

## **October 12, 2021 Regular Council Meeting 104 E. 6<sup>th</sup> Ave (Town Hall)**

Council members in attendance were Matt Greemore, Jordan High, Scott Holbrook and Nolan Frandsen. JB Klyap was absent. Also in attendance were Mayor Joe Willauer, Clerk/Treasurer Kristi Millhouse, and Public Works Director Sam Novich.

Mayor called the meeting to order at 7:00 pm with the Pledge of Allegiance.

Guests: Jennifer Giem and April Huss (Library Board), Sunny Harmon and Kathy Schafer (Twin Bridges Community Association (TBCA)), and Pat Bradley (Madison County Planning Board)

Scott made a motion to add TBCA to the agenda about storage area for their wreaths. Kristi commented that there are procedures to the agenda being put out. We try to have everything in by noon the Friday prior to the meeting and the agenda is posted by 3:00 pm. Jordan High seconded the motion. Mayor Willauer commented that we will add this item to the agenda but will make no further adjustments to the agenda's going forward. No further discussion, Mayor Willauer called for a vote. Jordan – yes, Scott – yes, Nolan -yes, Matt – No.

**PUBLIC COMMENT:** No comments

### **NEW BUSINESS**

**Resolution 2021-15:** Matt made the motion to approve resolution 2021-15 Adopting a policy concerning compliance with IRS requirements for Tax-Exempt Bonds. Scott seconded the motion. No further discussion. Motion passed with a unanimous vote.

**Library Board Member:** April Huss introduced herself to the Council. Scott made a motion to approve April Huss as a possible new member of the library board. Jordan seconded the motion. No further discussion. Motion passed with a unanimous vote.

**Great West Engineering:** Dan McCauley with Great West Engineering presented the draft Water Preliminary Report (PER) to the Town and gave a summary of the report. The report combines the areas that Sam would like to see improved along with areas that could be improved on the Town's Water System. Discussion occurred about the Draft PER. No decisions were needed at this time.

Dan gave a summary of the other projects that Great West is working on in the Town. Levee project study will be completed by the end of December because of the funding requirements. Great West will be down in November to give a summary to the Town on what they have discovered.

The Stormdrain project is moving forward as the contractor and funding is all in place for the project. Construction will probably not start until next spring. The Contract has started to gather materials and have asked to store them on the Town premises.

Dan McCauley asked the Town if the Town was wanting Great West to put a task order together for them or if it was to be for the County on the fire hydrant up at the dump. Town wants the hydrant to be engineered at the County expense so that there is no back flow or anything else that could affect the Town's water supply. Discussion occurred. Sam asked is their going to be a meter put up at dump. It will depend on what the water is being used for. Fire trucks – probably not, but if they are irrigating then yes. Dan will get a Task Order put together with the County.

**Nolan Frandsen – Propane Tank:** Nolan requested the Town to allow him to put in a temporary propane tank in for his Shop. It is going to cost \$9,000 for him to hook up natural gas this winter because of the extra additive that they must put in the lines, and they cannot get to it until January. Discussion occurred. Jordan made a motion to have Nolan to write up an agreement to provide him with a temporary propane tank. Scott amended the motion to add disconnection by May 16, 2021. Friendly motion approved by Jordan. No further discussion. Motion passed with a unanimous vote. Nolan abstained from the vote.

**Twin Bridges Community Association (TBCA):** Kathy Schafer commented that the TBCA needs to get a place for storage as the Quonset that the bank owns will be torn down and they have received notice from the bank that TBCA needs to remove their items at once. Discussion occurred. TBCA will store the small stuff in the library back room where their archive items are, and the wreaths will go in the Town's old shop.

### **REPORTS**

**Sheriff's Report:** Written Report received (Sherriff was absent)

**Madison County Planning Board:** Pat Bradley from the Madison County Planning board gave a report on all the subdivisions that are occurring in Madison County. There is a lot of activity happening in Big Sky, Ennis and Sheridan. Sheridan is proposing a 45-home subdivision on Water Street. The Madison County Planning Board is working with Sheridan to update their growth policy. Board has. Madison County Planning Board is now the advisor board for Ennis. They are talking about zoning in Ennis. Pat recommended that the Town should maybe start looking at some zoning to protect the Town.

Madison County Planning Board is also looking at revising the Subdivision Regulation because of the changes that were proposed by the last legislative session. The planning board will have a hearing on November 1<sup>st</sup> to review their proposed changes.

**Library Director Report:** No report received

**Attorney's Report:** Attorney Lori Harshbarger attended the meeting via phone and provided the council with an update on the copyright issue. She has sent the individuals a letter and they are not budging on the Town being in copyright infringement. Lori googled the issue, and it is real. Pic-rights is out of Canada, and they hired Higbee and Associates. Pic-rights then sends letters out to individuals for using their clients' pictures. They will not accept us as a government entity and state that the Town is a commercial entity. She asked for the information for the copyright as to who owns it and if they are a client of Pic-rights. She has not received an answer back. Town Attorney Harshbarger commented that there are couple of ways this can be managed. First, she can contact a copyright attorney out of Billings that she knows and get her opinion on the situation. Second the Town can make a settlement and have the situation go away. Third is the Town could wait to be served with legal papers and go to court. Attorney Harshbarger stated that the Town does not want to go to court and if the Town wants to settle start at \$400. Discussion followed. Matt made a motion to have Lori communicate with Tony Tease the copyright attorney out of Billings. Jordan seconded the motion. No further discussion. Motion passed with a unanimous vote.

Lori commented that she still needs the contract approved for Coree Martin and wanted to make sure that Mayor Willauer had received it.

While the attorney was on the phone Kristi commented that The Town will also need to do a contract with TBCA if they use the library building, like the one put in place for the Food Pantry. Lori agreed that yes, a contract would need to be done.

**Safety Report:** Kristi reported that the Town has received a Loss Control Achievement Award from MMIA because we had lower losses than other Towns over the past five years.

**Maintenance Report:** Public Works/Maintenance Supervisor Sam Novich gave an update on 6<sup>th</sup> Ave project. There is still warranty work that needs to be completed, which includes fixing the big puddle in the middle of the road. Sam and Rick did not have any conflict with the kids or other traffic while working on the project.

Thad Kaiser School Superintendent talked to Sam about putting signage for the area that the Sisco truck backs into by cafeteria door. Mr. Kaiser wants two signs that say no parking loading zone at certain times. The school will pay for those signs. Council discussed and because it is just during school hours, they were ok with signs being put up.

Sam also reported that he and Rick will be hauling the Asphalt that is out at Lasich's into Town this next week if the weather allows and shoot it down 1<sup>st</sup> Ave. This will probably be the last road project until this spring. The potholes in the road will also be filled for the winter. Sam also commented that he would like to shoot Madison Street with Horse Creek Material after the Stormdrains project.

Finally, they will be winterizing everything and getting machinery prepped in the next few weeks for winter

**Clerk Report:** Porta Potty at Jessen Park - Kristi reported that the price for a port-potty rental went from \$259.90 per month last year to \$335.50 per month this year. For seven it would be \$2,350 for a porta-potty over a 7-month period. Discussion occurred. The porta-potty was tabled until next month. No motion currently.

Past Due Notices went out today.

Kristi reported that radio license renewal with the FCC is due by the first of November. She having a challenging time getting access to the information as it was done previously by Cares Enterprise. They are receiving all the information on the account. Kristi was wanting to know if Matt knew anything about Cares Enterprise.

Clerk Kristi Millhouse also reported the closing transactions with Denning and Downey have been completed. She is just waiting for the annual financial report which will probably come in towards the end of December which is when it usually comes.

The Bond Anticipation Note (BAN) will be closing on the 14<sup>th</sup> all documents have been signed to close this out and the first draw request for the bond has been made. The first draw will pay off the BAN and includes the reserves that need to be set up as a requirement for the bond.

**Consent Agenda** – Scott made a motion to approve the minutes from September 7, 2021. Matt seconded the motion. Motion passed with a unanimous vote.

**Consented Claims:** Matt made a motion to approve Claim Checks 21425 to 21454 and electronic checks 89761 and 89762 and Payroll Electronic Checks 88702 to 88737 and 5841 to 5844. Nolan seconded the motion. No discussion. Motion passed with a unanimous vote.

**Council Review:** Nolan asked about the situation with council member only attending via video. Joe will talk to this person about showing up to the actual meeting.

Nolan made a motion to adjourn at 8:38 pm. Scott seconded the motion. Motion passed with a unanimous vote.

ATTEST:

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Kristi Millhouse, Town Clerk/Treasurer

Joe Willauer, Mayor