

## City of White Sulphur Springs

The regular meeting of the City Council was held on October 19, 2021, at 7:00 P.M. Mayor Rick Nelson called the meeting to order with the following members present:

Pattie Berg  
Ron Coleman  
Stacy Menard  
Lee Blanchard

### **A. Call Regular Meeting to Order**

### **B. Roll Call**

### **C. Pledge of Allegiance to Flag**

### **D. Read & Approve - Accept or Reject Minutes**

#### 1. September 7<sup>th</sup> Meeting – Regular Session

*Possible Motion: Move to Accept Minutes as presented or as amended.*  
Minutes are not ready as of yet

#### 2. September 21<sup>st</sup> Meeting – Regular Session

*Possible Motion: Move to Accept Minutes as presented or as amended.*  
Minutes are not ready as of yet

#### 3. October 4<sup>th</sup> Meeting – Regular Session

*Possible Motion: Move to Accept Minutes as presented or as amended.*  
Minutes are not ready as of yet

**E. Public Comment:** Public comment will be accepted on public matters not listed on this agenda and are within the jurisdiction of the City Council and having a significant interest to the public. During a regular session, there will be time after each agenda item for comment about that item.

1. Step up to the podium and state your name and address for the record.
2. Please limit your comments to THREE (3) minutes.

### **G. Unfinished Business - Items for Discussion and/or Actions**

#### **1. Sterling Codifiers American Legal**

Discussion as to initial review of revised Code of Ordinances by Council. Review proposed alterations from Comm. Berg and comments by Atty Wordal, propose any additional alterations, and set for public hearing as to new sections and adoption of entire document or further discussion.

*Possible Motion:*

*Motion to schedule public hearing for XX/XX/2021 for adoption of revised codification of WSS Code of Ordinances.*

Sterling tabled and to be discussed at the next work session.

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

### **1. Request for Approval of Property Division - Jen Brunson**

Application for Subdivision request to split/subdivide property identified as: N ½ Block B Woodson Addition into 2 lots.

*Possible Motion:*

*Motion to direct City Engineer and City Attorney to review submitted material for compliance with Subdivision policy and legal requirements; OR, Motion to authorize Mayor to execute necessary documents to approve subdivision request, or Motion to continue to another meeting.*

Maps of proposed split before and after. Split lot to sell houses on NE of lot on Baker St. Each lot 7200 sq ft approx. Pattie Berg asked the city attorney, “when is this subject to subdivision requirements and when is it not.” Susan responded with, “it depends on when it was subdivided”, and she believes it was in the original subdivision. An exemption must be filed for the subdivision, then filed and surveyed. The Council must approve is all that’s left. This is all ready and waiting on approval. 1 lot with 2 homes, split lot. Stacy Menard is concerned its shed is over the property. As we grow, when you sell or redo, it must be up to standards. Do they have to remove shed that’s 9/10 on road and move house back? Stacy says the structure has enough room to be moved back onto property line. If its more than 40% then it must be brought into conformance. Jen Brunson says it’s a crappy shed and probably not on a pad. It’s an old tear down shed. Menard wants to know what she’s keeping – lot 1A keeping (small house) and renting 1B. Will rent or sell. Menard wants to see the shed tore down before it sells, if feasible. Lot split ok but shed being out in city road won’t work. Susan Wordal says we can make it conditional based on approval of lot split that the shed come down. (up by castle). The mayor thinks it was built shortly after castle was built. Can shed be pushed onto property was a question from Ron Coleman. Jen says it’s a goofy situation but was surveyed and locals are interested in purchasing. When the shed falls it can be replaced in the legal boundary. Part of road that goes on 2<sup>nd</sup> is on her property when it was surveyed from earlier this year. She wants to take care of it before winter as it’s a secured shed, but the door is falling apart, and she wouldn’t put anything of value in it. It has some tools and a ladder and a few things inside. If split, Berg wants it cleaned up. Wordal thinks that easements are occurring on this property. Menard makes a motion to be ok with split of property, with approval of tear down of shed. (One on Baker St) All the council were in favor unanimously. Jen wants to know the next steps, so the mayor says to come talk to him for sign off. The mayor spoke of next few steps and Jen wants to get this done quickly and is going to call surveyor right away. Dan will get the maps to the mayor and once verified its removed he will sign off. Berg asked about burning it but the mayor said no and also that we are on fire restrictions still. Wordal says to be sure the surveyor knows of the approval of the split involved the removal of shed and he needs to remove from his map.

### **2. Jen Frazer – Park Advisory update.**

**Annual Summery**

**Review of CORR – Effort Public Recreation Planning**

Parks Advisory – in operation for a year now. Jen Frazer is the new chairperson. Jen spoke about last year’s summary and where they are going. Jen is hoping to have long term planning due to previous years inconsistencies. The plan is to put purchasing,

bylaws and materials on the city website, so nothing is missing. They are going to do an annual assessment of all city parks to start to see what's needed. They are also compiling a list of community ideas. For all projects they are going to correct big flaws and work closely with city employees. McStravick Park was the focus as city council wanted it as the number one project this past year. The tennis courts are part of that. The Short family offered a land acquisition, and the park name is Spike's Happy Trails. Next year they are working on a better grant application process. The community recreation plan partnered with UofM since there's a good cross section of interest. The committee is working on stake holders to meet with the University to develop a draft plan and receive community input. The hope is to have a recreation plan in 6 months. Jen wants more of a community focus plan, the community as a whole instead of branching off. She thinks there will be more competition for grants this way. The plan is to have more organized user focus groups for fundraising. She wants budget plans and to work with city employees on a management plan for projects – and social media presence. There will be a tracking sheet for city employees and volunteers and grant money for various items. They are forming a group subcommittee for Spikes Happy Trails to develop a project once the land acquisition comes. They want a park management plan to consider and pass so they can have rules for parks and areas. (No squatting or camping and long-term people that shouldn't be there). The current landowners have noticed this type of behavior. On May 22<sup>nd</sup> there will be a tree inventory. This is WSS 16<sup>th</sup> year as Tree City USA so there is a required tree inventory to be done. There is also a new DNRC grant for inventory. There is a good source for this out of Townsend and Jen will be asking for a grant application soon. Stacy Menard thinks an option is to let people know that "we are getting these trees in, who would like some" since buying in bulk is more cost effective. Townsend has this program and WSS could benefit. A gentleman named Patrick is very knowledgeable and can go around and say what trees work best and what won't. (He is from the Townsend tree board) Also, one more name was selected for the parks committee.

#### Amending Agenda

All were in favor of amending the agenda for the Lincoln St. Project to be discussed at the next meeting.

#### Terry Threkheld – Waterline Project

Water Line Contract – Phase 3, Bid Date- June 10, 2021. Terry Threkheld presented 3 bidders (3<sup>rd</sup> he was not in time and unresponsive). Big Belt was the lowest bid at \$557,827.22 with the second bidder, C&C Excavation from Havre at \$580,696.00. Terry stated he thought that Big Belt Excavation was reluctant to sign and was not in time. Threkheld mentioned we would need a change order that would increase the low bid contract price by \$31,111.99 to \$589,060.99 to sign the contract to offset the increase in pricing from June 10. The price is good until Wednesday, October 20, 2021. There was a conversation with Rob Ashton and he says that the best thing is to rebid because the potential price increase puts the low bidder in 2<sup>nd</sup> bidder position. Terry talked to him, and he kept his original bid. Material increases can be absorbed. Bodie's bid increased 3 percent beyond but would be absorbed. The low bidder goes to number 2 position and 2

would go to low bidder position. Terry says it's up to the council. The options are to rebid or pending attorney approval, go to 2<sup>nd</sup> bidder who is now the low bidder and would bypass Big Belt Excavation. The funding agency couldn't go with Big Belt. There is a conference call scheduled with the funding agency for October 20, 2021. Big Belt's pipe material quote expired on July 10<sup>th</sup>. The contract and notice of award was provided on July 20, 2021. He will work through the Winter to get materials on site and be ready to go this Spring. C&C's bid pricing will stay the same. The pipe supplier already has the pipe in hand and the price is good until October 20, 2021.

It seems that the contractors are reacting to changes in material prices. C&C says that if they are already here for phase 3, they can stay for phase 4 since they agreed to accept the bid in June. Pattie Berg wants to know how we got here without a contract in place and wants to know what happened. The bid was good for 30 or 60 days, she wonders where the delay was and is concerned it could fall on the city. Did a local person lose his bid due to delay on city's part? WHAT HAPPENED asks Berg. Terry says the bid opening was June 10 and the material quote should have been good for 30 days. They met July 6<sup>th</sup> per the mayor. The bid came in at twice what was budgeted in 2 meetings and 30 days. The ARPA money came through which made it easier to cover the project. Threkheld wondered how to cover it financially to include pipe prices...pipe is tied to 30-day quote. July 7<sup>th</sup> was when they made up their mind – it was a 30 day deal. 10 days later a notice of award went out and the contract was processed and ready for the contractor. The pipe price had expired. Threkheld said after speaking with Big Belt, that Bodie mentioned he was afraid and said that he is 32,000 in the hole in materials. Morrison says he has to be sure that the city is willing to pay that for him, which is why he didn't sign the documents yet. Threkheld said he didn't think bids would be so high. Threkheld met with Rob Ashton and was given more forgiveness and Rob said yes to increasing the loan amount. This whole we time didn't have a signed contract and then pipe prices kept going up. The documents were executed but remained unsigned by Morrison because he wanted assurance that we would increase bid to 588,900 to absorb the pipe increase. The price as of 9/30 would be good until October 20, 2021. Menard wonders if pipe prices are going to drop since demand in Montana goes down in Winter. ARPA has funded more projects creating more competition which will allow some supply chain to catch up. Threkheld says we can wait even though it's a gamble. Big Belt says he needs 90 days to place order with a June 1 start date. He wants wintertime to get materials. C&C Excavation locked in at same price with materials. A survey was done for Phase 4, maybe do Phase 4 with Phase 3. This increases amount of contract and puts the squeeze on Morrison, which makes it more complicated. We could have plans ready and then bid in Winter Threkheld stated. He thinks then we would have advantage for more material and a bigger order for pipe, with bigger contractors, and more competition. He thinks we could save 1.2M. Threkheld wonders if it makes sense to present the project as standalone and ask the funders for more money. (ARPA money is a 50% match) Mr. Morrison put so much time into this bid already says Menard. C&C told Threkheld that a big issue is it's a small project for them. Berg asks when C&C would start if they were awarded the contract. The mayor says Spring. Susan Wordal says Montana code states one problem...we have an apparent low bidder and when the contract is offered, and you go with lowest bidder and something falls apart, it must be rebid. This is because now he's not the lowest bidder

– unless he had signed off on the contract with a change order. This appears to be a situation where we have to tell Bodie, sorry, you’re no longer the low bidder. The mayor says that both the City and Morrison are at fault. The mayor wants to know if the council accepts the new bid and know that pipe will go up or do they want to rebid. Menard says it will cost to rebid and was hoping Big Belt would get the bid and feels we should stay local and those who support us, we should support. Menard also feels \$9000 is hard to swallow but thinks we should absorb some of that. Threkheld was wondering how someone can do this for .50 on the dollar. We could rebid in 2 schedules but might not have enough funding to produce the project; however, Menard stated she is not comfortable with that. It was stated that multiple grants could be used. Berg motioned to accept bid for C&C for 586,000 and lock the price in to get things going. The rest of the committee were all in favor. The mayor says it all needs to be ready by Jan 14, 2022. Wordal doesn’t feel Big Belt is ready for something this big, and it’s too early in his career. Threkheld says Morrison told him he his terrified of the project. Jen Frazer says Bodie should be told the rationale is that it’s not personal. Threkheld says it’s all been a big scramble and feels the decision to not hire Bodie is a good one.

## **I. Comments/Discussion**

1. Future Business
2. Mayor’s Comments—Rick Nelson

Dollar Tree - The Mayor handed out the map for Dollar Tree. 1 issue is showing the 3ft setback on the hospital side of the property. If they move the building back onto the property line – the trash receptables would be out the distance of a parked car. One idea is to move them back by 3ft. It needs to be surveyed to check the encroachment like Town Pump did for grease traps. The mayor feels that this new business will create jobs and new business in town. The gas station itself will be the parking lot and the store will set closer to the propane tanks. The buried tanks will be dug up and pulled out.

Deer Management – This will start after hunting season. The mayor plans to talk to the new owner of Rawhide as they are only doing wild game right now. The mayor wants to know his plan and if we can slip a deer or 2 in here and there, to get it done. There is a list of people for the meat. Jay feels that we should offer JD a stipend to do this on an agreed timeframe and also offer him a position.

Mine Tour – The Council is to tour the Mine on October 28, 2021, from 1-4:30pm. Only 3 are available to tour as the other members have other things to attend to.

3. Council Comments/Discussion
  - a. President of the Council—Pattie Berg

Group Discussion – Pattie would like to start a monthly city council meeting to discuss items brought up at the council meetings. The thought is that items are being presented and then answers aren’t given at the following meeting, and she would like to change that.

Parks Committee – There was a 2-hour meeting about “how do you recreate.” Research is being done about what the interest is in being here and what’s available and also what might be missing. The answers were that there isn’t a lot for kids to do. They are currently looking for a vision



statement for WSS. This subcommittee that is part of The University of Montana will come back to the city and let us know what they think our vision is.

b. Council Member—Lee Blanchard

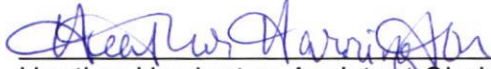
Tennis Courts – Lee and Ron will have a discussion about the tennis court and fencing to be done by November 1, 2021. They would like to hire Menard Construction but he is ill. The court has been sealed and cut but they noticed some flaking and will monitor through winter. This Spring we will get back with rock hard and discuss anything that comes up through Winter.

c. Council Member—Ron Coleman


Winter is coming, equipment needs to be ready and a CDL is needed.

d. Council Member—Stacy Menard

The Mayor asked the Council if there is a motion to adjourn the meeting. Stacy Menard motioned to adjourn the meeting. Pattie Berg seconded the motion. All said Aye. Meeting adjourned at 9:05 pm.

  
Heather Harrington-Assistant Clerk

  
Mayor – Rick Nelson

  
Michelle Stidham – Clerk Treasurer