

City of White Sulphur Springs

The regular meeting of the City Council was held on April 19, 2022 at 6:00 P.M. Mayor Rick Nelson called the meeting to order with the following members present:

Pattie Berg
Ron Coleman
Rick Ellison
Lee Blanchard

A. Call Regular 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.

BUSINESS SESSION

A. Call Business Session Meeting to Order

B. New Business

1. Hard Rock Mining funds - Nancy Schlepp and Jackson Rose

Discussion and/or Action

Receive report from Nancy Schlepp and Jackson Rose as to status of Hard Rock Mining funds and potential uses. Consider options based on status of funding.

Jackson Rose and Nancy Schlepp presented the Council with the 2022 Hard Rock Mining Impact Plan Annual Monitoring Report – Survey Data handout. Jackson Rose and Nancy Schlepp gave a report on the Hard Rock Mining Act Funds available to the City. Nancy Schlepp reported that Black Butte Copper project is moving forward despite the ruling against them and the DEQ. Nancy Schlepp said that they have met with their lawyers, the board of directors, investors, and they all want to move forward on the project. The Black Butte Copper mines' permit has not been pulled and they have 45 days to respond to the decision with remediation plans, they fully expect the case to go to the Montana Supreme Court, but they expect the whole process to set back the construction by about a year. The Mayor said that the City has about \$58,000 of funds available that they will request for by the end of fiscal year and use for planning.

2. HRDC Housing Study/Action Plan Phase 2 - Tracey Menez

Discussion and/or Action

- a) Discuss Housing Assessment results for White Sulphur Springs and Meagher County
- b) Review with HRDC the possible next steps re: housing solutions and action plan for White Sulphur Springs and Meagher County
- c) Discuss using Hard Rock Mining funds (\$7500) for pursuing Phase 2 as proposed

Accept Public Comment

Possible Motion: Move to direct City Attorney to prepare resolution to join Meagher County in Phase 2 of HRDC Housing Study/Action Plan.

Tracey Menez discussed the Housing Study and creating an Action Plan Phase 2 for community housing over the next couple of months, (kick off meeting, housing tools, housing priorities, housing implementation) having the community engage on the draft housing action plan and complete in October. The County tabled this to see what the City's thought on this was. The Council asked for more information on other places that have had an Action Plan. Tracy Menez said that she would send information on the Gardiner's Action Plan.

3. Van Oil location - Keith Howick

Presentation by new owner regarding rehabilitation/construction of Van Oil location and new White Sulphur Springs Hardware Store

The new owners of the old Van Oil property presented the Council with their plans to build a hardware store. They plan on demolishing the old Van Oil building and digging/pulling out the fuel tanks, possibly removing the 3-5 wells without any contamination and build a new hardware store with a covered lumber yard (13,000-14,000 sq ft). All of the parking will be off street parking off of Central Ave. The whole process will take approximately a year.

4. Freedom Days LLC street closure and waive open container request

Discussion and/or Action

- a) Update as to Freedom Day's street closure request for the 4th of July.
- b) Consider additional information presented.
- c) Consider approval of closure and Open Container Waiver.

Accept Public Comment

Possible Motion: Move to approve Freedom Day's street closure and Open Container Waiver July 4th

Amber & Cassie Coburn presented the Freedom Days LLC letter to the Council for discussion. In the letter:

FREEDOM DAYS LLC

CASSIDY COBURN
AMBER COBURN
KATE MARTIN
JOSHUA MANNING

281 MAIN ST.
P.O. BOX 757
WHITE SULPHUR SPRINGS, MT 59645

April 15, 2022

Mayor Rick Nelson
WHITE SULPHUR SPRINGS CITY COUNCIL
105 W. Hampton St.
White Sulphur Springs, MT 59645

RE: Freedom Days LLC and 4th of July Street Dance

Dear Mayor Nelson and Council Members:

The purpose of this letter is to clarify any confusion surrounding the structure of the Freedom Days LLC and the organization of a street dance planned for July 4, 2022. Freedom Days, LLC was formed by 4 private citizens (individual people, not businesses) for the purpose of organizing their events downtown, as they see fit, throughout the year without putting liability on those individual's establishments.

For some background information, the first year when we were filling out the application for street closure, we were asked to pick an entity that would be responsible for the event, it is not possible to choose more than one. We thought about this and in order to protect our businesses, we formed an LLC as individuals to close the street and bought separate event insurance that has nothing to do with any of our businesses.

With that being said, Freedom Days LLC made a conscious choice not to have catered liquor on the street at it's 4th of July Street Dance for which Freedom Days LLC is bearing complete responsibility and expense, including: planning, insurance, entertainment, clean-up and road closure. The decision not to have catered liquor on the street was not made to offend other bars or by any means "drive a wedge", but to limit liability and lower insurance cost. Freedom Days LLC is not a bar and is not owned by a liquor licensed entity. The patrons of the street dance will be purchasing their alcohol in licensed establishments who have adequate insurance, licensed servers, and we will feel confident that we will have controlled our situation to the best of our ability. At any rate, this is the situation we have chosen, and we are choosing not to allow other establishments to sell liquor on the street at our event and that is the way we have represented the situation to our insurance company and we, Freedom Days LLC, and no one else, has born the expense for this risk.

The bottom line is that we are requesting that the City Council support our event, like any other event, but also, that you respect our right to do business as Freedom Days LLC, just as other entities are allowed to operate events without government interference or pressure. Our intention in forming this LLC is do everything by the book and provide a fun, safe, and controlled environment.

Similar examples of events in White Sulphur which have not been asked to sign contracts with outside liquor establishments are: 2 Bassett Brewery's Brewery Olympics where it is not required of them to invite other liquor establishments to cater. Red Ants Pants Music Festival maintains complete control of its contracts to sell alcohol at the festival, and finally, the Labor Day Rodeo is not required to invite specific establishments to sell alcohol at the Rodeo; they invite who they want for the event as it is their event. The bottom line is, we are **not** signing catering agreements with **any** establishments, not just Ringling, and **if we ever were** to have catered liquor, we don't feel it is right to be told who those establishments would be.

If other individuals or businesses wish to put on events like the ones that Freedom Days LLC have put on, then they should feel welcome to do so, as well as it be their choice if they choose to have catered alcohol. We would love to support their efforts. We have planned an entire weekend of activities on the 4th of July that, before our efforts, were never a part of our community. This year, these activities include a street dance, a car show, and a roping. We feel that they are an asset to the downtown economy, and we hope they become a positive tradition that will make the City of White Sulphur Springs very proud and bring many welcome visitors.

Thank you for your consideration and support.

Best Regards,

FREEDOM DAYS LLC



By: Cassidy Coburn

CGC/egc

There was a discussion about anyone with a liquor catering license should know that they have to have a sponsorship contract signed by the event sponsor as well as a permit signed by the Sheriff to cater liquor at an event and be sent in to the Liquor Control board, if a caterer violates this then it is not the fault of the event sponsor. Everyone agreed that communications could have been better last year. Amber & Cassie Coburn said that the group is just bringing the community together and just trying to help people here and help businesses. People can be involved but everyone needs to pitch into the costs of the band, insurance, and clean up. Freedom Days LLC, asked for the Council's blessing to close the street and the Mayor's approval to waive the open container. With Council's approval the MT Department of Transportation would approve the permit to close the street. Pattie Berg motioned to allow the Mayor to make the appropriate decision on the request for the open container waiver for July 4th. Rick Ellison and Ron Coleman said that they both approve the street closure. Ron Coleman seconded the motion. All said Aye. Motion carried and passed.

5. Request for Approval: Lot Line change - Don DeGroft

Discussion and/or Action

Consider request from Don DeGroft, owner, for lot line change (shift approximately 3 ft.) to the east on Lot 15 creating Amended Lot 15, Amended Lot 13 and Amended Lot 14 of

Block 16 Wellman Addition. Request originating from owner of all lots to address issues resulting from placement of structure/driveway on Lot 15. See Certificate of Survey
Accept Public Comment

Possible Motion: Move to approve and accept lot line change as depicted on submitted Certificate of Survey.

The Mayor said that the owner Don Degroft is requesting a lot line change, shifting approximately 3 ft. Rick Ellison motioned to approve and accept the lot line change as depicted on the submitted Certificate of Survey. Rick Ellison seconded the motion. All said Aye. Motion carried and passed.

6. No Parking on Hampton Street between 3rd Ave NE and 4th Ave NE

Discussion and/or Action

Continued from April 4, 2022 meeting. Issue regarding truck route on Hampton behind Town Pump. Recently, parking behind Town Pump along this route has created issues for truck traffic entering/exiting Town Pump. Consider designation as No Parking Area, and possibly create 2 or 3 reserved/designated spots.

Accept Public Comment

Possible Motion: Move to direct City Attorney to prepare a resolution designating a No Parking Area on Hampton in accordance with discussion.

The Mayor, Susan Wordal, and Council continued the discussion about no parking behind the Town Pump on Hampton Street between 3rd Ave NE and 4th Ave NE. The street is not wide enough to accommodate semi trucks meeting as cars are parked behind the Town Pump. With the semi truck traffic and using the street to get to the diesel fuel pumps it has become an issue. The Mayor said that the street sign says it is a designated truck route but there is nothing in the City Ordinance code that supports that. The Mayor suggested not to refer the truck route but simply designate that block between 3rd and 4th on Hampton as a no parking except for a couple of spaces (2-3 spaces) near the ends of the Town Pump building for accommodating their employees that have physical challenge. Ron Coleman motioned to designate a No Parking Area on Hampton between 3rd and 4th NE Ave. Lee Blanchard seconded the motion. Motion carried and passed.

7. Sale of two City vehicles

Discussion and/or Action

Consider selling the 1998 Ford F150 ½ Ton truck and the 2004 Chevy ¾ Ton truck.

Accept Public Comment

Possible Motion: Move to authorize sale of identified vehicles and direct City Attorney to prepare a resolution for sale of two city vehicles.

The Mayor and Council discussed selling two of the excess vehicles, the 1998 Ford F150 ½ Ton truck and the 2004 Chevy ¾ Ton truck. The Mayor said that the Kelley Blue Book prices of the 1998 Ford F150 ½ Ton truck is anywhere from \$2,900-\$4,200 and the 2004 Chevy ¾ Ton truck is anywhere from \$5,500-\$6,600. The Mayor said that the only issue that would happen is that if the City sold both trucks that when the parks department started up they would be using one of the other three trucks to haul the trailer for the mower leaving the three public works to share the other two trucks. It was discussed to eventually purchase a four-wheeler for the parks department to haul the mower with. The Council decided to put the older pick-up truck out for bid to get rid of it, with a minimum value bid of \$3,500. Ron Coleman motioned to authorize the sale of the 1998 Ford 150 ½ Ton truck for a minimum bid of \$3,500 and direct the City Attorney to prepare

a resolution for sale of the City vehicle. Lee Blanchard seconded the motion. All said Aye. Motion carried and passed.

8. Discussion re: Purchasing Options

Discussion and/or Action

Consider authorizing Mayor and City Treasurer to set up 2 City debit cards with limits of \$500 and \$2,000 for use by City employees for use when purchasing via phone or for travel-related expenses associated with City business. Would establish limitations for use and a sign-out policy for using the cards.

Accept Public Comment

Possible Motion: Move to direct City Attorney to prepare resolution authorizing Mayor and City Treasurer to establish debit cards for use by City employees when purchasing via phone/internet or for travel-related expenses associate with City business, with limitations.

The Mayor said that when a City Employee is traveling or expenses occur to set up two City debit/credit card with limits of \$500 and \$2,000. The Mayor handed out an example of what the Town of Superior in regards of their credit card use and procedures are and signing checking in/out the card with receipts. There was a discussion on whether to get a debit or a credit card and with what bank. The City Clerk-Treasurer will ask the Auditor what card will be better to get for the City. Susan Wordal will prepare the resolution language and the purchasing policy credit or debit card use and procedures.

9. Treasury Project and Expenditure Report – City Treasurer/Mayor

Discussion and/or Action

City is required to report on designated forms related to the ARPA allocations. The City must report by April 30, 2022 identifying what allocations have/have not been used, and for what purpose to be able to receive second half allocation. The City previously decided to use the ARPA allocations (both \$118,901.01 plus the \$118,901.00 not received yet) as matching funds for the Waterline Main Transmission Project IV.

Accept Public Comment

Possible Motion: Move to direct City Treasurer and/or Mayor to executed required documents to comply with NEU Government certification requirements for ARPA allocations.

The Mayor said that the City is required to report online the Treasury Project and Expenditure Report related to the APRA allocations by April 30, 2022 and identify what allocations that have or have not been used and the purpose to be able to receive the second half of allocation. The Mayor said that the City ranked at #124/270, 90 projects were funded, but the City was still out of the funding. The Mayor and Council discussed the \$118,901.01 (previously received June 2021, first half) plus the \$118,901.00 not yet received (the 2nd half) allocations that were to be previously used as matching funds for the Waterline Main Transmission Project IV, fell through and will not be funded. There are concerns with Willow Creek being off line and if there was a fire they City could run low on water or not have any water for a period of time. The Mayor said that Great West Engineering recommended that the City purchase a 200Kw generator to run its lift station pumps and two well pumps with the estimated project costing \$236,000 (needing ½ City match) and use the \$118,900 (the 2nd half) allocations as City match for the Minimum Allocation grant that they have applied for in behalf of the City. The Mayor, Susan Wordal, and Council said that this will have to be done to ratify the ARPA funds for the Minimum Allocation Grant for the Emergency Generator Project because of the April 30th deadline on the May 2nd meeting. The Council, by consensus, approved, to meet at the next meeting and ratify the ARPA funds for the Minimum Allocation Grant for the emergency generator project.

C. Motion/Vote to Adjourn Business Meeting

WORK SESSION (Starts directly after Business Meeting adjourns) if time allows

A. Call Work Session Meeting to Order

B. Council Discussion:

1. City Code Review: Chapters 1-3

Discuss identified chapters, suggest revisions, explore options as identified in discussion. The Mayor said that since there is not much time left to table this work session until next month's work session time.

I. Comments/Discussion

1. Future Business

2. Mayor's Comments—Rick Nelson

The Mayor said that Clean Up Day May 21st will be discussed for the annual City/County dump day at the next meeting. The Mayor said that it was brought up that because like, Triangle Telephone or Northwestern Energy, need to add onto the fee schedule on the next meeting, the utilities fee to charge for someone tearing up a street due to electrical or fiber, now it just says a fee for tearing up the street or alley due to water or sewer taps. The Mayor said that he will have a list of properties that will need yard clean up letters that the office will prepare after the City Attorney has updated codes and language for the yard clean up form prior to clean up day so that people can take advantage of clean up day. The May 2nd will not be via Zoom, both of the clerks will be gone for training that week, Barb Heggen will be taking minute notes and recording the audio.

3. Council Comments/Discussion

a. President of the Council—Pattie Berg

The Community outdoor Recreation Realization (CORR) process starts, it is the CORR Stakeholder meeting and it will be Thursday from 4:00 pm to 6:00 pm at the Senior Center and via Zoom. The Parks Advisory Committee meets tomorrow also.

b. Council Member—Ron Coleman

Ron Coleman asked about letters being sent out for a vehicle that has been on the street for a few years. It was also brought up about other vehicles and campers on City streets. The Mayor said that just let the Sheriff know and he goes out and tags the vehicles to be removed. The Mayor will have the yard clean up list, there are 7-9 clean up yard, 3 vehicles, and 2 motor homes, so far, and he have the office send out the violation letters.

c. Council Member—Rick Ellison

Rick Ellison said that he went down and checked out the Asphalt Zipper and was very impressed.

d. Council Member—Lee Blanchard

Lee Blanchard said that he is just getting back into being in the Council but asked if he should be going to the Election training in Bozeman. The Mayor said that he went to Choteau so he has his education training this year. Rick Ellison went to Rural Water and Ron Coleman and Rick Ellison did the six week Local Government Municipal Handbook so they have their education training. Pattie Berg said that she has her education training in. The Mayor said that if Lee Blanchard or Ron Coleman would be interested and like to go they can still sign up and go.

J. Claims Signing/Motion to Approve the Bills

Pay the Bills

Claim Check #'s 18558-18590 April 1, 2022 thru April 19, 2022 for \$145,593.69


Payroll Check #'s 9017-9028 for \$9,414.45 will be for until the next May 2, 2022 Agenda for the payroll timesheets.

Electronic Check #'s \$3,580.01

04-01-2022 thru 04-19-2022 were presented for Council's approval. The Mayor asked if there is a motion to pay the bills. Pattie Berg motioned to pay the bills as presented. Lee Blanchard 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. Lee Blanchard seconded the motion. All said Aye. Meeting adjourned at 8:25 pm.



Michelle Stidham—Clerk-Treasurer



Mayor – Rick Nelson