

**TOWN OF WHITEHALL**  
**P. O. BOX 529**  
**WHITEHALL, MT 59759**  
**APRIL 8<sup>TH</sup>, 2019**

The Whitehall Town Council held their regular meeting in the Council Chambers at 207 East Legion Street, Monday, April 8th, 2019.

**PRESENT:** Council Members: Jason Good, Logan Reiff, Gary Housman, Mayor Mary Hensleigh, and Town Clerk/Treasurer Summer Fellows.

**ABSENT:** Francine Janik and Barb Gagnon.

**VISITORS:**

Marty Keogh, Lori Young, Bridget Morse, Dale Morse, Alison Richardson, Montana Rawson, Kevin Turnman, Joel Andrews, Maxine Samuelson, Katy James and Ed Guza.

Mayor Mary Hensleigh called the Council Meeting to order at 7:00 P.M.

Mayor: Before we do roll call, the Council is now a five member Council as Montana had to resign because she sold her house and moved out of Town. So we do have a quorum with the three members.

Roll Call was taken. All Council Members were present except for Francine Janik and Barb Gagnon.

The Pledge of Allegiance was recited.

**AGENDA APPROVAL:**

Logan Reiff made a Motion to approve the Agenda. Jason Good seconded the Motion.

**THE MOTION PASSED UNANIMOUSLY.**

**APPROVAL OF MINUTES:**

Logan Reiff made a Motion to approve the Agenda. Jason Good seconded the Motion.

**THE MOTION PASSED UNANIMOUSLY.****REPORTS:****Mayor's Report:**

Mayor Mary Hensleigh: I'd like to welcome you all here. I'd especially like to do a shout out to all my grandkids who are here from Seattle visiting so Hi Braden and Teagan who are watching from home. Coming up we have Spring Clean which is April 23-26<sup>th</sup>. There's going to be an ad in this week's paper and it's pretty much the same routine as it always has been in years past. We're hoping everyone participates and we are looking forward to working with the High School kids, they do an excellent job. We've been working on our strategic plan. We have some items on the white board over here. Just like in Bozeman, the breakdown is usually for Public Works. About 70% of their time is routine, everyday type of maintenance and chores. 20% of their time is spent on special projects and then 10% of their time is spent on emergencies. So on the strategic plan our number one project this spring will be the drainage project at the Community Center. Then, if we have enough money we will work on the drainage project at Whitetail Drive. We'll be installing the Town signs and flag poles. We'll be putting in a new RV dump station at the Rec Complex. We'll also be doing the hard surfaces at the Rec Complex. Those last three items are all T.I.F.F. (tax incremental financial fund) projects paid by the T.I.F.F. Also, the sidewalk and curb repairs on Legion Street, that's also a T.I.F.F. project. Pool improvements and putting in the second gazebo is a T.I.F.F. project. The alley grading is a project that got started last year that we're finishing up this year. Pot hole repair is an ongoing project and the Chip Sealing that didn't take two years ago, they are coming back to redo that. Kory is going to be working on the Cemetery expansion, adding new sprinklers and doing the plotting. Weed spraying is also an ongoing project all the time in Whitehall. We will be exercising the valves, flushing hydrants, painting the well houses, doing some work at old Town Hall and of course we have to jet the sewers. Those are some of the projects we have lined up. The Clerk's and Mayor will be in Bozeman May 5-10<sup>th</sup> for Clerk and Mayor school so Allissa will be here running the office. We'll have our Council meeting on May 20<sup>th</sup> since we will be gone that whole week.

**Officer's Reports:****Attorney's Report:**

Ed Guza: Thank you Mayor. From the prosecution side we have two DUI'S, one violation of an order of protection, three partner/family member assaults, one under age possession and one disorderly conduct. That's the prosecution side for the Town. From the civil side, I reviewed an Ordinance today that we are going to talk a little more on later on. That's pretty much it. It's been quiet on the civil side of things and that's great.

Clerk / Treasurer's Report:

Summer Fellows: Working on Audit and working on some things with local government on how to go about Mill Levee increases. How that's done and they are giving me ideas and I'll share more on that later. I worked on an Ordinance this weekend. I have CPO (Certified Pool Operator) training coming up the end of October. Allissa and I will be getting our Certified Pool Operator license. Clerk school is coming up and the Clerk of Court thing is going well.

Public Work's Report:

Kory Klapan: On the water end of things, I did get the fire hydrant on Division Street repaired and up and going. I notified the Fire Department that they can now use it. I've been busy transferring stuff from Public Works like fittings, sewer, saddles all kinds of stuff to organize it and we finally got that done. I probably have a week or so into that. Last Thursday the Department of Labor came in and did an inspection on our sewer and the Well again, it's the second time in a year but everything went pretty well. They did get us on a few things that will be fixed and I will report to them but nothing major. Our tree trimmer has done a great job and he's done officially today and moved out so I hope he got everything on his list. We are getting the mowing stuff ready to go. We've got all the weed eaters ready to go and we're working on the wheeled weed eater right now. It's got some issues. The only other thing I have is the Dump Truck. I got ahold of Devon Hobbs and he does have time to work on it. He'll have me a price by the end of this week.

Fire Chief's Report:

Summer Fellows: For the Fire Department, We only had one call in Town and out of Town, we had our first wild land fire. Other than that it's been trainings. We've done a hazmat training, I am responding training, just all the normal.

Sheriff's Report:

Summer: For the Sherriff's report, there's been a couple of days but for the most part it's been pretty quiet. He didn't have a whole lot but he did tell me that.

Committee / Board Reports:Planning Board:

Lori Young: On April 1<sup>st</sup>, we had our Planning Board meeting and all were present. We discussed Tara TeBay and her putting in her coffee shop and we approved that. It will be in the park by the fish ponds. We gave her a preliminary approval on that based on she gets written permission from the railroad. We also moved to approve the GMA Garnet application for the fence to be put in. And I also brought up to discuss a resolution to prevent people from living in RV's, motorhomes or as such around the Town of Whitehall. I know I have personally as the Chairman of the Board had numerous people approach me to have RV's put on their vacant lots and rent those as rental properties so there are people that are not

seeing the ordinances as clearly as they are written. So we are seeing an issue with that hence the reason we presented and recommended and our Board passed. We recommended a resolution but as Summer discussed an ordinance was more effective. That's all we have.

Pool Commission: No meeting.

Trees, Parks and Cemetery:

Mayor: Kory and I were at that meeting and we mostly went over Spring Clean and the arborist and all the tree trimming that's been going on for the last month. We'll be having Arbor Day with Head Start kids the next couple of weeks and that's always a fun event. They are working on their budget that has to be in to Summer by May 1<sup>st</sup>.

Water/Sewer/Garbage:

Montina Rawson: We met Monday April 1<sup>st</sup>, 2019 @ 8:30 am

Committee Present: Kory Klapan, Gary Housman, Montina Rawson, Dale Morse

**Old Business:**

Water: No Adjustments.

Sewer: Multiple Leak Adjustments.

Garbage: Excess Garbage Charges, note each week there is excess garbage it is a five dollar increase which is \$20 a month minimum and extra can is only \$18 a month.

Growth Policy and Capital Improvement Plan: Potential items to discuss with Jason for capital improvement plan: Line asbestos sewer line from Yellowstone to 2<sup>nd</sup> Street, line asbestos water line on Rocky Mountain Drive, loop Pfifer Street, and locate curb stops.

Public Works Meter Repair/Backflow Preventers: Discuss with Alan from MMIA regarding policy and procedures.

Reline water tank: The committee recommends putting the relining of the water tank in the budget for 2019-2020. The recommended time frame would be in October after the sprinklers in the cemetery and parks and blown out for the season. Kory said options for the system while the water tank is being relined would be rehooking to the blue water tower, bringing in portable tanks for water storage, or putting pressure regulators on hydrants with a drain into the ditch or storm drains.

Water tank leak: The water tank is leaking at the bolts and has some rust Kory is concerned about. Gary recommended replacing bolts that need replace and repainting the rust area. Gary has the bolts and paint that need to be used and said he would give those to Kory. Gary mentioned repairing the leak at the same time we reline the tank.

**New Business:**

Training protocol: Talk to Alan at MMIA regarding training when we comes to the council meeting on the 8<sup>th</sup>, also talk to other municipalities to see what they do for training public works employees.

Water/Sewer/Garbage Bill Adjustments: See handouts.

Field Trip for Surplus items: The committee took a trip over to public works to look at miscellaneous equipment the town has in poor condition or unused and recommends the following to be sold at an auction at Public Works: small stump grinder, Husqvarna zero-turn mower, skid-steer forks, dump truck with plow, ambulance.

Streets/alley/sidewalk:

Montina Rawson: We met on Monday April 1<sup>st</sup>, 2019 @ 9:30 am

Committee Present: Kory Klapan, Gary Housman.

Others Present: Dale Morse, Montina Rawson.

Old Business:

**Roads:**

Discuss repairing pot holes- Kory called for availability of hot mix. They will begin batching hot mix April 20<sup>th</sup>. The committee recommends patching pot holes in June before Hardrives comes to repair the chip sealing project.

Gas Tax Money: The town will be receiving roughly \$19,546 in gas tax money this spring. The SAS committee recommending using these funds to address concerns we have had with our streets which are as follows: Kory to get quotes on the drainage issue between Legion and Division.

Hardrives: Tabled to May meeting; remind Hardrives to bring their own water truck when they do the repair last time they did not and the chip were too dusty.

Alleys: Discuss grading this spring. The committee recommends Kory to contact Davis Excavation on a quote to grade alleys starting with the most traveled and worse condition alleys and down from there depending on available funds.

Sidewalks: N/A.

Gas Tax Money Project (East of Town Hall Drainage): Postponed to spring.

Maintenance Planner- Kory has white boards planner will be posted at Public Works.

Surplus Items: The committee took a trip over to public works to look at miscellaneous equipment the town has in poor condition or unused and recommends the following to be sold at an auction at Public Works: small stump grinder, Husqvarna zero-turn mower, skid-steer forks, dump truck with plow, ambulance.

New Business:

Discuss repair diesel dump truck oil and fuel leak. The committee recommends Kory to call Hobbs Automotive on a quote to repair the fuel and oil leaks as well as the lighting and turn signal issues to get the truck road worthy to haul hot mix.

Mayor: Before you sit down Montana, on behalf of all of us here I want to thank you for the past 15 months. You've been an excellent Council person and you will be missed. I think a round of applause is in order.

Montina: Thank you. Dear fellow councilmembers, Town employees and the beautiful Town of Whitehall,

I would like to thank you for the opportunity to work for and with you the past year and a half. We sold our home and moved out of city limits so I am no longer eligible to represent the Town however, I will still volunteer where needed. Whitehall is a wonderful Town richly blessed with history and loving and generous citizens. I am proud to call this valley my home and its people my family.

With love,

Montina Rawson.

Recreational Complex Board:

Jason Good: At the Rec meeting, we approved two events for the Chamber. We should have the baseball schedule by our next meeting. Dave Cole stepped down from Chairman and Curtiss LaFontaine is the new Chairman. We looked at some possible hard surface options for handicap accessible areas out at the Complex.

Whitehall Tax Incremental Finance District:

Bridget Morse: We had our T.I.F.F. meeting on the 20<sup>th</sup> of March. We had a good meeting and talked about everything that is going on and when things are starting. Most things are starting in the spring as you can see on the Schedule over there. We didn't have any additional budget requests and then we talked about the Grant application process. Several things were discovered that we will need for next year. We'll add things in like a cover letter and a map of where the T.I.F.F. is and stuff like that. That might be helpful to people like where to turn it in. It is due April 15<sup>th</sup>. If you could turn it in to Town Hall or give it to me, I can bring it in here. The only other thing was Mary, you were having Ed there draft up an agreement so we can send that out when we grant our Grants right?

Mary: Yes.

Bridget: Ok, because I had a suggestion or a couple of ideas for that today someone mentioned to me so maybe we can get together to talk about that and make sure it hits the bullet points we were thinking of. Other than that, I don't think there was really anything else at the T.I.F.F. party.

CTAC:

Alison Richardson: We have CTAC that happens monthly over at the Borden's Conference Room. We thought it was probably a good idea to start coming in and briefing the City on all the fun we're having over there at 8AM on the second Thursday of the month. We have free doughnuts and coffee for anyone that wants to come. It's an open invitation for Council Members or anyone in the public to come

and see what's going on in the community. Right now, one of the main things going on is we have Golden Sunlight Mine, the manager comes to our meetings. With the potential closure options, it's kind of a hot topic for us to talk about what some of those implications are. At our last meeting, we went over and discussed what the potential closure would look like for the community. Out of that meeting came the thought that CTAC will be working with MSUB (Montana State University Billings) to conduct some sort of community survey to gauge what the local population is thinking about the potential closure and any sort of legacy issues that we want to keep in mind and help communicate to the Mine. At those meetings, you have a whole different set of people. It's not just Golden Sunlight Mine people that are there. We give updates on the Golden Sunlight Business Park that is located right outside of town. We have a wind company coming in and we're also starting to break ground on a new building out there. We also give an update on the Town of Whitehall and what's going on there and we also have Northwestern Energy there. Just a reminder April 16<sup>th</sup>, there will be a planned outage here in Whitehall from 1am-6am. If you have any questions, you can call Northwestern Energy or even stop at our Extension office and we can give you a flyer. If you go around area businesses, you'll probably see flyers hanging the windows. We usually have updates from the Whitehall Schools at our meetings as well as the Whitehall Chamber. We usually have our Jefferson County Commissioners there, Pipestone Creek sedimentation update and fish/wildlife and parks. If you want to come and there's a pressing issue, we're easy going and we're not really formalized so if you want to get on our agenda to talk about something, call our office and let us know. I hope to see everyone there, our next meeting is this Thursday. And did I mention there are free doughnuts and coffee at 8am? If you have any questions, just let me know. Thank you.

Public Comment:

Marty Keogh: I have not seen an opening for the Council person in Ward 3 but, I see in the agenda the appointment of a person to fill that vacancy.

Maxine Samuelson: One day before March 11<sup>th</sup>, Kory mentioned about a hydrant that was repaired on Division Street. There was also a power pole that needed to be replaced. From what I understand, the power pole cost was \$10,000 and the hydrant was about \$5,000. Now, I understand that the Town did get some parts for a hydrant that would work on that, but I know that there was a recording of the person who damaged that property. No charges have been filed. I don't want any Town money to be used for the repairs of the power pole and hydrant. Thank you.

Alison Richardson: I'm just back to remind everyone that the Chamber Easter Egg Hunt is this weekend on Saturday morning at 10am. We're going to be over at the High School football field. It's a really fun event and I hope the Town can come out and have fun with us. We're giving away a lot of fun prizes besides 4000 pieces of candy. If anyone would like to come help volunteer, we would really appreciate it. We need about five more volunteers to help with set up starting at 8am and also handing out prizes to all the kids which is actually a really fun job watching their faces light up and it's a fun community event. Find me at Borden's or even contact the Whitehall Chamber.

**CONSENT AGENDA**

Mayor Hensleigh: Is there any public comment on the Consent Agenda?

**Development Permit**

GMA Garnet application for safety fence.

Honey Magnolia Coffee Shop approved pending written permission from Rail-link.

**Street Closures**

Health and Safety Fair on May 17<sup>th</sup>, 2019/ North Division Street.

**Upcoming approved Chamber Events**

June 28<sup>th</sup>, 2019/ Circus August 29<sup>th</sup>, 2019 Shakespeare in the Park

July 26<sup>th</sup>, 27<sup>th</sup>, 2019/ Ranchers Roundup

**Resignations**

Montina Rawson

Don Chelback

John Sullivan.

**Board Appointments**

Lona Johnson/ Saddle Club

Bridget Morse/ T.I.F.F.

Roy McBride/ T.I.F.F./WSG/ SAS

Kurtiss Lafontaine/ Rec

Patrick Miller/ Baseball

**Public Works Employee**

Donald Sullivan

Jason made a motion to approve the Consent Agenda with Logan seconding.

THE MOTION PASSED UNANIMOUSLY.

**PRESENTATIONS:**

MMIA/ Presentation regarding water meters.

Allen Hulse: I am the Chief executive officer for the Montana Municipal Inter Local Authority. We are a self-insurance pool in risk management organization for Cities and Town's in Montana. The reason I'm here is I was having some conversations with Montina about a proposal. You all are considering to pass I believe a resolution that would prohibit your Public Works employees from going onto private property. So anyway, Montina reached out to me and asked what our thoughts were. We handle a lot of claims handed to Cities on these types of issues and I told her I had some concerns. We certainly aren't in the business of telling you people on how to run your City but we certainly have thoughts and ideas so I was

asked to come and share my thoughts on this proposal. The MMIA actually runs 4 separate self-insurance programs for Cities and Town's. We have a Workers Compensation plan, a Liability program which provides coverage for third party claims, property and then Health Insurance. We provide coverage for most Cities and Towns in the State. I think we cover 125 out of the 127 in our Liability program. I think about 108 in our Work Comp program, 114-115 in our Property Program and 85 in our Health Program. I've been with the MMIA since 1992. I've served in a number of different capacities. I've served as a claim adjuster for many years, managed the claims unit, managed the risk management unit, and was the operations officer and most recently the CEO. I've brought with me Brittany Lawfry our internal operations manager and she runs our risk management department and she is here to fix anything I might mess up in my presentation. To the issue at hand, my initial reaction when talking about this was, why are you doing this? Why would you prohibit staff from going onto private property? You own the water meters, you own the water shut offs which most of them are on the public right of way but some aren't. You have a duty and a responsibility to maintain and inspect those utilities. I understand there is some liability exposure when you go onto private property. We all know that. But there's also liability exposure in probably in my mind possibly greater exposure if you don't because you do have a duty and a responsibility to maintain what is yours. That water meter on that private property is yours so you have that responsibility. Most of our members don't prohibit their workers from entering private property and Brittany did a survey and I think she got responses from 40 different communities, public works directors or employees. What they do is they manage that. They have policies in place, they have procedures in place and they recognize that there may be exposure in going onto private property, causing damage and alleged theft or missed deeds, etc. They set up policies to deal with that. I've heard ideas of hiring contractors or a plumber to do that work for us on the water meters or curb valves. You're not necessarily escaping liability from doing that even if you have a good contracting place. Even if you try to shift that liability, there can be arguments that may, that contractor serving as your agent even if they screw up you're vicariously liable for that. I'm dealing right now with a request from Mayco on a County case where an individual passed away in a County jail from alcohol withdrawal. That individual was brought into that County facility brought in by another community. They noticed that the individual was having problems and they took him to the hospital. The hospital checked him out, said he's good to go and released him back in jail. 24 hours later he was having further problems. They called the hospital and they said he's fine. When they finally took him back to the hospital, he passed away a very gruesome death. The estate sued the hospital and the jail facility. They settled with the hospital and we've got a district court ruling on this case that basically says the jail facility is vicariously liable for the mal practice of the doctor even though there was no contract in place, they took this guy to the hospital. By having a partner do your bidding for you, you don't necessarily avoid that potential exposure. So that's kind of our two cents. I think you are better off managing the risk by policy, setting perimeters of what your staff can do, when they should go, should they be accompanied, etc. We can certainly work with your staff or with you all to get some sample policies to help walk you through that. At the end of the day it's not the end of the world of you do pass an Ordinance or Resolution. The thing about an Ordinance is it's kind of hard to change it or adjust it. I prefer to do these type of things through policy when possible but it's not the end of the world if you do that. It's just creates a different set of issues you have to manage. If you have any questions I would certainly try to answer those questions and if I can't, I'll defer them to Brittany and she can answer them but that's my purpose for being here.

Mayor: Council, do you have questions?

Summer: So, would it be reasonable to have a policy in place as far as we should be responsible for our water meters, take care of whatever parts belong to the Town but have other plumbing issues be responsible for the property owner.

Allen: I think that's a reasonable thing to have a discussion about. I'm the type of person that likes to leave some type of discretion but that's up to you all. What you want your people doing, how you want to restrict that and what's appropriate or what's not. That's really up to you as I said, we can reach out to other communities and grab some sample policies to give you a starting point to work from. Then, restrict or not as you see fit.

Mayor: Do you have any questions Kory?

Kory: No, back to what I said before inspecting for the theft of water I think is huge and we definitely need to get in there and inspect the meter is another big reason. I think that the procedure should definitely be written out what we do and what we don't do.

Gary: I have a question, the only reason we would have to go inside someone's basement would be to check a water meter or to replace one. There's nothing else in there right?

Allen: I don't think so.

Gary: Do other Town's make sure the home owner is there with you?

Allen: I think most of them absolutely do. The other thing that comes up that we see is when your public sewer backs up into someone's home. Often times those issues are very messy, they're ugly, they're after hours and your Public Works people are called out. Often times those workers are in the house to take a look. Or a water main breaks and it causes overland flooding in people's homes. Those are the other areas Public Works staff are on people's property in those emergency situations where the homeowner needs assistance.

Gary: I'd recommend that on our next committee meeting that we've got to rough out a deal and go to the City Council.

Mayor: Absolutely.

Allen: If you want, I can send something to either Kory or Summer or somebody some sample policies from other communities.

Summer: Certainly. We'd also like your expertise on our water bill adjustment. (Summer goes on to read the adjustment protocol).

### **Water/Sewer Bill Adjustments Protocol**

Request for adjustment must have the following for review:

-Meter Reading

-Filled out complaint form

-Re-read after repair to show repair has been completed

Have adjustments in 48 business hours before water meeting for review. Maximum of two adjustments per calendar year (cannot be the same issue for multiple adjustments). The maximum length of time allowed on any bill adjustments is two months billing cycle. The credit received will be an average of the previous month's usage on sewer, if the leak is over several months the bill will be based off the average of the previous year at the same time of the year. The bill for water after a meter break will be full charge no credit. If you don't have a lawn you don't get the summer rate adjustment.

Summer: Example, we're having a lot of people like say, have leaky toilet. They fix it but, move the flapper and they don't fix it so it's an ongoing issue every month instead of fixing it properly. So that's where some of that comes from. Does that sound ok?

Allen: Off the top of my head it sounds good. What I would say is I'd like to look at that and maybe get a little more information as to what the intent is and those type of things.

Mayor: Thank you very much.

Joel Andrews presentation on Internet.

Joel: I am representing Montana Web. We are a wireless internet service provider and we cover from Whitehall all the way down to Twin Bridges. We are looking at the possibility of adding some dishes and antennas to the water towers to provide more service for more people in Town that want our services but they can't because of the trees. So that's what I'm here for today. Do you have any questions for me?

Summer: We have a current agreement with TSS. In that agreement, it basically says that TSS has that privilege of letting anybody on the water towers or not.

Joel: I disagree with you. I guess we would have to let Mr. Guza take a look at the contract because it does list that it's not an exclusive contract because it even states in the contract about how the other entities must work together with frequency and everything like that so there's no interferences and so that they can work together and keep everything working and looking good.

Summer: How about I read this out loud to you?

Joel: Sure.

Summer: TSS will not tamper or interfere with the equipment or improvements on the site owned or used by other licensees which would be local powered TV. Holding rights to the site through the Town of Whitehall. It is specifically agreed and understood that the Town of Whitehall has no control over the use of frequencies by any and all licensees located on the Tank. TSS will cooperate to assist other licensees in resolving technical interference on the site. After the date of disagreement, the City agrees not to allow any other licensee's to use the water tank if that licensee's use of the water tank creates a residual interference with TSS Communications facilities or any other existing licensee's facility. Not with standing forgoing if the Town initiates use of the water tank elementary or for other purposes that use will have precedence over all other telecommunications use and any interference problems will be resolved in favor of the Town's uses.

Joel: And that does make good sense but that still refers to the other leases. So that's kind of contradictory because it's saying that one side that saying that after this agreement there are no more leases but yet at the same time it's still saying the other leases.

Summer: At the time it was made it was talking about the low powered T.V. and at one time MT Web did have towers up there but they would take it down because they could not provide the Town with liability insurance.

Joel: Right and we do. We have liability insurance and all of those kind of things to meet every aspect of that contract including we would maintain it and keep it in a condition that would be with the contract. Example; some of these pictures will show the towers are not being maintained properly, actually I wish the insurance guy would of stayed here, the liability is huge. We won't put anything on the site until the sites are cleaned up a bit because you've got electrical connections exposed, wiring exposed and lots of things. So, we went around and looked at that and we don't want to put anything on the towers until they are cleaned up and we don't want to do it for free. We feel the Town's looking at things for the water tower such as relining it and most situations, I've done a lot of research on this for all the different wisps and for large wireless providers such as Verizon, AT&T and so forth. They pay most Municipalities anywhere from \$900-1000 a month for the availability to be on the tower. Now, most don't do that because they don't have that much of a saturation market nor do they have that many customers. However, they do average cost anywhere from \$100-300 per month depending on the customer and population base of the Town. So, we feel that being on there would also help the Town by giving it some revenue and give it some money that it would be able to repaint the towers and fix bolts.

Mayor: So, what' the solution for the interference so that you are not interfering with each other?

Joel: Well, that really pretty easy because we are all in the same market. They have all their stuff right over ours in some places. In our meeting we were talking and in Cardwell on one of our towers was being interfered by theirs and we rotated our frequency so that it would fix our customers issues because anytime either one of us interferes with each other, it's going to interfere with the customer. Which in turn they are going to be the ones that squawk and say "hey, my service is not what it is supposed to be". So we rotate our frequencies and even Lee was telling us at our meeting that he was glad and hoped that we are settled on our frequencies because that tower seems to be pretty settled now. Are you still not having problems on that tower?

Jason Good: I don't know.

Joel: So that's how you manage the frequency situation by just being able to work together because if you are interfering with them, that means you are also interfering with your own customers in which case, nobody wants to do that.

Mayor: So the advantages would be a source of income for the Town, you would be able to service more people in Town and give them a choice. Any other advantages as far as the Town goes?

Joel: Well, as far as the Town just giving them another choice for another service provider, the availability of the money to help keep the Town's water towers maintained better or whatever else you need the money for We feel we are making money off of these towers, we feel that we should share. If we are using part of your equipment we feel we should pay you for it just like any other lease would. We would help maintain and keep the site correct and clear of any dangers or liabilities.

Ed Guza: What about the engineering of adding more to these towers? What's your plan on that?

Joel: The engineering side is actually very simple. Usually because the antennas range from what we call a 90 to 180 degree span which means how much they cover. So, with 420 degree towers, receptor antennas on the tower, then you would be able to cover the whole tower 360 degrees pretty much. Then, you would have the one that feeds in which is a round style. On that last picture on the blue water tower, you would see the receptor antennas like I'm talking about. Like I said, they go in different ranges and they sell them in different styles as far as what angle of coverage they have. So, as far as engineering or that we would work together with the Town and make sure it's aesthetically as pleasing as possible and everything is tied up and secured so that there is no liability of damage or injury. And also provide a situation where there is no interference for any competition.

Jason Good: What is the advantage of the water towers over the smoke stack that you guys already own?

Joel: The smoke stack doesn't have a ladder system on it so it raises our liability and being that it is such a tall structure, we have problems with lightning. Seems like the guys had a lot of problems with that before.

Ed Guza: I guess what I meant by the Engineering, the water towers were not built to handle that equipment. People do it, I get that but are there steps your company takes to ensure that the equipment that you put onto the tank isn't going to cause harm to the tank.

Joel: Yes because the clamps for the equipment are just standard clamps. We have a bolt that just clamps to it. There are no holes drilled there's no compromise of any of the infrastructure whatsoever. It just clamps to the actual handrail or the post so that way there's no permanent damage if it's done right.

Lori: When you say "we" are you an owner of this company as well?

Joel: Yes ma'am.

Summer: So, that water tower outside of Town here, how are you going to access that?

Joel: Well, according to the last time I spoke to Kory and you guys stated that if we paid for a gate on that, which we would do and we would build an access point or just a ramp down to it. We would make safe steps so it would be easy to carry equipment up to it so we can prevent any liability.

Summer: Who owns the land around that tank?

Joel: That would be Lee Good.

Summer: So, we can't give you access to the land.

Joel: That's correct but, he doesn't own all the property around the tank. We could access it from the other side.

Summer: Are you talking about our easement?

Joel: Yes.

Summer: We told Lee Good that he could not access that to the tower so how can we grant you access to his lease there?

Joel: Because we wouldn't be accessing his property.

Summer: The utility easement?

Joel: No, it wouldn't have to be the utility easement other than the place to access to the gate to where you can get in and put it in.

Summer: We told Lee Good no so I don't know how we can tell you yes.

Lori: Have you communicated with Lee Good to try to work something out together?

Joel: Yes ma'am we have.

Mayor: How's that going?

Joel: Not very good. He keeps coming up with new things and statements of "maybe we can work out a deal if you can help us get fiber to the silver water tower, or maybe we could this?" I kind of feel like we are being blackmailed or being held hostage by a competing company in order to try to gain access to Town property. So that's kind of where I feel there's gray area and I'm not sure.

Summer: So, we have an opinion from our attorney in regard to his lease.

Ed Guza: I think the issue wasn't exactly what is being discussed here today. It seems like Mr. Andrews is talking about just whether or not his company can actually work with the towers and provide a service. This opinion had more to do with issues that, whether or not the Lease itself is exclusive and didn't allow him to do that.

Summer: Right, that's what he said to the Town.

Ed: Do you still feel that?

Joel: What?

Ed: That the Lease is exclusive and doesn't allow you to have use. Have you read this?

Joel: When I was first trying to get on the Agenda, come to find out that we already have approval. Summer typed it up and Dale Davis from the previous administration had signed it. So, we've already have that letter stating that we can be on the Tower. So that part is kind of a moot point and unless the Council passes something new or changes something with this current administration. However, we feel that we don't want to just throw our stuff up there for free. We want to make it good for the Town and us but we want the site cleaned up before we can even address that.

Ed: So, what I'm hearing you say is that you don't feel any longer that the Lease is exclusive and in violation of Montana Law?

Joel: That's correct. Now that we do have the letter, we can be up there and it's not exclusive.

Summer: To the Silver Tower Park?

Joel: Either one. It states both in the contract.

Lori Young: Who was the owner of the company at the time the letter was addressed to?

Joel: Mike Britten and Joe Adams.

Summer: And neither one are here tonight nor I haven't received anything in writing from them saying he is part of MT Web.

Ed: Are those two gentleman still part of your company?

Joel: Yes they are.

Summer: They are the owners of the company.

Joel: We have a three partner agreement.

Mayor: So what would be the first step, the clean-up of Silver Tower Park?

Joel: Yes ma'am.

Mayor: And then what would be step two?

Joel: Step two would be to come in and present to you with what we are going to put up there, present to you the Liability insurance, climbers certificate and everything of that nature. We would then show you the engineering of what we are going to put on there, how we're going to put it on and what it's going to effect.

Ed: Do you have a proposed Lease that you've used in the past that you want us to take a look at?

Joel: Sure. Yes sir, I actually do have one.

Jason Good: Have you guys had equipment on the Towers before?

Joel: Not on the blue one. I believe we've had stuff on the Silver Tower before all the contract and disputes between Lee and Mike Britten. But I'm wanting to get away from the personal side of that and treat it like a business. And that's what it is, a business.

Jason: Why don't you guys have equipment on it now?

Joel: Because of the fact that we haven't had approval. Now, I didn't even know or maybe I would have but, one of the reasons is we won't go on the silver one until it is cleaned up and all the wires are cleared. Second reason is the fact that until we get approval and have everything lined up with the Town, even though we already have approval on the letter of which we will provide, just out of respect we're just not going to crawl up there and throw things up there. We are wanting to put equipment up there, just through the proper channels.

Lori Young: So, you are saying it won't affect the towers if they are properly installed?

Joel: That's correct.

Lori: What about the high winds in our area, anything that's in the wind it can affect anything that's attached to the structure?

Joel: But they all are in engineering specifications as far as the designs. That's why there are so many of them throughout the Country. So many of the wisps (wireless internet service provider) areas in so

many Towns with so many towers especially larger ones and these have not caused any problems over the many years they have been on there if they have been maintained properly.

Lori: Is the Tower structurally sound enough to have more equipment on there?

Summer: I think whoever is interested should have to pay an engineer to find out.

Lori: Because it's so old.

Joel: Especially the Silver one.

Mayor: Going back to step one, will Mike Britten give Lee Good access to the Tower to clean it up?

Joel: We are underway of negotiating something in that manner. We are trying to make it so it's implacable for everybody. It's not there yet but I think it can be.

Mayor: Ok, that's step one and if that gets accomplished we can move onto step two which would be for you to get onto the Planning Board's agenda and bring it to the Board.

Summer: I have one more question and this is for Ed. As you can see in the contract with Lee Good it automatically renewed on October 15<sup>th</sup>, 2018 for five years. So what stops Lee Good from suing us?

Ed: Well, it's whether or not there is actually a breach of contract by the Town. That would be the legal question and whether it's been damaged and I think the damage would come more in the form of whether or not his signal or equipment have been unreasonably interfered with.

Summer: Thank you.

Lori: And to get on the Planning Board you need to make the time frame to get on the Agenda so be sure to do that before the end of the month.

Joel: Ok.

Mayor: But step one would have to be accomplished first. Anymore questions?

Lori: I would like to see because of Planning Board some of the other owners there as well.

Mayor: Step one needs to be accomplished first. Thank you Joel.

**UNFINISHED BUSINESS:**

A. Discuss Business Licenses, Nuisances, Streets, Alley's and Sidewalks.

Tabled.

B. Discuss Council By-laws.

Tabled.

C. Update on Jefferson County Sherriff's contract / Sherriff Doolittle has sent to County Attorney.

Summer: We will meet on the 15<sup>th</sup>. Myself, Mary, the Council, County Attorney and the Sherriff.

D. Discuss and vote on date to have a budget workshop on Monday, April 29<sup>th</sup>, 2019 at 5:30pm.

Logan motioned to pass the date of the budget workshop with Jason seconding.

THE MOTION PASSED UNANIMOUSLY.

**NEW BUSINESS:**

A. Discuss and vote on the Town having a Surplus Sale with a list of the big items being listed on Public Surplus (online) and whatever does not sell will be put in the Public Surplus sale at a later date.

Mayor: Kory, did you find out anything about that?

Kory: No I didn't. I called and left a message but have not had a response. One of the ways to sell is to not haul it up to Public Surplus but Public Surplus sales online. It would sell where it sits and we would just use the website publicsurplus.com. We don't have to get an auctioneer.

Mayor: It just goes through the State?

Kory: Correct. Most Municipalities sell on Public Surplus. The plow truck that we bought, we bought from the Town of Helena through Public Surplus. It's open to the public and anyone can get on and bid.

Mayor: So we are going to put the dump truck on with the plow and what else?

Kory: Depending on fees what they charge, everything could go on there if the fees aren't ridiculous.

Mayor: Why don't you just read those?

Kory: There's the plow, dump truck and sander and it's all one. The ambulance, forks for the skid steer, there's small stump grinder and there's a broken down zero turn mower. I believe that's it.

Logan motioned to approve listing items on the Public Surplus Sale and Jason seconding.

Mayor: Discussion?

Gary Housman: What about all the stuff you said you had to sell that was in our old office?

Mayor: Right, if it doesn't sell online then we will put it in the Town's Surplus Sale. We will do this first for the larger stuff.

THE MOTION PASSED UNANIMOUSLY.

B. Discuss and vote on a resolution to not allow people to stay in recreational vehicles unless they are in a designated Trailer Park or R.V. Park.

Summer reads the Ordinance. (1:11:48- 1:15:11)

Gary Housman: Who's going to impose this?

Summer: Basically, we send a letter once the contract is done with the Sherriff, they will do all of our Ordinances and at that point of time too so we can ask them to site them. But, it can be done as simply

as me sending a registered letter to the property owner. The problem is we have people that just automatically hook up to water and sewer.

Tabled.

Gary: How many do we have here now?

Lori: Probably over a dozen in the Town of Whitehall.

Summer: Lori and I took a field trip and we counted on the north side around 20 something that were parked on the street. One of them had gray water pumping out of it. It's unsanitary. We have a problem with vacant lots in the Town and people renting them out. Of course they don't have water or sewer but we have driven by and they do have water and sewer. Somehow it got turned back on.

Mayor: So, it's a problem.

Summer: Yes. It is.

Gary: Kory mentioned a committee meeting that was going to get curb covers for the curb boxes with locks on them.

Kory: That's correct.

Gary: Shut them off and lock them right? Have you ordered them?

Kory: I haven't ordered them. I have price, there are several different kinds that range from \$75 up to \$300. So depending on the \$75 ones might not be easy enough but I think somewhere in the \$125-\$150 range would work.

Gary: Is that something Tim Hippert could build?

Kory: Well, yeah maybe.

Mayor: We'll need to budget for it for the next fiscal year.

Gary: You could bill him \$50 for it or something.

Lori: I do know that some people I have talked to have approached our Board about putting rental RV's on their property that already have existing water and sewer there. Some on their lot have more than one so it's my belief even old sewer and water lines are being hooked into.

Summer: Well, they're not paying for them.

Kory: So, we could lock the water Lori but the sewer is different. It's not as easy.

Summer: Starting out, we're going to have to come up with a Resolution as far as giving everyone the opportunity, thirty days where they need to be. Get their trailers off the street.

Montina: And maybe something about towing them.

Summer: Yes, but once again if the Town tows, we are liable and responsible for that unit.

Mayor: We can check with Red Lodge because they were working on the exact same problem.

Alison: Bozeman allows for a certain amount of days for people to park their RV's because a lot of people want to charge their RV, get their battery going and clean it out and are not necessarily for people to stay in. My question is more about, do we have families here in Whitehall that rely on RV's for housing with children? This could possibly cause homelessness or for them to have to leave Whitehall.

Summer: There is an RV Park that they can stay in. I don't know if it's legal for us to live on the streets in any Town. I believe Bozeman is 3-5 days that they allow you to park your RV and then you have to move it and can't bring it back for 30 days or something like that. They have stipulations. What happens is people only move it an inch and trust me we have many feuds in this Town because of that.

Alison: My point is to just keep in mind we may have families with small children that this may effect and to really consider giving really good notice and possibly resources so we're not losing families from our school system.

C. Discuss and vote on a Mill Levy increase within the General Fund. (Some examples will be provided.)

Logan motioned to approve discussing and voting on a Mill Levy increase within the General Fund with Jason seconding.

Summer provides information on Mill Levy increases. (See recording)

THE MOTION PASSED UNANIMOUSLY.

D. Discuss and vote on appointment of Roy McBride to the Council to replace Montana Rawson until the end of 2019.

Logan made a motion to table the appointment of Roy McBride until an ad is ran in the Ledger for at least two weeks with Jason seconding.

Mayor: Discussion? In Montana Code, we don't have to advertise. This is just a temporary replacement until the end of the year. We can advertise or we can just go with a five member board for the next seven months until the election. It's up to you. Roy came to me several months ago and said that since he has retired he now has time to serve on any Boards or any other vacancies. So that's why I appointed him to have a smooth transition to get us to the election. But if you'd rather advertise or just stay as a five member Board that's totally up to you.

Logan: I think Roy is just fine. I have no problem with Roy I just think, I know what it's like to be appointed and when stuff goes a little bit South, I've been contacted by maybe 25 people who say that I'm on the Board illegally. I just think it would smooth it over to put it out there, we advertise it, then you get Board approval of this person and we move forward. It just allows for transparency and everyone understands what we are doing.

Mayor: Sure. I had such a difficult time replacing last time. I asked over a dozen people and then we advertised. Thank goodness you stepped up. It was a difficult process. We can advertise for two weeks and have it on the Council's Agenda for next month.

Summer: Do you guys want to have the Mayor and a Council member look at the letter of intent?

Logan: Yes. I think that will be good just to discuss it.

THE MOTION PASSED UNANIMOUSLY.

**BILL / CLAIM APPROVAL LIST TO BE SIGNED BY ALL COUNCIL MEMBERS.**

Summer: It's only the 8<sup>th</sup> of the Month so I don't have a lot of bills. If you all could come in around the 29<sup>th</sup> and maybe at the special budget meeting I'll have it all ready for you guys to sign then and that way we will have more people.

Jason motioned to adjourn the meeting with Logan seconding.

Mayor Hensleigh adjourned the meeting at 8:39 P.M.

\_\_\_\_\_  
Mayor Mary Hensleigh

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk/Treasurer Summer Fellows

\_\_\_\_\_  
Date