job functions and report to the testing site.
- e. Random tests will be conducted in a manner consistent with **Test Procedures**, below.

P. 12. Return to Duty E.2.a Mr. Shepherd's next suggestion is a good one. The line reads: a. The Return to Duty and Follow Up Testing will be conducted under Direct Observation. The language he suggests would have it read: a. The Return to Duty and Follow Up Testing will be conducted under Direct Observation, as defined in the Special Testing Procedures below.

The Council agreed to:

2. The employee will be subject to unannounced follow-up drug and/or alcohol testing, as required under 49 CFR Part 40 Subpart 0.
  - a. The Return to Duty and Follow Up Testing will be conducted under Direct Observation, as defined in the Special Testing Procedures below.
  - b. The follow-up testing will be at the frequency recommended by the Substance Abuse Professional but, at a minimum, the employee is subject to six unannounced follow-up tests in the first 12 months following the employee's return to safety-sensitive functions.
  - c. Follow-up testing is distinct from any testing which may be taken as part of a rehabilitation program.

P. 18 Legal Sanctions A. 1-2 Mr. Shepherd's comment is: The possible legal consequences may change and you would have to update your policy each time they do. You don't have to have these in your policy and it might be easier to leave them out, but it is up to you. The comment is correct. We don't have to have them, and there are sometimes changes which would cause us to have to re-adopt the policy to deal with the changes. Rather than making these definitive statements, we can modify them slightly if you would rather have something stated in the policy. In that case, I would recommend: a. The legal sanctions in Montana can range from misdemeanors involving up to six months in jail and/or up to a \$500 fine, to felonies involving up to 20 years in prison and/or up to a \$50,000 fine. b. The legal sanctions under federal statutes can range from up to 5 years in prison and up to a \$10,000 civil fine, to life in prison and a \$50 million civil fine. 2. In Montana, the legal sanctions for driving under the influence can range from a fine up to \$1000 fine and jail time of up to 1 year, to a fine up to \$10,000 and up to 5 years in prison. If you prefer to have the penalties lined out, the DUI penalty is a minimum of \$600, not \$300. And, the Per Se penalty (which means the penalty for someone who pleads to being over the limit but not necessarily "impaired") is a fine of not less than \$600 or more than \$1,000 and imprisonment for not more than 6 months. The line would have to be corrected to reflect the actual minimums in the range.

The Council agreed to:

1. If an employee is found to be in actual and illegal possession of a controlled substance, illegally used drug, and/or related paraphernalia, they may be prosecuted under applicable state or federal law.
  - a. The legal sanctions under Montana statute range from six months in jail and/or a \$500 fine, to 20 years in prison and/or a \$50,000 fine.
  - b. The legal sanctions under federal statutes can range from up to 5 years in prison and up to a \$10,000 civil fine, to life in prison and a \$50 million civil fine.
  
2. In Montana, the legal sanctions for driving under the influence can range from a fine up to \$1000 fine and jail time of up to 1 year, to a fine up to \$10,000 and up to 5 years in prison.

P. 18 Administrative Action Mr. Shepherd's comment here is as to B.2.b.2) and the last line of that part. It reads: "These employees will not be eligible for donated sick leave." His comment is: This is probably a violation of the Americans with Disabilities Act and the Montana Human Rights Act. If other employees are eligible to use donated leave, then employees in treatment should be able to use it, also. Mr. Shepherd's point may have merit. The Montana Human Rights Act does not allow discrimination, particularly with regard to any branch of government, for a physical or mental impairment that substantially limits one or more of a person's major life activities. Anyone who has put themselves into a treatment program falls into the same category as someone who has to put themselves into a physical rehabilitation program for a physical injury, like a broken hip or something similar. If we allow use of donated sick leave for one group, we have to allow it for another. I would recommend striking the last sentence as it is stated above. My apologies for not catching this during the initial reading.

The Council agreed to:

- b. As a condition of continued employment, the employee will be required to complete any SAP-recommended rehabilitation:



- 1) The cost of the SAP and rehabilitation will be the responsibility of the employee.
- 2) The employee may be allowed to use accrued leave (sick leave followed by vacation leave) to complete rehabilitation until such leave is exhausted, at which time the employee may be allowed to go on unpaid leave.
- 3) The employee must have a negative drug test result and/or an alcohol test with a blood alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

P. 20 Drug and Alcohol Clearinghouse B.2.b.2. Mr. Shepherd asked: Does this mean the employee will be off work or is there other work the city will be able to offer? If the employee will not be working, the employee might need to be paid because unpaid leave is an adverse employment action. This might require some clarification. I would recommend, in light of the question, we rephrase this to read: 2.) If the City fails to conduct a full query within 24 hours, the City must take steps to limit the employee's assignments regarding any safety-sensitive function until the City conducts the full query and the results confirm that the employee's Clearinghouse record contains no prohibitions as defined in paragraph C, below. This should put the burden on the City not the employee.

The Council agreed to:

- 2) If the City fails to conduct a full query within 24 hours, the City must take steps to limit the employee's assignments regarding any safety-sensitive function until the City conducts the full query and the results confirm that the employee's Clearinghouse record contains no prohibitions as defined in paragraph C, below.

P. 20 Drug and Alcohol Clearinghouse C and P. 21 F Mr. Shepherd's issue here is for how long will an employee be restricted if there is a flag on the Clearinghouse query. Is this a suspension? And if so, is it with or without pay? Are they transferred to another location or limited in their duties? This should be resolved during discussion. If you want to leave it for the present and come back to it in the future, we can do that. The way I read these, if the employee has a Clearinghouse issue, or refuses to grant consent to query, then we will have an employee who cannot perform an essential function. We might then need to go through the disciplinary process.

The Council agreed to:

#### C. Prohibitions

No covered City employee will be allowed to perform any safety-sensitive function if the results of a Clearinghouse query shows that:

Stacy Menard motioned to extend the meeting. Ron seconded the motion. All said Aye. Motion carried and passed.

The Mayor, Council, and City Attorney discussed the changes that were suggested by MMIA to the City's Resolution to begin drug and alcohol testing employees required to have a Commercial Driver's License for operating equipment.

Stacy Menard motioned to approve and adopt Resolution 2022-1 establishing a City Policy Drug/Alcohol Testing Program for CDL employees as the Council discussed. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

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

**1. Appoint – Parks Advisory Committee Member – Candi Short Richardson**

The Mayor asked if there was a motion of support from the Council for appointing Candi Short Richardson as a Parks Advisory Committee member. The Council supports the approval for the Mayor to appoint Candi Short Richardson as a Parks Advisory Committee member. The Mayor said that he will consider the appointment of Kaye Ringer to the Park Advisory Committee at the next meeting March 7th.

**2. Authorize Mayor and Great West to pursue Grant Opportunities – Great West**

CDBG has published its grant cycle deadlines: March 1, June 15, August 1 and October 14. To secure funding under the CDBG (Community Development Block Grant) umbrella, applications are due by March 1<sup>st</sup> for the earliest deadline. Costs for this task item under the Great West contract are typically \$1500.00. Maximum grant award is \$50,000. Also, the RRGL or Renewable Resource Grant and Loan program has an application deadline of February 18<sup>th</sup>.

*Possible Motion: Move to authorize the Mayor and Great West to pursue any eligible grant funding opportunities between now and March 31, 2022, identified as Task Order #1, and report back to the Council on the applications made and any obligations for the City.*

The Mayor said that now that the Great West Engineering On-Call Contract was completed last month he would like the Council's consideration and motion to authorize himself and Great West to pursue any eligible grant funding opportunities between now and March 31, 2022, as identified in Task Order #1. Stacy Menard motioned to authorize the Mayor and Great West to pursue any eligible grant funding opportunities. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

Thomas Pickett had a public comment discussion. Thomas Pickett presented to the Council his need for water and sewer for his property of lots on 3<sup>rd</sup>/Badger to possibly make a housing project. Thomas Pickett will print out a copy of the lots for the Council. It was suggested to also talk to the City Planner and City Engineer with his project plans.

The Mayor and Council had discussions during the City Engineer's Report earlier.

**I. Comments/Discussion**

1. Future Business

2. Mayor's Comments—Rick Nelson

The Mayor said that he will be gone March 2<sup>nd</sup> and 3<sup>rd</sup> to attend The Executive Forum in Choteau, MT for Montana Mayors, City Managers, and Chief Executives for an educational experience. The regular session/public hearing/work session will be February 15<sup>th</sup>.

3. Council Comments/Discussion

a. President of the Council—Pattie Berg

Not here.

b. Council Member—Ron Coleman

Nothing to add.

c. Council Member—Stacy Menard

Stacy Menard brought up that the new City Judge is due for a raise for everything that has done. The Mayor said to bring up the raises at budget time in July. It was mentioned about Ordinances that have been passed and how they are not being enforced.

Stacy Menard motioned to extend the meeting for 10 minutes. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

The Mayor said that if a citizen is not complying, a violation, with an ordinance then a witness can fill out a complaint form (a paper trail) at City Hall and then it will be handled by the enforcer (Sheriff/Mayor). Ordinances need to be enforced and residents that are violating ordinances need to be handled.

d. Council Member—Rick Ellison

Nothing to add.

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

Pay the Bills

Claim Check #'s 18442-18480

January 1, 2022 thru January 31, 2022 for \$18,404.86


Journal Vouchers #'s Payroll Check #'s 8932-8962 for \$20,832.16

Electronic Check #'s 6,393.11

1-1-2022 thru 1-31-2022 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 9:30 pm.

  
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Michelle Stidham—Clerk-Treasurer

  
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Mayor – Rick Nelson