

The regular meeting of the Town Council was held April 14, 2025 in the Council Chambers at 6:30 pm. A review of claims took place at 6:00 pm.

Mayor Roni Phillips

Councilors: Stephanie Quick, Bessie Spangler, Shirley Iwata, Kelly Dillon, Wanda James
Wayne Cashman

Clerk Brenda Schneider

Thomas Orr, Town Attorney

Andrew Cadman, Public Works Assistant

Ryan Funke, Sheriff

Scott Dood, Fire Chief

Andy Short, Mineral County Planner

Citizens: Bob Kroupa, Peggy McCarroll, David Scott McCarroll, Paul Forsting, Elizabeth Erickson, Gordon Albert, James Loewen, Steve Kline, Tif Hutchinson, Kyra Hall

There being a quorum present Roni Phillips, Mayor, called the meeting to order. Roni Phillips, Mayor, asked for additions/corrections to the minutes of the March 10, 2025 regular meeting. Shirley Iwata made a motion to approve the minutes of the March 10, 2025 regular meeting; Stephanie Quick seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye, Wayne Cashman-aye.

CORRESPONDENCE None

PUBLIC COMMENT None

COUNCIL REPORTS

Roni Phillips read the March Animal report. Staff have received several complaints regarding an ongoing issue with a dog at large on the neighbor's property. The resident was warned a few weeks ago which was referenced in last month's council report. Since that time, staff have received additional written statements resulting in the resident being cited not once, but twice for dog at large. The property owner has video documentation of all the events saved and prepared for court if necessary. Staff received several complaints of three dogs running amuck causing a disturbance in the area of 3rd and Spruce. The owners were located, dogs returned, and a citation issued for dog at large by the sheriff's office.

Stephanie Quick read the March Water report. All routine sampling and testing completed. Several town residents were advised of leaks and to take appropriate actions to repair them. The generator project continues. Staff assisted a contractor who is hooking up to the water and sewer stubs in the sub-division along Chicago Ave. Staff provided knowledge and equipment and assisted with the hook up. Staff assisted a local property owner along River Street with a water valve issue. The faulty valve was replaced and service restored to the property as part of a renovation project.

Shirley Iwata read the March Court report. 14 Initial appearances, 1 Appearance, 1 status hearing, 5 Omnibus hearings, 1 Petition to revoke and 1 Judge Trial. Driving while privilege suspended or revoked, No insurance, DUI, Reckless Driving, Speeding, and Dogs at large. Ryan Funke reported 396 calls for March. The last detention officer opening has been filled. Deputies have been actively patrolling and giving out citations in town. Deputy Lindauer and the Sheriff have been working diligently on cleaning up the town and one resident in particular. We have attempted multiple times to issue citations without success, for a number of issues. These issues may go to warrant but the

place is lot cleaner. We continue to get complaints. Deput Banks is at the academy and completing his second week at the academy. Had a detention officer graduate the academy last week. He did very well, almost winning the top honor for grades.

Kelly Dillon read the March Streets report. Snow removal equipment has been deployed several times during wintry weather. The blacktop project has gone out to bid. A bid letter was prepared and posted in the paper. There is a pre bid meeting scheduled for Thursday April 10th at 10am. (details to be presented at the meeting). Bids are due to the office by 5pm on Friday April 25th and will be opened at 9 am on Monday April 28th.

Wayne Cashman read the March Parks report. Staff have completed more of the concession stand project at Timberman Park. The new ceiling has been installed and painted in the concession room. The new lights have been installed in the concession room and a new outside light has been installed on the east side of the building to provide better nighttime lighting. Ken Quitt has been hired again for the season as the park's assistant. He has already begun with spring clean-up in Eva Horning Park and it looks great. Thanks Ken. Staff continue to perform spring maintenance to lawn equipment. The tractors, mowers and sweeper are out and working in the parks after their winter hibernation.

Roni Phillips read the March Fire Department Report. 12 Calls Responded to in March-7 Rural. 5 Municipal. Fire Calls --Wildland Fire 1, Structure Fire 1, Motor Vehicle Crash 4, Smoke report 1. Medical Calls—EMS 4, Motor Vehicle Crash 2, Lift Assist 0, Lost or Overdue 1, Swiftwater 0. 3 regular trainings and 4 Junior trainings in March. Started wildland training to prepare for the upcoming season. Juniors worked on timed gear ups, finishing first aid and dressing out hydrants.

25 Firefighters on the current roster

We are getting prepared for Easter! Our third annual Lori Dove Memorial Easter Egg hunt will be this Saturday the 19th at 11am over at Eva Horning Park. We have received well over \$4000 in donations and prizes! And still more coming. We decided to limit the age groups this year to 12 and under. We will also have raffle baskets and the proceeds this year will go to help support the Juniors program and buying them station shirts.

We did have one of our hydraulic pumps give up the ghost and that will be covered in a separate letter that Brenda has for you.

Bessie Spangler read the March sewer report. All routine sampling and testing are completed. Staff conducted approx. 7 locate requests for the month. The drilling crew was back and had requested some specifics of our system. Staff met with the job foreman and went over our infrastructure along Mullan Road. They have successfully installed 4 sets of conduits along and under Mullan Road and are done working around our utilities! That is a relief! The sewer project continues. The new blower building is coming along nicely as the concrete floor was poured! Cell 2 is pumped down and sludge pumping has begun. Staff continue to work with the contractor, RPA, and Montana Rural water on an issue that has arisen in the UV building. The UV bulbs are continuously being covered in a silty, muddy sediment which has affected their intensity. Staff have begun cleaning the bulbs on a daily basis to ensure the best treatment possible. Staff continue to monitor the situation on Osprey drive and flush the line monthly to prevent backups. Staff have been notified twice this month of a plugged pump at the final lift station. Staff were able to raise the pump, clear the obstruction, and resume normal operation. During routine daily operations and inspections, staff noticed that there was an issue with the data from the Clark Fork lift station. MET has responded to diagnose the issue. A lighting strike caused the damage to the lift station controller and the telemetry dialer. The controller has been replaced. The telemetry dialer is on order and will be replace soon. Staff received a call from a local plumber that there

was an issue with the sewer in an alley along 4th Ave E. Staff responded on a Saturday evening and utilized the flush trailer to restore normal flow and operation of the sewer in the area.

COUNCIL CONCERNS None

UNFINISHED BUSINESS

LAND USE—MCCARROLL FAMILY TRANSFER EXEMPTION REQUEST

Andy Short, Mineral County Planner, presented the McCarroll Family Transfer Exemption Request. Mineral County Environmental Health and Planning has received a request for a proposed use of a family transfer exemption from subdivision review according to Chapter 5 of the Mineral County and the Towns of Alberton and Superior Subdivision Regulations (MRSR).

The purpose of the exemption is to accomplish a family transfer, gift or sale, from Peggy McCarroll to her son Austin Gunnison (Proposed Lot 1-A-1), to her son, Jonathan Kaye (Proposed Lot 1-A-2) and to her husband, David Scott McCarroll, (Proposed Lot 1-A-4). Peggy will retain proposed Lot 1-A-3. This would create 3 new parcels of record and would be exempt from subdivision review according to MCA 76-3-207 (2)(A)(B)(C)(ii)(iii), MCA, as follows: “a division made within a platted subdivision is exempt from additional subdivision review and is subject to applicable zoning regulations adopted under Title 76, chapter 2, unless the method of disposition is adopted for the purpose of evading this chapter, if the division is gifted or sold to a member of the landowner’s immediate family” in Section 35 of Township 17 North, Range 26 West, P.M.M., Mineral County, MT. The parent tract is owned by Peggy McCarroll.

Paul Forsting, IMEG Senior Planner and Elizabeth Erickson, Attorney with Worden Thane, representing the McCarroll’s commented on the Family Transfer Exemption request and it being an important tool across the state.

Tif Hutchinson spoke about concerns regarding the environmental impact of the additional lots. She spoke about a previous DEQ study and the 2024 FEMA floodplain regulations and rules. Tif Hutchinson requested that an updated land survey be done. She expressed concerns about further development causing problems for her foundation and home. She is also concerned with the land in the proposed request is only fill dirt. Tif Hutchinson stated that she is not against the proposal but it should go through the regular subdivision review. She stated the McCarroll’s need to work with their neighbors.

Steve Kline stated that the owners of the lots of the Greens at Cedar Creek have set up the Homeowners Association and will be getting the board in place. They will be enforcing the covenants. He stated that they want to work with the McCarroll’s. He is concerned that if the exemption request is approved there will be 4 subdivisions in one small area. He commented about the groundwater, ponds and the land being fill dirt for the original golf course.

David Scott McCarroll stated that he had met with neighbors when he bought the property. He stated he does not want to build a bunch of houses. He talked about covenants and the abandonment of covenants. Mr. McCarroll commented on the current covenants for the Greens at Cedar Creek Subdivision. Mr. McCarroll stated the he had RPA complete a survey in 2023.

Wayne Cashman asked Tom Orr, Town Attorney, if the covenants were abandoned. Tom Orr, Town Attorney stated that the covenants are a contract between the subdivider and the land purchasers. The covenants are not the Town’s business and the Town does not enforce covenants. Covenants are civil law.

Kelly Dillon asked how many lots are proposed. David Scott McCarroll stated 4 lots in the exemption request. David Scott McCarroll stated that depending on retirement plans there could be one or two more lots which would have to go through the subdivision review.

Wanda James stated concerns about environmental impact on the roads in the subdivision and the original intent of the original subdivision. David Scott McCarroll talked about fixing the road. Wayne Cashman stated that the 3 homes would have a low impact on the area.

James Loewen commented on the number of lots still available to build on having a big impact on the area.

Stephanie Quick asked if there is any difference of doing this exemption in the town limits or out of town limits. No.

Tom Orr, Town Attorney stated that the covenants and the exemption request are separate issues. If the exemption is approved there will be no further review or conditions. Tom Orr, Town Attorney stated that the Town Council has to determine if the application for the Family Transfer Exemption is evading the subdivision rules.

Kelly Dillon made a MOTION to deny the McCarroll Family Transfer Exemption request, because of environmental factors, underlying issues in the subdivision and that Mr. McCarroll stated there is a possibility of subdividing more lots in the future he will make a motion to deny the request; Wanda James seconded. Tom Orr, Town Attorney advised that the motion be retracted as the motion needs to be based on the appearance of evading the subdivision review. Kelly Dillon retracted the motion.

Kelly Dillon made a MOTION to deny the McCarroll Family Transfer Exemption request based on the appearance that it is evading the subdivision review; Bessie Spangler seconded. MOTION passed 5 ayes, 1 nay, 0 abstain, 0 absent. Roll Call: Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye, Wayne Cashman-nay.

SEWER PROJECT UPDATE

The Contractor, Diamond Construction has been working on lowering the water level in Cell #2 so this week they can pump biosolids from Cell #2 into Cell #1. They moved the baffle curtain from Cell #2 to Cell #1 and are keeping the aeration running in Cell #1 to provide treatment. Diamond has been working on the blower building subgrade, foundation, and concrete work and will continue on the blower building this week. Once biosolids are out of Cell #2, they can begin the earthwork, reshaping the pond, before installing the venting system and liner. One pay request has been received and processed. A second pay request for construction has been received and is in the review process and a draw will be submitted to the state for grant funds. There will be a Project Progress meeting Friday April 18, 2025 at 11:00am at the office.

WELL #3 GENERATOR PROJECT UPDATE

Construction will begin mid-June to early July. The generator is scheduled to arrive mid-August.

NEW BUSINESS

MINERAL COUNTY HELPLINE DONATION REQUEST

Mineral County Helpline is requesting a \$20 dollar donation as part of "Child Abuse Prevention

Month”. Council discussed the request. Shirley Iwata made a MOTION to approve donating \$20 to Mineral County Helpline; Wanda James seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye, Wayne Cashman-aye.

OLD SCHOOLHOUSE CAR SHOW REQUEST TO CLOSE STREET

Dan Clemts is requesting approval to close 2nd Ave E from River Street to the alley by the Fire Hall and 3rd Ave W from River Street to Cedar Street for the car show on June 7, 2025. Also, request permission to use town picnic tables as in the past. Council discussed the request. Kelly Dillon made a MOTION to approve closing 2nd Ave E from River Street to the alley by the Fire Hall and 3rd Ave W from River Street to Cedar Street for the car show on June 7, 2025; Shirley Iwata seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye, Wayne Cashman-aye.

PFAS CLASS ACTION LAWSUIT

The Town received a request from the PFAS Class Action Lawsuit attorneys to sign a letter removing the Town from the PFAS Class Action Lawsuit. The Town did not request the letter. In May 2024 minutes where the Council discussed this and the testing. The consensus was to stay in the lawsuit, but to wait 6-8 months to monitor the event in Kalispell and wait for EPA and DEQ to establish procedures and parameters for testing. Council discussed the letter and request. Bessie Spangler made a MOTION to not sign the letter and to stay in the class action lawsuit at this time; Wayne Cashman seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye, Wayne Cashman-aye.

LEGAL None

CLERKS BUSINESS

Prepared minutes.

Updated Utility customer accounts as needed.

Prepared and mailed utility bills.

Posted daily receipts and made daily deposits.

Prepared and mailed past due and remaining balance utility letters.

Transmitted and posted the ACH utility payments.

Prepared and mailed final UB customer bills.

Prepared Agenda and Notes from the Clerk.

Uploaded Agenda to website. Posted Agenda.

Prepared and delivered council packets.

Prepared claims and checks.

Prepared payroll and reports and ACH.

Prepared monthly Tax vouchers and receipts.

Enter checks in the Wells Fargo positive pay as part of the fraud protections.

Updated software.

Updated Website

Grant searches.

Updated Agenda Subject Index

Uploaded Minutes to website.

Completed cash reconciliation for SVFRA.

Prepared Cash reconciliation and financial reports.
Work with HRC and CDBG on HRC building project and grant.
Work with Engineer on sewer project.
Work in the various grant files.
Work with Engineer on SLIPA water generator grant.
Work with state and HRC on CDBG grant for the Food Bank.
Conference call with funding agencies, bond council, DEQ, SRF and town staff.
Transferred money from the Town sweep account to MT STIP.
Schedule Clean-up Day with Republic Services.
Prepare posters for Clean-up Day.
Auditor in office for FY 23-24 audit.
Work on GASB 101 requirements and excel worksheet for FY 24-25.
Advertised "Call for Bids" for Street paving.
Upload "Call for Bids" for Street paving on website.
Prepared and submitted special events insurance application with MMIA for Easter Egg Hunt
Research information for cyber security policy.
Conference call regarding CDBG Grant for the Food Bank.
Prepared and submitted the Employee Practices Coverage application to MMIA
Prepared and submitted the Skatepark Endorsement application to MMIA
Email Attorney the information regarding the McCarroll Family Trust Exemption request.
Prepare Park use agreement for Youth Baseball
Prepare and submit ARPA Local Fiscal Treasury funds annual report.
Completed Maple Street Cottages Housing certification to HRC and grant administrator.
Prepare and submit SLIPA grant quarterly progress report to the state.
Submitted draw for CDBG-CV grant.

CONSENT AGENDA

Wanda James made a MOTION to approve the Consent Agenda as presented Town Claims 38616-38673 in the amount of \$197,273.40, on April 14, 2025, March Financial Reports, March Cash Reconciliation, March Pledged Securities, March Journal and UB Vouchers, March Budget reports; Kelly Dillon seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye, Wayne Cashman-aye.

ADJOURNMENT

There being no further business before the Council Kelly Dillon made a MOTION to adjourn until the next regular meeting May 12, 2025; Wanda James seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye, Wayne Cashman-aye .

Roni Phillips, Mayor

Attest:

Brenda Schneider, Town Clerk