

TOWN OF WHITEHALL
P. O. BOX 529
WHITEHALL, MT 59759
JANUARY 13TH, 2020

The Whitehall Town Council held their regular meeting in the Council Chambers at 207 East Legion Street, Monday, January 13th, 2020.

PRESENT: Council Members: Roy McBride, Logan Reiff, Katy James, Shawn Hoagland, Pat Peterson, Mayor Mary Hensleigh and Town Clerk/Treasurer Summer Fellows.

VISITORS: Dale Morse, Bridget Morse, Joe Granvold, Lori Young, Maxine Samuelson, Bill Lanes and Alison Richardson.

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

Roll Call was taken. All Council Members were present.

The Pledge of Allegiance was recited.

All Council Members were sworn in.

IV. AGENDA APPROVAL:

Katy James made motion to approve the Agenda with Shawn seconding.

THE MOTION PASSED UNANIMOUSLY.

V. APPROVAL OF MINUTES:

Logan motioned to approve the December 2019 minutes with Shawn seconding.

THE MOTION PASSED UNANIMOUSLY.

VI. REPORTS:

Mayor's Report:

I want to welcome everyone and wish a Happy New Year and wish happy birthday to my fellow Capricorn's. And what about the Kansas City Chiefs? What a game yesterday! Welcome to the new Council members and thank you for stepping up. Just a few reminders; we will be having a training session with Dan Clark from Local Government. We will let you know as soon as we have a date. We are coordinating with a couple of other small Towns to do a joint training session to cut down on the cost. I will go over a few details. For meetings, please do not cough, shuffle papers or click your pen around the microphone. They are very sensitive and for those watching on T.V., it's very annoying to them. So, just be aware of that. The microphones pick up every sound. That being said, we need P.O.'s (Purchase Orders) signed more than once a month, at Council meetings so that we can do the business of the Town. The last Council put this policy in place so we either need to follow it or change it. P.O.'s aren't getting signed and just for instance we have a P.O. for sanding the roads with gravel and we are waiting on signatures. We can't get that until we have your signatures and it is important. So, if you would please come in on a regular basis to sign P.O.'s so we can get the work done. Meetings are run according to the Agenda in Robert's Rules of Order. We need a motion and a second to move on to discussion. After discussion, we then decide to vote yes or no. You can also table an Agenda item, if you feel you need more time or more information, you can amend your motion. Just a few simple things to know when you're making a motion. As a Council Member, it is your job to represent the voters in your Ward. If there is a concern, you notify the Mayor. The Mayor either delegates to Public Works or the Clerks to handle the concern. The Clerks and Public Works work for the Mayor not the Council. The Council members work for the members of their Ward. So, tomorrow we are starting a small construction project. These little offices here, we are going to knock out the wall in between them and make one office. Angela and Allissa will be in that office and we are going to put in a window as you first walk in the door so that you can walk in, see them, pay your bill and if you need to talk to Summer, you can make an appointment. But it's become a problem with people coming in, sitting down and visiting and taking Summer away from the work she needs to get done. So, I think this small remodel job will really help with the efficiency of the Clerks.

Officer's Reports:Attorney Report:

Ed Guza: There's really not anything to report on my end this month.

Clerk / Treasurer's Report:

Summer Fellows: We still have two AFR's (Annual Financial Report) we are going to work on those and get them done as soon as we can. The gentleman who is going to do them with me is Todd. The other gentleman that we had do the AFR's has priced himself too high for the Town at \$3400. Talking with Todd, it will be about 11-12 hours of work and it would be cheaper to pay him at an hourly rate instead of paying someone \$3,400. The auditors have said that they will do the best that they can to be done by the end of February I believe, and we need to do that for the funding.

Shawn: Will that take us through 2018 then?

Summer: No, we will be current. I guess the other thing is the garbage cans for the public. We are having some issues with the garbage cans. One, it is very important that everyone close their lid on the garbage

cans. I know the wind blows them up sometimes and that can't be helped. The wind also sometimes knocks them over. It causes a lot of garbage to go all over the place. Another thing, ashes. No ashes can go in the garbage can. We've had a couple of close calls and prior to me being here the garbage truck did catch on fire. So, this is something we are going to come down on with dumping the ashes. We don't really have a choice.

Public Work's Report:

Kory: We'll start with water. The Division Street pump went out on the Division Street well. I called four different pump companies to come look at it and give us a price and I got two to actually come and give us a price. I went with the cheaper of the two. We pulled it December 12th and we put it back in January 9th. It's ready to go, I haven't flushed it yet so it isn't online but we have tested it and it works. We took water samples on January 7th and I had three water shut off's for breaks in people's houses. We did seven water scans for water reads or re-reads. We did sewer samples January 7th and Lagoon levels are 4.5 in cell 1, 6 in cell 2 and 1.5 in cell 3. More or less of what that says we aren't going to have much water for summer for sprinkling. I had a DEQ (Department of Environmental Quality) compliance meeting. We are still working and going through that but I had to give them all of our sewer samples for the past four years. The sewer man holes lids on the south side have been buried over time and we went through and unburied them and got them all exposed. I went ahead and moved some conda that I use out at the sewer lagoon to fill pivot divots to sand streets with. We filled a couple of boulevard holes on 2nd Street and then where Ron Fuller put his impound yard at, it kind of shifted the corner and we filled those holes. We have about 13 hours of plowing and sanding. Nine loads of sand went out on the roads over Christmas. The garbage truck was washed three times last month and greased four times. The steering box was leaking and it was fixed as well as the fuel gauges and the back-door seal. We still need a new switch that changes what side the garbage is picked up on and then the T-rail in the hopper needs some help. We did go through and screw down the small lids on the big commercial garbage cans. Not all of them but some of them that we have been having trouble with. We are getting trash in-between the two lids and it ends up falling on the ground and blowing all over. So, we screwed them down and we'll see if that helps. We dug two graves at the Cemetery. We have started making the section marker bases and posts. I think we have 15-20 of them done at the shop ready to go. We had seven locate tickets and a total of 13 work orders. I got called out three times for a total of 7 hours and we took down Christmas decorations. I have the updated PER from Jason and I'll leave it here for anyone that wants to see it.

Fire Chief's Report:

Joe Granvold: I want to once again thank the Ladies of the Country Store and the Whitehall Saddle Club for their donations and the Town Pump donation toward the SCBA's. There were no new fires in Whitehall this last month. I also want to acknowledge Pastor Tonya from the Methodist Church. They also gave us a \$500 donation. I also talked to Pastor Tonya about gathering other Pastors in the community and addressing the issue of getting more volunteers for the fire department. Right now, we are at 14 volunteers and maybe 5 or 6 are active and out of those 5 or 6 during day, maybe one or two are available. I don't know how else to put it, but unless people want to wait for a fire truck from Butte or Twin Bridges if we aren't here. We need some people to step up and help out. We have a really good training program going on in Butte this upcoming Thursday. It's the Fire Fighter 1 training and it would

help us and help relieve some of the guys that put in a tremendous number of hours for this community and I would hope that we could get someone to step up.

Summer: Girls can too.

Joe: Girls, 50-60 year olds, we'll train anybody. There's a lot of different jobs that people can do and we'd like your help. This isn't just an ongoing problem in Whitehall, it's the State of Montana and the Country and volunteerism is down. I think it's just a generation gap where people just don't want to help out anymore but it's a much needed thing. The old city truck that Ron Fuller started fixing that up and it's under repairs now and hopefully the museum will be getting it pretty soon. I'm not sure how soon but I know they got all the wheels off and they are looking at the electrical system now and that's thanks to the T.I.F.F. so thanks Bridget.

Sherriff's report:

No report.

Committee / Board Reports:

Planning Board: No Meeting.

Recreational Complex Board: No report.

Pool Board: No Meeting.

Trees, Parks and Cemetery: No meeting.

Water/Sewer/Garbage and Streets/Alley/Sidewalks:

Katy James: Three adjustments were made and we had an informal meeting.

T.I.F.F.:

No report.

CTAC:

Alison Richardson: Roy, Logan, Pat, Shawn and Katy, we have our CTAC meetings the second Thursday of the month at the Borden's Conference room at 8am. It's a great way to get to know the community. I really encourage everyone not only on the Council but our community members to just show up and see what goes on. At our last meeting, we had the Mine manager there from Golden Sunlight Mine and they always give a safety report. We are really proud of the safety report coming out of Golden Sunlight. They are 1000 days without any reported injury which is a very significant milestone for them. Their employment status is they currently have 20 FTE's (full time employees) and 14 FTE contractors. The concentrator project is moving forward and the bids are back from RFP and the selection process is to be completed by the middle of next week. Their environmental update in terms of their permit will be submitted by the end of the month. This is really good news in terms of looking forward to extending the life of the Mine possibly for the next 15-20 years at least at some capacity. Closure planning has been a topic for probably the last 8 months or so. There's been a lot of community input regarding that and the tentative completion of the plan is expected in September 2020 from Barrick. What that means is we have been discussing what the legacy will be for the Town of Whitehall. So, March we have invited

the corporate of sustainability personnel to come and attend the CTAC meeting in March to kind of discuss the results of their community surveys and the input that the community gave regarding the Mine closure. That may be a good meeting for a lot of people to attend.

Alison continues. See recording.

Joe Granvold brought up also that the Fire Department is in need of SCBA's and discussed that.

VII. Public Comment:

Bill Lanes: I live at 210 W. Viella and I'm here today to simply express some concerns regarding some recent changes made to specifically Ordinance 38 as I have read it. Simply requesting if it is possible for any revisions or changes that can be made to that. My wife Dina and I have been property owners in the City of Whitehall for approximately 15 years. I've always had a City and State business license for that same period of time which has been granted to me year after year. Over the years, we've made major improvements to our residence and hope to continue to do so in the future. Some of the recent changes as I just became aware of and I'm just expressing my opinion but they are rather broad and over reaching. As residents, we understand the level of Town clean up and I appreciate that. I think its important and needed. Sometimes though, it can become rather subjective and maybe inconsistent for property owners. To simply fine residents or property owners for all RV's, all the trailers as stated in the time frame in the Ordinance for 5 days is rather extreme in my opinion. Might I suggest that the specific Ordinance or fine instruction be rewritten. Here's just a couple of reasons I wrote down. Many residents are often uninformed of the changes. I appreciate the effort by the T.V. network and these things. Some obviously are unaware that these come up and some are unable to watch. Also, large portions of City property outside our property lines or fence lines are never maintained by the residents or the City. Myself personally I keep up with that and I'm happy to do it. Many others I know keep up with that. When it comes down to mowing and weed spraying and removal of that debris. There are responsible people that do manage that. I also understand the City really honestly doesn't have the funds or manpower to maintain all of those sections that are adjacent to the properties and I don't expect the City to do that. You might find that residents would start to expect this and bare that responsibility. Maybe questions of "will the City have to mow and gravel those areas and manage that all regularly". Many residents have multiple RV's or trailers which they cannot park on their own property due to their lot size or landscaping. It's my opinion again, I'm just saying parking a trailer should be a reasonable consideration outside of our homes. Most residents don't have the financial means to put RV trailers in a storage or rental facility especially if they own multiple trailers. I think this policy as it's written is restrictive and could be difficult to enforce or manage and may even be inconsistent among Town residents. If your intent is to deal with residents that occupy RV's for living quarters then that policy could be narrowly focused on those issues. I get that, people living in RV's on the street corners or whatever that is. It is my opinion that RV trailers that residents and property owners use should not be subject to these fines or this level of restrictions. I'm just throwing out some suggestions; adopt a specific or separate RV policy that addresses citizens using trailers as living quarters. I did notice that the restriction does say "can allow their visitors to stay in their RV on property owners for up to two weeks". Is it possible for that to be revised or added to? Time periods beyond two weeks, can they be given a variance? When requested and approved by the Council as long as the RV septic is maintained and regularly dumped. I throw it out there as an example because there are families who have family members that come to our community and to specifically say you can only stay for 2 weeks, there are

times when there is a death in the family and they want to stay a little longer. Or, different health issues with family as well. Another suggestion is to maybe grant variances to property owners with trailers such as utility, ATV, auto, RV's that aren't used on a regular basis, from what I understand, the Ordinance says a person that uses a trailer daily for business daily, they won't be fined. But there are large numbers of people in our community that own lots of trailers and they use them often especially during the summer. That variance could be specific in addressing broken down, abandoned trailers or properly licensed trailers. Also trailers that don't impede on intersections. I understand there could be some concerns during winter seasons but I don't believe that most the trailers that are on our streets infringe snow plows. The City does not plow to the curb or on our area of Town where there are no curbs and they don't plow all the way to the fence lines. But if a trailer is blocking that then address it. If there was heavy snow which sometimes happens in Whitehall, a relocation could be made. I do appreciate the efforts to update these Ordinances. I think those are needed and valued and those that have spent time to do that. But practically speaking our community is made up of many people who utilize all kinds of trailers not just RV's. We are tax payers and I think some of these fines are excessive. They don't block traffic or intersections and they don't impede traffic. We have pretty wide roads. I do appreciate the time for public comment and me being able to comment on that.

VIII. Consent Agenda:

Planning Board

Gary Housman

Roy made a motion to appoint Gary Housman to the Planning Board with Logan seconding.

Business License

Resolution Fitness

Logan motioned to approve the Business application of Resolution Fitness with Pat seconding.

THE MOTION PASSED UNANIMOUSLY.

Peace of Mind Dispensary- Presentation by Chris Nelson.

Pat motioned to discuss with Roy seconding.

Presentation by Chris Nelson.

Chris: I'm here with my wife Martina Iwen and my brother David Nelson. I'd like to submit an informal petition in support of it if that's ok. I appreciate the time and consideration to discuss this topic. I know it's a bit controversial and I know there is a stigma around medical marijuana. I'd like to emphasize in the State of Montana medical marijuana is just that. It is being used for medication and it's a prescription drug. That being said, I'm just going to through my business plan and please feel free to ask any questions at any time. I'll have David come up for a second. If approved, David is our grower out of Livingston, MT and he is the only person we would get marijuana and buy products. Store hours for Peace of Mind would be 11-7pm Tuesday-Saturday. Never anything late, at night or early in the morning, closed on Sundays and Mondays. The location would be at Jeff Janacaro's commercial property at 401 E. Legion. So, that would be in commercial zoning I believe and no where near churches, schools or synagogues. Projected timeline to open the business would be April to set up and May of 2020 to

actually start pending approval from the City and any Ordinances that may or may not have to be changed. I did list the product sold to 21 years and up. I think the plan is in front of the Council member and I won't list them all but I just wanted to make sure all are aware of what we are offering. Patients are considered green card holders only. Patients are required to sign up with Peace of Mind Dispensary and no other Dispensary pending an untethering law that is changing soon. For now, they would have to be card holders and only use this Dispensary. In about June or July of 2020 Law's are changing. I believe it has passed.

David: Yes, it passed with the Legislature but hasn't been implemented yet, probably July or August.

Chris: Projected to change in regards to this tethering between patient and dispensary. Once the untethering has passed, any green card holder will be able to visit any dispensary in the State of Montana. The reason that I put this in here is because once the tethering is passed or that it's implemented, it would draw tourists off of I-90, other parts of the State and it would be good for the economy in Whitehall. The laws are changing rapidly and it will be the responsibility of every dispensary to be updated and follow every rule and regulation. They change the rules frequently and we have to check the website often. The 21 and up refers to products that can be sold to customers that are 21 years of age or older. There is a question with the tobacco laws being changed to 21, I'm not sure if paraphernalia would be acceptable to sell to patients. I'd have to check into that still and that's why I left it at 21.

Chris continues on in a professional manner about advertising, being courteous to the community, following the laws, security, tracking of marijuana, delivery and benefits of marijuana. See recording.

Mayor: What is the procedure for getting your State license?

David: Chris and Martina would apply with the State, to be a caregiver for a particular person that would initiate them as creating a file for them as caregivers. They do a background check and fingerprints. If approved for the first patient, then they would be listed as a caregiver and can add new patients and it's relatively easy after that. In the past, a company we worked with in Bozeman it was 4-6 weeks to get approved through the State.

Chris: To add to that, I believe there is a caregiver's license and then if there are buy products there has to be a second level licensing and I believe you can have those at the same time. Once that's approved, we apply for a dispensary license through the State of Montana. There's a couple of different levels and it's very bureaucratic with a bunch of paperwork. As long as everything is done by the book and by the rules here too, it shouldn't be a problem.

Mayor: Would you offer CBD and CBG products?

Chris: Yes, good question. Chris continues on by listing products that will be sold. See recording.

Mayor: Because when I go to Washington State and California, I go to dispensaries and get CBD lotion. I hate to admit it as a baby boomer and I'm wearing out but with arthritis it is very helpful. Dispensaries are like fine jewelry stores. They are very clean and when you first go in you have to show your drivers license before you go any further. Is that something you have to do in Montana also?

Chris: Yes, there are some rules and regulations I can put in here. See recording.

Mayor: This came up the last time I was Mayor. The main concern then was starting a sewer project and because we have Federal funding that we rely on for these projects, that was the concern. I know a lot of things have changed over the last 8 years. Ed, can you enlighten us?

Ed: The way that our Federal Government has approached this topic has been kind of hands off. Allowing the States to manage medical marijuana for medicinal or recreational purposes and not taking any steps as of late to enforce any Federal law since it pertains to medical marijuana and let the States to control that on their own.

Conversation continues. See recording.

Mayor: I'm more than happy to have an open Town Hall meeting before the next Council Meeting at 7pm to see who shows up. It's so easy to talk on Facebook and to throw zingers and all that sort of thing, but to me, it's kind of a chicken shit way to do things. If you're not going to come in here and talk to me and speak to the Council, you really don't have that big of concern.

Pat motioned to table with Roy seconding.

THE MOTION PASSED UNANIMOUSLY.

IX. PRESENTATIONS

Todd Watkins Consulting Services, LLC.

Todd had a family emergency so Nick Hensleigh gave the presentation. See recording.

X. Unfinished Business:

A. Rough draft of Nuisance Ordinance.

Katy: I went through the original Ordinance just to start and my suggestions within the Ordinance take out certain words or verbiage. Like, we don't have a Town Marshall or Deputies so we can strike that and I find that in a few of our Ordinances. There's another one I came across and it mentioned a Town Enforcement Officer. We don't have that so, I'm not sure if we want to leave that in regards to the nuisances. Going through this, some of this falls under Chapter 38 for the abandoned vehicles and all that. I read through it and focused on verbiage.

Mayor: So, you need the Council Members to read it over.

Katy: If they would please and I can email them to everyone and Summer has them as well so she can share that.

B. Update on earnest money to Western Company LLC.

Ed: At one point this building was under a buy/sell with Western States for purposes of a purchase. Western States is owned by Corey Tebay and what ended up happening is the buy/sell was terminated and under the terms of the buy/sell the available remedy was refund of the earnest money. So, we provided the earnest money to Mr. Tebay 2 years ago and the check was not cashed. We inquired what was going on as to why he didn't cash the check and then the issue was then taken up with his attorney Lori Harshburger who informed me that there was no issue and that the matter was concluded. So, again we anticipated that the check would be cashed and it's still not cashed. Summer was given an

invoice from Mr. Tebay because we indicated to him that through the Mayor, we would be willing to propose to the Council some consideration as to other costs he may have incurred. An inspection for example. He had an inspection done but under the buy/sell agreement there was no provision for that. He thought why not? Give it to the Council and if the Council says some of these costs were fair, we would let the Council decide. It would be an additional amount that Mr. Tebay would be paid. An invoice was presented like I said that was in the neighborhood of \$70,000. It was given to Summer, Summer took a look at it and saw that many of the items on that invoice were not explained to the extent that reading it you wouldn't know specifically what they were for. In fact, I think the invoice came up on his Veterinarian type of invoice.

Summer; As units.

ED: As units which may have been typical in his business. So, again it was punted back to him to provide some explanation and we didn't get that. So, unfortunately even though two years has passed and probably 2-3 letters from my office to him and/or his attorney we are still no where forward with a check now that has been returned to Summer. My suggestion was possibly to invite Mr. Tebay to a Council Meeting or a separate meeting with Summer and the Council to explain what his position is and to try to get this resolved. No one is comfortable holding onto money that they don't have a right to. There is certainly a legal process we can take to deal with the money so we are not holding onto it but, it shouldn't be that complicated frankly. I'm really at a loss. He's terminated his attorney he was working with so I don't really have a means to talk to him directly. So, again this is in limbo and this is just an update. I don't have the perfect solution to this problem. I can understand that Mr. Tebay is still frustrated about how the situation all unfolded perhaps but we are now two years past and we have \$5,000 sitting in our hands that we shouldn't have.

Summer: We can't close out this Ambulance fund until this is taken care of because if there is more money that needs to be given to Mr. Tebay, it needs to come out of that fund.

XI. New Business:

A. Discuss and vote on the T.I.F.F. giving \$2,000 more to fix old fire truck.

Katy made a motion with Pat seconding.

Roy: I guess I'm at a loss, I don't remember talking about it or saying yes.

Mayor: I called you, you did say yes.

Roy: I'm sorry, I don't remember the conversation.

Shawn: This is T.I.F.F. money, not Town money?

Mayor: Right, this is T.I.F.F. money.

Bridget: My knowledge, that truck is still on the Fire Department rules which lowers your insurance on your home owners insurance for how many fire plugs, how many fire trucks and how much stuff you have in the fire hall. They are all valuable assets that determines your fire rate on your homeowner's insurance. So, the truck technically should be operable and working. But, neither here or there it could

come off. It's been left on there for years. As long as it's available for use. It's like having an ambulance at someone's house. It is an asset and it's our original fire truck other than the horse drawn carriage.

Alison: So, I would like to explain my vote against using T.I.F.F. funds for a fire truck that's predominately used in parades. I expressed some concern in November about that \$500 that was allotted and not used yet. To me, that's not the spirit of the Urban Renewal District to fund those kinds of projects. To me, it's not related to economic development for blight issues in our Urban Renewal District that exist. I asked for that not to be included in the T.I.F.F. budget that was presented in December. We did have a discussion at the T.I.F.F. Board about that the things that we are spending T.I.F.F. money on are in line with what the statutes are and that was my concern. It put me in an awkward position to get a phone call and have a vote about that without again readdressing to the T.I.F.F. Board what those concerns were back in November and to me, have not been addressed yet. And asking for \$2000 more again probably not something I would want to see until we as a board see how we are using those funds.

Ed: Alison, is it being fixed locally?

Mayor: Yes.

Ed: So, it's money in that sense being distributed for local development for local business? Maybe that's a stretch.

Alison: I think perhaps it may be a bit of a stretch in my mind and it's something I hope to probably address with the T.I.F.F. Board to probably look at more closely at what we are spending money on and being more conscious of that.

Mayor: And we have a T.I.F.F. meeting this Wednesday.

Katy motioned to approve \$2000 from T.I.F.F. going to the antique fire truck with Shawn, Pat and Logan not approving and Roy abstaining.

MOTION FAILED.

B. Discuss and vote on Resolution 2020-1 to transfer money from General Fund to Ambulance Fund to take out of red and close it out.

Roy motioned to approve with Logan seconding.

THE MOTION PASSED UNANIMOUSLY.

C. Discuss and vote on Resolution 2020-2 to have a monthly reserve of 10% of the loan installment which is \$6,144.00 divided by four funds.

Katy motioned to discuss and vote with Shawn seconding.

Summer: So, anytime we have a USDA Rural Development loan in their contract they want you to keep a 10% loan, it's like a one-year annual payment. Since this building is no longer an ambulance building, we need to reallocate these funds.

THE MOTION PASSED UNANIMOUSLY.

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

Logan made a motion to approve the bill claim approval list with Shawn seconding.

THE MOTION PASSED UNANIMOUSLY.

XIII. Adjourn:

Shawn made a motion to adjourn the meeting at 8:52pm.

THE MOTION PASSED UNANIMOUSLY.

Mayor Mary Hensleigh

Date

Town Clerk Treasurer

Date