

April 9, 2019 Regular Council Meeting

Council Members in attendance were Scott Holbrook, Joe Willauer, Matt Greemore, and Nolan Frandsen (arrived at 7:25 pm). JB Klyap was absent. Also in attendance were Mayor Thomas Hyndman, Clerk/Treasurer Kristi Millhouse, and Maintenance Supervisor Sam Novich.

Guests: Jerry Braach, Janie Wasmann, John Woodward, Jeremiah Theys (Great West Engineering), Ray and Mary Smail (Southwest Septic), Elaine Graham, Hoyt Walker, Bob Lancaster, Phil Fortner (Madison County Sheriff's Department), Joe Wiltzen, Howard Chrest, John Taylor (Madisonian), William and Paula Kinoshita (The Old Hotel), Luana Dowling, Leslie Adams, Frank Kneeshaw, John Pollorena, Joy Day, Gary and Heather Caprara, Andy and Susie Nye, Lori Harshbarger (JD Law Firm - Town Attorney).

Mayor Hyndman called the meeting to order at 7:07 pm. Mayor Hyndman asked individuals to please turn all phones off during the meeting and asked individuals to please raise their hand to be recognized so that we can keep order in the meeting.

Public Comment: Non-Agenda Items – Janie Wasmann commented that with everything going on that she would like to see the Council consider recording the meetings either via audio or video.

Ray Smail – Southwest Septic: Ray and Mary Smail are requesting permission to dump in the Twin Bridges lagoon. Ray commented that he was denied about 8 years ago on the spot. Mayor Hyndman commented that we would need an MDS sheet with the chemicals that they are using. Chemicals can kill our lagoon as it isn't set up like other systems. Scott commented that we can discuss further for the possibility of an emergency dump.

Resort Tax – Joe Willauer: Commented that designating our community as a resort tax would allow us to pay for some of our capital improvement projects. Resort tax is a way for us to pay our bond for the SID without having to assess all of the property owners. The resort tax is a max of 3% and would be assessed towards lodging, fishing, and restaurants. The resort tax can only be applied to luxury items. 5% would have to be used towards the property taxes which would allow for lower property taxes. Joe is proposing that the tax be used to pay down the bond for the special improvement district. This money stays in Twin Bridges and does not go to Helena, 100% local control of the dollars. It is illegal to tax medical or grocery expenses. The funds would be used towards our Capital Improvement projects. The tax would generate extra funding towards our infrastructures.

Joe explained the process of how the Town becomes a resort Town. Mayor Tom would have to send a letter to Department of Commerce to see if we qualify, then Council would pass a resolution of intent that lays out what the tax would be accessed to, and then it goes to the public for a vote. Joe is looking at the fee being accessed to outfitting, restaurants, and lodging. You would have to pay approximately \$5,000 in Town on these items in order to spend the amount that is being accessed for the SID which is \$155 per year. Joe commented that this idea is in very early stages of gathering information.

Joe is asking the council to pass a motion to find out if we qualify at this time. Scott made a motion to have Tom send a letter to the Department of Commerce to see if we qualify. Matt seconded the motion. Mayor Hyndman asked if there were any comments from the public.

Joy Day asked if it would just be in Town limits. Yes, it would be just in Town, and the ideal is to get extra income from the tourists that come through Town. Leslie is one of the businesses in Town and does not support it. Luana Dowling, who just purchased old bank building, says she is against the tax.

Bill Kinoshita (The Old Hotel) commented that he doesn't think that a 3% resort tax is going to stop any of the tourists from coming into the restaurants. He is for the tax.

Janie asked if it would include locals. Joe answered, yes it would.

Hoyt asked if it includes the liquor and food that is onsite at lodges. All of the costs for the lodges would be taxed. It is generally a package deal and he is going off of what used to be done at the Stonefly Inn.

Leslie commented that she doesn't understand the stormdrain project and so she doesn't agree that it should go towards that.

Joe commented that the storm drain is happening and that if we do the storm drain tax then we would not do the resort tax. The resort tax, would be a double tax. Joe commented further on what other Towns are doing.

Leslie also brought up the Capital Improvement plan. Lori commented that the CIP is not currently on the agenda and we have a motion on the table. Please keep all comments related to the Resort Tax. There were no other questions.

Mayor Hyndman took a vote from the Council. Motion passed with a unanimous vote. The Town will send a letter to the Department of Commerce find out if we qualify and provided more information to the Town as we get it. It will take about a month for an answer back from the Department of Commerce.

Twin Bridges Concerned Citizen Group – Survey Results: Hoyt Walker commented on the results that they received back from the 193 cards that they mailed out. 93 cards were returned in the 3 week period. There results were 14 for the Stormdrain district, 68 against, 11 uncommitted, 23 people didn't receive the letter, 20 didn't understand the letter, and 72 thought the Town should have held a meeting at the school. Discussion followed regarding the survey and the results.

Andy Nye commented that it was a short time frame to respond. Commented that it should have been ran one more time. Gary Caprara commented that it was underhanded and that everyone in the room felt that way.

Bill Kinoshita, commented that he and Paula did receive the letter and they chose not to come to the meeting because improvements need to be paid for by the Town and the Town needs to have income to do this. They don't like paying taxes either, but it has to be done.

Joy commented that it isn't everyone in Town that feels this way and we do need to improve our Town. Janie agreed with the Joy. Tom asked for any further comments.

Great West Engineering – Task Order #4: Jeremiah Theys with Great West Engineering commented that Monday there was a conference call on Monday with the SRF program regarding the funding for the storm water project. The SRF requires the design process be in place in order to finalize the funding. Jeremiah is asking the Town to sign Task Order #4 which covers the designs, bidding and construction management for the project. Joe made a motion to approve Task Order #4 – Scott seconded the motion. Mayor Hyndman asked for any questions. No questions. Mayor Hyndman took a vote. Motion passed with a unanimous vote.

Elaine Graham – 109 E. 8th Ave – Elaine is adding an addition to her house. Matt asked about the property line. The addition is not near the property line. Scott made a motion to approve Elaine Graham's Building compliance. Matt seconded the motion. Mayor Hyndman asked if there were any questions. No questions, Mayor Hyndman took a vote. Motion passed with a unanimous vote.

Steve and Kristi Millhouse – Fence Variance: Steve and Kristi are asking for a variance to raise their current fence to 5 ft. The material will not change. Kristi explained that the request is so that her dogs are contained as she has one that has decided to jump/climb the fence. Joe made a motion to approve the fence variance. Nolan seconded the motion. Motion passed with a unanimous vote.

Sheriff's Report: Phil Fortner reported for the sheriff's department. Sheriff Fortner commented that Twin Bridges was quiet for the month of March. They responded to (2) Accidents, (3) civil service calls, (2) public safety calls, (1) threat/harassment, and (1) traffic complaint/abandoned vehicle report.

Madison County Planning Board Report: Pat Bradley sent an email to the Town as there was no report from the planning board this month. Charity Fletcher retired March 15 and Commissioners have hired a replacement from the Flathead area (Alex Hogel), reports from the planning board will continue in May after the new head of the planning board has started his position.

Library Board Report: No representative. Council reviewed the library director's report.

Attorney's Report: Contract with AT&T – Lori commented that first this is a template; she wants to see the actual contract. Lori, asked where is the tower going? Tom commented that it would go over by the new shop building and is going in the corner where an old building that has been torn down use to sit. AT&T is supposed to send a map showing where and how far the coverage would go. They agreed to \$1,500 per month for the lease.

Lori commented that she wants all of the council to read through the contract and see if there is anything in the contract that jumps out at them. Lori pointed out a couple of areas that do need to be amended. Paragraph 6 – tenant is the only one that can terminate the Contract. Need to add a

paragraph that property owner can terminate. The Town needs to double check with MMIA on paragraph #7 if \$1,000,000 liability insurance is ok, and need to list the Town as an additional insured.

Paragraph 8 – Interference – landlord will provide all radio frequencies that are used on the property in Town that might interfere. Are there radios that interfere with tower frequency?

Need to read through indemnification agreement further and be careful on the warranty and representing section of the contract, especially with environmental issues.

Nolan asked about the radiation off these Towers. That is a big question mark, something that we need to look into. #13 states that if they terminate the lease, AT&T can leave the tower. The Town wants to change so that AT&T has to remove the Tower. Paragraph #16 – just because they are saying it is just AT&T doesn't mean it will be. AT&T can sell the tower at any point in time to anyone. If Town wants to sell property AT&T wants right of first refusal to buy – which is always in these contracts. It's a 5 year lease with five, five year terms for a total of 25 years with renegotiation.

Is this something the Town is in favor of, as the Towers are ugly? Do we want to get feedback from the community? Lori suggested having on agenda for next month for comments and discussion to proceed further and vote at the next meeting.

Gary and Heather Caprara Contract for dumping in the lagoon - Lori is going to give her feedback and thoughts on the contract. Lori has some concerns with this. The Town spent a lot of money on the sewer system and if this allowed for the Capraras then the Town has to look at allowing Smails and then we could have an RV dump. There is no regulation set up for dumping and the Town needs to have some control and regulations put in place before they allow for dumping. People in this Town are paying a lot of money for their water and sewer. Is \$500 enough for using the lagoon? Lori is not in favor of doing this from a legal standpoint.

Scott commented that he made some calls this afternoon to Dillon and a port-a-potty facility in Billings. Billings pays \$46.00 per 1000 gallons to dump in the Billings system. Dillon doesn't allow it. Scott isn't in favor of open dumping. He is ok with emergency purposes only. During harsh winter months. 150 to 200 gallons per day.

Gary commented that they just need an emergency dump. They have a land agreement. Gary does not want a full time deal, just if they get snowed out of their dump site. They are not doing septic tanks just port-a-potties.

Joe commented that he understands where Lori is coming from and the Town has a liability risk. Where do we draw the line with who gets to do what. Gary commented that it is not very much.

Mary Smail commented that they are asking to dump 50 to 100 gallons for emergency purposes too.

Joe commented that he is supportive of Gary and that if there is no immediate rush that the Town should take some time to look into this further so we can get the issue resolved in the best way for the Town. Matt commented that at this time we are here to discuss the contract and hear the attorney's report according to the agenda. Council is not going to vote on this tonight.

Nolan asked if Gary is suggesting that because they did all the leg work then he should get the first approval. Yes he is and that he is the only one that lives in Town. Gary didn't feel that this is a big deal and doesn't understand why it has become one.

Ray Smail commented that he has been in the septic business for years. He commented that they need a garbage separator as there is a bunch of stuff that goes down the toilets. Joe stated that we are doing our duty as a Town Council to protect the sewer system and the Town.

Heather commented that she has a solution for the garbage; her employee will build a box to catch all of the garbage. Lori commented that as the attorney of the Town she is giving her opinion on the contract, and it is her job to advise the Town. The contract has to be revised and then we will get a hold of Gary and let him know what else he needs to provide. Scott asked would it be better to have a policy in place instead of contracts so that we include other individuals without the contracts and then everything is clear. Lori commented possibly. We need to look into this further.

Maintenance Report: Sam reported that there are no accidents to report. Sam commented that the street on North Madison in front of Mountain Building Centers approach is in bad shape. MBC cannot

get the forklift into their building. Discussion occurred regarding the road and how to fix it. Sam will work on fixing the road in front of MBC.

Road Grader – Discussion occurred regarding the road grader. Sam commented that he pulled the head off and took it to Three Forks. Nolan commented that the grader needs to be taken somewhere else or the Town needs to have someone come here and look at it. Nolan commented to call M&W to get some names for mechanics that could come to the Town and rebuild the engine.

Water Samples - Water samples were sent off to Billings and the test results have been received. Sam hasn't looked at them yet. Needs to have them sent to Rural Water and get verification that water is ok.

Lagoons – melted off and they are very dark and they haven't flipped yet. The smell is coming.

New Shop – Discussion occurred regarding the notice going to contractors and asked how the Town wants to distribute it. The Town will post publicly and advertise in the Madisonian. Sam also compiled a supply list for studs, sheeting, and lumber. Took to MBC and they gave Sam a price for it. It's in the claims for approval tonight. Discussion regarding security of materials occurred.

DEQ Discharge Permit for the lagoon – The discharge permit is coming up for renewal in February of 2020. It is \$1500 to renew the application and the Town has to hire someone like Great West to do the application. DEQ will review the application and approve. Sam has to do a report every month to show what could be discharged. This would be a second discharge option for the Town. Several Towns have kept their discharge permits. Matt commented that if he remembers correctly, we won't get the discharge permit back if we let it go. Discussion followed. Council agreed that we should renew the discharge permit. February 2020 is renewal date.

Mayor's Report: Elected officials training is coming up May 7th through the 9th. Tom commented that some of the sessions on the 8th would be beneficial to members of the council. If anyone is interested in going, let Kristi know so she can get them registered.

Clerk's Report: Discussion of Business License and Fence Ordinance occurred. Council will provide Kristi with changes to what has been done thus far.

Kristi also commented that she got notice that the liability and property insurance is going up 2% and the auto is going down 2%. She also commented that she continues to work on the ordinances and the website.

Minutes: Nolan made a motion to approve the minutes from March 12, 2019. Matt seconded the motion. Motion is passed with a unanimous vote.

Consented Claims: Joe made a motion approve claims 20612 to 20630 and 89846 to 89847. Matt seconded the motion. Motion passed with a unanimous vote.

Payroll Claims: Matt made a motion to approve payroll checks 5703 to 5708 and 89517 to 89543. Joe seconded the motion. Motion passed with a unanimous vote.

Voided Check: Joe made motion to approve the voided checks. Scott made a motion to approve the voided checks. Motion passed with a unanimous vote.

Council review – no other comments

Meeting adjourned at 9:03 pm

ATTEST:

SIGNATURES ON FILE IN OFFICIAL MINUTE BOOKS

Thomas O. Hyndman, Mayor

Kristi Millhouse, Clerk/Treasurer