

TOWN OF WHITEHALL
P. O. BOX 529
WHITEHALL, MT 59759
JULY 15TH, 2019

The Whitehall Town Council held their regular meeting in the Council Chambers at 207 East Legion Street, Monday, July 15th, 2019.

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

VISITORS: Dale Morse, Bridget Morse, Maxine Samuelson, Lori Young, Marty Keogh, Nancy Wheeler, Hannah Nieskins, Tom Jenkin, Dana Brunet, Amy Volz, Susan Pullman, Holly Harper, Leonard Wortman, John Kreis, Jenny Scott, Bonnie Brown, David Soennichson, Chip and Gretchen Tavenner.

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

Roll Call was taken. All Council Members were present except for Gary Housman who was excused.

The Pledge of Allegiance was recited.

IV. AGENDA APPROVAL:

Mayor Mary Hensleigh: One correction for Pool hire Diane Jensen to be taken off of Consent Agenda.

THE MOTION PASSED UNANIMOUSLY.

V. APPROVAL OF MINUTES:

Francine motioned to approve the June 2019 Minutes with Logan seconding.

THE MOTION PASSED UNANIMOUSLY.

VI. REPORTS:**Mayor's Report:**

Mayor Mary Hensleigh: I got a letter from the Governor (Mary reads letter, see notes) Whitehall was selected to receive a Community Development Block Grant in the amount of \$450,000 to be used for the new water treatment plant and drilling a new well.

I'm sure you are all aware of the storm we had, it was something else. I want to thank Francine and Marty Johnson. They stepped up and cleaned out the storm drains which was quite the task. The storm drains are something we need to look at in Town. We've talked about it for the last ten years and when you need them you need them. We need to come up with a better plan on how to deal with these kinds of situations. I also want to say that that the new flags that are flying at Silver Tower Park are on private property. That is not Town property and so, he can fly whatever flag he wants because it is not Town property.

I want to thank Jason Good for serving on the Board and thank and welcome Shawn Hoagland for stepping up to fill the seat. Thank you.

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

Ed Guza: Right now, the criminal side of the Town Attorney's job is unfortunately kind of busy. We likely are going to have a couple of DUI's and partner/family member assault trials coming up and I'll tell you that in the world of misdemeanors there are two charges that people can attest and have serious consequences. One is DUI and most of us know that and the other is partner/family member assault and those are typically the charges. If anyone is going to attest it's going to be those. There isn't a lot of negotiating that a prosecutor has when it comes to those kinds of charges. When a defendant lawyer is up, there is a good chance they will go to trial. So, I just want to warn the Town I guess that we have a few of those that will be going to Trial it sounds like in the next few months. As far as a report. We have right now two partner/family member assaults. One DUI and a violation of a temporary order of protection. We have another defendant with a DUI, another defendant with a DUI and one more with a DUI. And a defendant with a driving while suspended and last but not least we have a defendant that's fighting us on a stop sign violation. We have law's and we have to enforce them and that's what we do.

Clerk / Treasurer's Report:

Summer Fellows: The Judge is now, as of July 1st on an hourly rate. He comes the 1st and 3rd Monday of every month unless a conflict happens between the attorneys and him, we would move it to the next Monday. Also. Court is going to start being held at the old Town Hall. Starting at 10:30 and only stays until people stop coming in. He is gracious enough to not come in for eight hours and we do pay him mileage. That being said I do the rest of the stuff for him. I also wanted to talk about the Ladies of the Country Store. We have people dumping garbage at the Country Store. We had somebody dump a shed full of stuff. I talked to Vera Jensen who is the president and she gave me permission to talk about elderly people. We have elderly women and men having to pick this stuff up and haul it to the Dump. So, from now on, let's treat our elderly that do so much for the Town with a little bit of respect. If you wouldn't treat you Mom or your Grandma that way, let's not do it to the Ladies of the Country Store.

Public Work's Report:

Kory Klapan: We did get a load of pot holes done on the west end of 1st street and part of Yellowstone. I'm having trouble Butte Silver Bow's Hot plant isn't running everyday so it's kind of a hit and miss kind of a deal. It seems like when we can do it, they're not around so we are still working on that. Arnie has pretty much overlaid the alley between Legion and 1st street and from behind the Corner Store down to here. So now we will start on some of the pot holes on the south side. We did paint a cross walk and plant some trees at the Cemetery. The sprinkler at the Cemetery is done and running well. I put out eight loads of weed spray and the Lagoon is now empty so that's good we don't have extra water. The Rec Complex just poured concrete for handicap spaces over there today. The transformer in the Firehouse well is having issues again. I think we need to look at what's the problem. I've contacted the power company; I've had two different electricians take a look at it and I think we need to get someone in there that has a lot more knowledge. They are expensive and I think we have gone through 6 in the past year and a half. The last thing I have is the Rec Complex sprinkler system. I've been having a heck of a time keeping them going. I think we've got it traced down to a reset box and a broken wire. We've planted three trees out at the Cemetery and they look great.

Fire Chief's Report:

Summer Fellows: Frontier Days is coming up and the Pancake Breakfast is going to start at 6:30am. And as a Fire Department we are selling raffle tickets.

Sheriff's Report:

Summer: I haven't heard anything from the Sherriff.

Committee / Board Reports:Planning Board:

Lori Young: We held our meeting on Monday, July 1st. All members were present. We voted to approve everything on our agenda. Boundary mapping was tabled again. Dan Volz talking about his property being in lot 6 and we thought it was lot 5. Gary and I agreed to go on site and do some measurements of the property and we did do that and we did determine it was in plot 6. We passed all the new business and we also passed Gina Ossello's fence. The Board did voice concerns about when we are trying to write ordinances and trying to get them done in a timely manor and we have a first and a second reading. Town Council members that are absent during the first and second reading and then they attend and then they want the Ordinance completely rewritten. We are concerned that one individual can prolong and sabotage the progression of all the hard work people have put into. We felt that it really did sabotage all the hard work that Board members and Summer and so many people have put into.

Recreational Complex Board: No meeting.

Pool Board:

Katy James: I gave an update on the Pool last time and we have cancelled our meeting for tomorrow night. Everything is up and running and going good according to Allissa.

Trees,Parks and Cemetery: No meeting.

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

Roy McBride: Like he said, we've got Kory working on the streets. They are going to start on a sidewalk up by the horse arena tomorrow and he's going to start skimming the curbs when he gets the load of concrete. We've got good retention still at the Lagoon. I guess we need some kind of protocol for entering homes. Just to take the liability off of Kory and the Town. We talked about paving. We are having issues the Chip Seal Project. They're not going to come and fix it. They have put us off for two years now. We think we need to send them a letter and ask for a cash settlement and use that money where it's best needed.

T.I.F.F.:

Bridget Morse: We had our meeting on June 19th, everyone was present and our guest was Kory Klapan. We had some updates, for the Grant projects. The flowers are done, the Pool has umbrellas, beach volleyball has their stuff and we had a bid from Mr. Reinschmidt on the cement work he was doing for \$22,180. That was a little over what we had budgeted for that, we had \$10,000 in the Rec Complex and \$10,000 for doing the sidewalk and he was bidding both of those together. So, we increased our budget line by \$2,180. Then we had some budget changes and requests. Mary talked about getting a water tank pump to water flowers that the Town had bought and so we adjusted a little bit there. It was \$300 to pay for that. Mary talked about abandoned tires in backyards and alleys and she thought it would take about \$500 dollars to pay for the tires to be taken to the dump. We didn't take any action on that. She talked about benches and repainting the murals and the lilac hedge by the Firehouse. She actually had a quote of \$12.88 a day from the tree trimming company but we didn't take any action on that. Bridget continues to give updates on T.I.F.F. (See recording.)

CTAC: No report.

VII. Public Comment:

Leonard Wortman: I'm not sure if everyone is aware that the Justice of the Peace resigned last week. We are going to start the process of advertising the opening of that position. He had some health issues he was dealing with and it's a pretty stressful job that people may not realize. Another thing I wanted to talk about and what Tom Jenkin mentioned with the taxes and stuff going on and one of the things that has come before the Commission and hasn't been decided yet but was a request for a bill levee on the ballot in June of 2020 for the purpose of constructing a animal shelter in Boulder. It would be a County wide shelter and it's very much needed. (Leonard continues on about mill levee increases. See Recording.)

VIII. Consent Agenda:

Roy McBride motioned to approve the Consent Agenda with Katy James seconding.

Development Permit

Whitehall Medical Clinic / Finish Ramp and Sidewalk

Maxine Samuelson / Replace fence / 300 2nd East

HMC Real Estate / Corner of South Whitehall and West Olive / residence and shed

Business License

Airelles / A Snack Attack / Vending machine for prepackaged food and ice cream items / Pamela Bowman

Rec Complex

Fundraiser Concert for Jefferson Watershed Council from 5:30 p.m. to 10:00 p.m.

Street Closures for Frontier Days

Close portion of Legion from east corner of Whitehall Street to west corner of Division Street from 8 a.m. to 2 a.m. on July 27 & 28, 2019. Also, a portion of Legion from West Corner of Stanley Street to the East Corner of D Street for parade.

Special permit for Chamber to sell beer and table wine from July 26th to July 28th, 2019 at Rec Complex.

Marty Keogh: What is the date of the concert at the Rec Complex?

Mary: It's during Frontier Days Friday night.

Maxine Samuelson: Where is it being held?

Mary: The Rec Complex.

THE MOTION PASSED UNANIMOUSLY.

IX. PRESENTATIONS

None.

X. Unfinished Business:

A. Discuss Business License, Nuisances, Streets, Alleys and Sidewalks. (Tabled)

B. Discuss and vote on 1st reading of an Ordinance addition to Chapter 38 for Recreational Vehicles inside the Town Proper.

Mary: We've made the corrections from last months reading. Summer, do you want to go ahead and read? (Summer reads the Ordinance addition. See recording.)

Roy McBride motioned to discuss with Francine Janik seconding.

Francine: Section 6, you've got the right idea there but there aren't any sections or sentence structure and I think what we wanted it to say was that "all vehicles parked on the street must be up to date on their registration and that there will be no pop-ups set up on the streets". And also, that instead of "does not allow for emergency situations" it should say, "a person may be granted a waiver for an emergency situation and this Ordinance may be waved in the event of declaration of disaster by the Mayor". It just doesn't make much sense so just that part doesn't sound too good but everything else is fine.

Mary: So, do you want to restate your motion with corrections so that we can move on with a second reading next month?

Francine: Any other corrections before we do that?

Summer: I have one correction.

Francine: Huh?

Summer: I'm going to get with you afterwards with the second part of that but I do have one correction myself. "Whitehall Streets" Should be "Whitehall Street" and that was in section 3.

Francine: And then we have that short sentence in 2 that's really not a sentence.

Summer: Ok, I'll add to that.

Discussion continues (1:28:27-1:33:50)

Francine: I move to Table.

Tom Jenkin: You better get it done soon because we've got junky stuff sitting all over Town not being moved. As a matter of fact, I have one fellow who's got a car parked on Second and it's been parked in front of his house for over two years and he said if the Town or County doesn't do something quick, He's going to pull it out onto the street and leave it there and I asked him to please not do that.

Francine: Currently, if there is a trailer that has been parked in one spot more than five days, the abandoned vehicle Ordinance takes care of that. This does not have any bearing on that.

Tom: Ok Francine, but that situation needs to be handled.

Francine: Somebody needs to make a complaint.

Tom: The owner did, I did and a couple other people have and it's not getting handled and it needs to be handled.

Mary: So, move to Table and we will bring this back next month with the corrections and they will be right from Ed.

THE MOTION PASSED UNANIMOUSLY.

XI. New Business:

A. Discuss MCA 61 Laws.

Logan moved to discuss MCA 61 Laws with Roy seconding.

Francine: The 61 codes are the 61 codes. There's nothing we can do about them. We can't go less; we can go more. We are stuck with what the 61 codes and we've adopted them and have to enforce them. I don't think there is any discussion on the 61 codes. If somebody would like us to create obviously something new, this still is prohibited under 61 codes, then we can do that. But, until that exact thing is figured out, I don't think there is anything to discuss at this particular time. I'm all for having something that helps our handicap people better and meet some of the needs. We may want to motion to form a committee to help assist all of the handicap community and still follow the 61 codes.

Summer: So, then my question is Francine with your Law Enforcement background, in the MCA's, there are provisions that it can be driven.

Francine: I think where some of the confusion is in the 61 codes it limits it to one item. When everyday there is something new being developed, it falls under that same thing. Maybe we might want to include them. I think it might be a good idea to have a committee meet and just explore the idea and give those that want to have a chance to voice their opinion and their needs.

Summer: We can't vote on this, it's just discussion.

Roy: I have a question for Francine. Ok, so the 61 codes lay out 9 or 10 items. For this handicap use, it has 91 things you have to do to put that vehicle on the road. Is that the rule we follow right now?

Francine: Right.

Roy: I guess I'm lost. If we all follow those rules, what's the issue?

Francine: There is no issue for that vehicle that I know of. That's the only reason why I think maybe we are missing something. Maybe a Committee could listen to it and see.

Roy: I don't have an issue with that.

Francine: I think we need to resolve it because I think there will be more questions in the future.

Mary: Can we look at the bigger picture? So, say the Mayor wants a golf cart to run around Town in and check on projects, that sort of thing. The Council can approve a Resolution to approve golf carts or whatever in the Town of Whitehall. If you so choose. It doesn't have to be limited to handicap.

Francine: Some Town's have done that but they have limited the area where they can drive those. If they have a golf course, they do so many block areas around the golf course. West Yellowstone is a good example. Snow mobiles are not allowed on the streets but, West Yellowstone has a rule that during winter months, licensed drivers can operate them. I think it's going to take some time to come up with something that is both usable and within the boundaries of the 61 codes and meet the needs of our Town's people and we need to do it in an environment that is positive and we can have positive input and come up with a solution. Like, the other day I was driving and they now make UTV's that are electric. Even State code hasn't kept up with that. Ambulances are electric, there's all kinds of new stuff coming out. I think it's a good time to address it. A short meeting to see where we need to go and find out the needs of folks.

Maxine Samuelson: I would just like to suggest that when you talk about discussing MCA's that you either have a little mention in the agenda or say what that is at the beginning because I sort of have an idea of what it's about but I'm not real clear. Does anyone know what they are talking about?

Jim Rabenstein: Let me just say something. When this originally came up, we had a golf cart. We've updated three times. We now have one with everything; horn, lights, backup alarm, you name it. It's street legal. As far as the licensing goes, we were even told that the Sherriff has the ability to excuse this stuff. I can never get ahold of the Sherriff but that is what we were told through the Licensing Bureau in Helena. What we have now is a personal vehicle used as a mobility device. The additional papers I handed out to you people, once you digest those, I don't see how you could see that there's anything wrong with it.

Francine: I just think that we need to look at it and see what's best for everyone.

Jim: But that's now not a golf cart. That's what makes the difference in this 61 thing.

Tom Jenkin: I would think as long as somebody had a valid driver's license that would be enough or a valid license for what it is you're driving. There is more than one means of driving such as a bicycle. That ought to be one of the first things you think about.

Jim: The one question I have is, if this replaces a mobility device, if you have an electric wheel scooter which amounts to the same thing, you'll see there's a description of what a wheel chair is, it doesn't have to be what you normally look at but, do they have to have a license? How many mobility devices get stopped on the road and get asked for their license?

Francine: Would you entertain appointing a committee to look at this and put it on the Agenda for next month?

Mary: Yes.

Francine: I'd be willing to but I can't meet until after the 1st of August.

Mary: Ok, who else would like to be on this committee? Roy? Logan? Ok.

Summer: I have one more question. So, if they wouldn't have to have a driver's license, and they are on the street. I as a citizen of Montana have to have insurance and I have to have a driver's license on any street. What I am saying is, say that mobile device on the street hits my vehicle and they don't have insurance.

Francine: Motorcycles don't and ATV's don't have to have insurance.

Summer: So, who has the deep pocket?

Francine: Six months ago, a kid on bicycle who was riding on the sidewalk and he wasn't supposed to, did \$500 of damage to a person's car door. That's why you have uninsured motorists' coverage.

Summer: Yes, so then my insurance goes up and my question is if we weren't following the 61 codes, would the Town be the deep pocket?

Francine: We'd be following all 61 codes.

Summer: But we wouldn't be.

Francine: That's what I'm saying though. The committee needs to meet and make sure we are following the 61 codes and anything they come up with we'll send on to Ed to have him double check.

Mary: Do you want to amend the motion to include the committee at the August meeting?

Francine: The Mayor can make an executive decision since it's not on the agenda. To bring it forth and discussed properly.

Mary: Ok, lets move on.

B. Discuss and vote on a deadline for the Lease of 2 North Whitehall Street to Jefferson County Sherriff's Department.

Mary: Motion?

Francine: What's their timeline? I mean, we can't pick a timeline if we don't know what their timeline is with their current lease.

Ed: I wouldn't mind Leonard to chime in if he knows anything about this.

Leonard: I don't know anything.

Ed: Maybe Summer knows how long ago it was that we gave them a draft.

Summer: We had a meeting with you Ed...

Mary: Wait. Stop. Let's have a motion first then discuss.

Francine: I was just curious if you knew the timeline.

Katy James made a motion to discuss and vote on a deadline with Francine seconding.

Summer: The Mayor, I, Ed and Leonard, you were supposed to be there but you were not. The County Attorney and Sherriff Doolittle came. The Two Attorneys were supposed to get to together and discuss of the contract issues and then we were going to get back together but I don't know.

Mary: Ed, have you heard anything?

Ed: no, we gave them that draft and I think we left that meeting, correct me if I am wrong Summer but, we left the meeting with he was going to go over the draft and get back to me with comments and that hasn't happened. I haven't reached out to him either.

Summer: I've been busy.

Mary: So, it's in their court. We haven't heard back from them. So, it seems to me they are dragging this process out and that they either need to make a decision or not so that we can make a decision on what to do with the building. So, I think they need a deadline.

Francine: I vote to amend the motion that we give the County until the next meeting to at least give us information and then give them 90 days to complete the Lease agreement. Roy seconded.

THE MOTION PASSED UNANIMOUSLY.

C. Discuss and vote on a letter to go to Hard Drives regarding the Chip Seal Project that was done 2 years ago.

Francine made a motion to have the Town Attorney send a letter to Hard Drives to go after a percentage that is deemed appropriate on faulty work with Katy seconding.

THE MOTION PASSED UNANIMOUSLY.

Maxine Samuelson: Excuse me. I have question. I understood that company signed an agreement that they were going to correct the problem. Did they do that?

Mary: No. They have not corrected anything.

Maxine: But he stood here and gave his word.

Mary: Yes, he did.

Maxine: So that's that same person.

Mary: Yes, it is.

Summer: We've had a meeting since then and Roy McBride, myself, Kory and Gary met over the phone. I got him to admit they used faulty product and Roy can attest to this that they didn't come last year when they were supposed to when they agreed and they kept saying that it was our fault too. It was their fault. They were supposed to sweep the streets and clean the streets and they did not do it properly so, that's the other thing they were saying even though they were the ones saying that they were going to do it.

Mary: We need to get our money back and contract with someone else.

D. Discuss and vote on Resolution 2019-1 to authorize submission of TSEP application.

Francine moved to approve with Roy seconding.

THE MOTION PASSED UNANIMOUSLY.

E. Discuss and vote on allowing dogs in the Park.

Logan moved to approve discussion and vote on having dogs in the Park with Shawn seconding.

Mary: This is being brought up to you again. Some citizens have come in to talk to us and wanted it discussed at least. I went to a Chamber meeting and they wanted to put up 5 doggy stations in the park and I told the Chamber there are "no dogs allowed" signs in the park up and down Legion. No one knew that. Nobody was even aware there were signs and so, people stop who are going through Town and most clean up after their dogs but not all. People bring their dogs to the park all the time. So, I think we need to decide whether we need to just take down and allow dogs in the Park or do you enforce no dogs in the Park?

Francine: I do know that the City of Bozeman has a huge problem with this. They have actually disallowed all dogs in most of the Parks. They have created dog parks or certain areas where dogs can be allowed because the problem is one person with one dog is not an issue but multiple people with multiple dogs especially people that have larger dogs create huge liability issues for everybody like say if somebody got into a fight or a dog got off a leash and I think we need to be really careful. I don't mind if we have dogs in the park but I do mind like during Frontier Days we have 50 people with dogs out even on leashes, that could create some significant hazards especially for children and people that aren't very dog savvy. I would think that if we cordoned off part of the park, we could allow dogs in and make sure that where our Farmers Market is there are no dogs allowed there because we have people there with food. So, have part of it for dogs and part of it not and meet in the middle because I see once people get in the Park, they take their dog off of their leash and play catch with them so maybe even add that dogs need to be on a leash. The simplest way is to have a spot that no dogs are allowed and down toward the west end of Town where there is less concentration of people and businesses there could be dogs.

Mary: So, that would be the dog park area. We could put up the stations there and post a bigger sign because obviously the ones we have up no one sees. How about anything West of the Gazebo?

Francine: Yes. I think it meets everyone's needs and creates a safety zone.

Francine continues to give her opinion on dog safety.

Lori Young: Who's going to enforce this?

Summer: Not me.

Lori: What would be the penalties or how would you approach this? We have people stop there from out of Town that graze their dogs there all the time. Are you going to give them a citation or run them out of Town?

Mary: Enforcing it is always the hard part.

Marty: Don't you have an Ordinance that dogs cannot be off of a leash except for on your own private property?

Mary: Yes.

Marty: Well then enforce it.

Mary: Well, that will increase the contract with the Sherriff's office to enforce. Anything we add costs money.

Summer: If that's something the people want, then our contract will go up.

Bridget: Usually dog parks are situated further out of Town. Not right across the street from residents and they are fully fenced. Usually there is a double gate going in so that it's safe and you can leash your dog safely and go in and out and the dog's in there and can't escape. It would be better situated out of Town or adjacent to Town. Maybe something to annex the former bike park. I think maybe legalize what is currently going on which is people come and walk their dog. Maybe some leash signs and pick up after your dogs and not exclude a dog park.

Lori: I do find that people are pretty darn courteous if there are dog stations up.

Discussion continues.

Logan made a motion to table with Francine seconding.

F. Discuss and vote on a date and time for a Budget Workshop.

Logan made a motion to vote on a date and time for a budget workshop with Shawn seconding.

Francine: Wednesdays are really bad for me.

Mary: Does it work well to have a workshop at 6pm before our regular meetings?

Summer: An hour is not going to be enough to do any amount of work. The last one, no Council Members showed up to but an hour is not enough time.

Mary: An hour and a half?

Shawn: What time length?

Summer: Two hours.

Shawn: Weekly?

Summer: We're going to need to have at least two meetings that we have a quorum. It depends on how much you guys can get through and approve. We do have a situation with the general fund. We haven't had a Mill Levee increase since the 1970's. This is going to be a really hard year to get anything passed tax wise because everyone is getting about a 20% increase.

Mary: So, would it work to come at 5pm before the next Council meeting?

Francine: Super tough for me. How long is our next meeting going to be?

Summer: I don't know, it's hard to say.

Mary: We try to keep the Agenda to around an hour.

Logan: That works for me.

Francine: I can try to make it work.

Summer: As long as we have a quorum.

Katy: Is there a way to get a copy of the draft?

Francine: Can we get it before the budget meeting? That would be really helpful.

Summer: If you guys want to come in here and get one, I will print you off one. I have no problem with that.

Francine: I would like one as soon as possible. I don't have time to sit around and wait for it to be printed. I mean we are all going to need one.

Summer: Do you want to have the working document like last year?

Francine: I like the working one but I also like to see one where it shows the last four years of what was spent.

Summer: It only does three years. It will do the last three, this year and what we are spending in the current year.

Francine: If we could have that available so we can start studying it and then that way new Council Members can ask questions because it's hard to answer lots of questions and do budget work at the same time.

Mary: So, August 12th at 5pm before the regular Council Meeting.

Summer: I'll have them ready by Wednesday.

THE MOTION PASSED UNANIMOUSLY.

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

Francine made a motion to approve the bills with Katy seconding.

MOTION PASSED UNANIMOUSLY.

XIII. Adjourn:

Francine made a motion to adjourn the meeting at 8:04pm.

Mayor Mary Hensleigh

Date
