

TOWN OF WHITEHALL
P.O. BOX 529
WHITEHALL, MT 59759
May 11th, 2023 (Posted)

The Whitehall Town Council met on **Monday, May 15th, 2023, at 7:00 PM.** The meeting was held in the Town Hall Council Chambers at 207 East Legion Ave.

I. Call to Order

Shawn Hoagland ward three, Linda Jung ward two, Pat Peterson ward one, Bill Lanes ward one, Katy James ward two, Kennedy Kleinsasser Clerk/Treasurer, Mary Janacaro-Hensleigh Mayor, Ed Guza Town attorney

II. Introductions

III. Pledge of Allegiance

Pledge recited

IV. Agenda Approval

Mary Janacaro-Hensleigh: Is there a motion for agenda approval?

Linda Jung: I make a motion to approve the agenda.

Pat Peterson: Second

Mary Janacaro-Hensleigh: All in favor?

Group: Aye.

Mary Janacaro-Hensleigh: Opposed? Thank you very much.

V. Approval of Minutes

Mary Janacaro-Hensleigh: Approval of minutes from April 10th and April 17th meetings 2023. Is there a motion?

Pat Peterson: I move to approve both.

Shawn Hoagland: Second.

Mary Janacaro-Hensleigh: Any discussion? All those in favor?

Group: Aye.

Mary Janacaro-Hensleigh: Opposed? Thank you. We'll move on to reports.

VI. Reports

A. Mayor's Report and Public Service Announcements

Mary Janacaro-Hensleigh: Start out with the mayor's report. I would like to thank the high school students for another very successful spring clean week. The weather was pretty nice except for Thursday, but the juniors stuck to it and the town looks great. We couldn't do it without them. They're just a wonderful group of kids. Everybody should be really proud of the kids in this community. I never have any problems with them at all. They're wonderful. And I just want to say I love the graduation banners that are along the park. I think that's a wonderful touch. Brings recognition and it's just eye-catching and the kids really

deserve it. So that's just a nice thing to have. Thanks to public works for putting those up. I really appreciate it. Kit is busy back in the garage with the second mural that will go at the bank. This is a Chamber of Commerce project. This is the second mural. The first one has been put up already at the grocery store, so she's going to great guns on that and it's looking great. Saturday, May 6th, we had a budget workshop from 10:00 to noon and the next budget workshop will be June 10th from 10:00 to noon. We host these, the council was here. Nothing's voted on or anything else. It's just your basic budget workshop. Did notice that Bridget was driving around taking pictures of us like she worked for the CIA. But everything was posted and legitimate. This Wednesday we're going to be planting the Arbor Day tree with the kids from Head Start. That's at 12:10. Everybody's welcome to come to that if they'd like. The Arbor Day flags are coming down and public works and the veterans will be putting up the US flags. They stay up till 9/11. That'll look great. The reason that there's no US flag here at town hall, noticed a little blurb in the paper wondering. We bought two brand new flags, put them up. They didn't last five weeks. So we're trying to investigate to find a better made flag that'll last. Everybody's well aware of Whitehall's nasty winds and how hard it is to keep flags, banners, or anything else, but that's the reason there. All right, attorney. Ed.

B. Officer's Reports

a. Attorney

Ed Guza: Yeah, I've got a couple issues actually tonight to announce. I guess I'm going to start with just one during this time and then talk about the rec complex one that comes up through the agenda. But we were able to successfully resolve the Janek versus town of Whitehall lawsuit that's been pending as kind of a shadow over this town for years and through some negotiations the final number, since this public information is \$100,000 to the plaintiffs of which the town is responsible for 20,000 of that amount. And that relieves the town from any judgment of attorney's fees that was hanging around. So that takes that off the table. There's also going to be an effort to vacate any orders that Judge Berger put into place that that may pertain to the employee/employer relationship. That was an important aspect that was going upon appeal. So there's going to be a joint effort to try and vacate those orders. And so that's not an issue in Jefferson County. So it's good news, it's something that we as a town wanted to get resolved and it did get resolved and will be soon behind us and so I'm happy for that and for the town for sure.

Liz Pullman: Who is responsible for the other 80?

Ed Guza: MMI. Thanks for asking, actually. The town's insurance company.

Mary Janacaro - Hensleigh: Okay. Thanks, Ed. Anything else?

Ed Guza: Not right now, no.

Mary Janacaro - Hensleigh: Okay. Next report is clerk treasurer, Kennedy.

b. Clerk / Treasure

Kennedy Kleinsasser: Alrighty. We have been extremely swamped here in the office between both Jen and I trying to learn our jobs. Jen is doing amazing. She's doing super well, which makes it pretty easy to train her. I've been working on the bank recs. Todd helped me figure out a couple discrepancies over the past few months. We got all those squared away. I was at clerk school May 1st through the 4th. There was an overwhelming amount of information but definitely learned a lot. I wanted to thank the council members that came in and helped Jen while I was gone along with Mary. They kind of helped her run the office on her second week. And then touching on Mary's note about the agendas, luckily we did get them posted at the post office bank and town hall. Previously, the council did intend to pass a resolution a few months ago, but we failed to actually adopt the resolution. So luckily we were legal there. There is a resolution for designated areas tonight. We did decrease the amount of required places but fully intend to post them in more places because as everybody knows it gets busy, the post office is sometimes closed by the time we get there. Same with the library. So we are going to try and still post it to the website still at the library but have a smaller designation of required posting areas. And then as always, if anybody has any questions, concerns, comments, if I don't have the answer I will try and get it to you. You can call, email, or come visit us at the office. We're kind of a fun bunch down here so if anybody wants to hang out they can. And thank you all for being patient as I learn my new position because it's been a little overwhelming.

Mary Janacaro - Hensleigh: Well you're doing a great job.

Kennedy Kleinsasser: Thank you.

Mary Janacaro - Hensleigh: Thanks, Kennedy. Okay, we'll move on to public works. Kory.

c. Public Works

Kory Klappan: Okay, I'll start off with streets. I've been trying to get oil for our DuraPatcher so we can patch potholes. It looks like we're a week to two weeks out. Lormont got the oil, they just have to put it in containers and get it to us. So it's coming. I'm kind of looking for somebody. I had Jeffrey set up to do the two corners on First Street.

It's kind of looking like they're too busy. Kind of outgrew the town of Whitehall. So I guess I'll start hunting for someone a little smaller to do those two corners for us. Water. We did take water samples the 10th. I took an extra three water samples for the water treatment plant. Some more data that they're trying to figure out for DEQ. So those are turned in. The manor annexation. Sacri Manor annexation. We took in bids last Thursday, I think. So we should be able to give them the go ahead. So hopefully in the next couple weeks that'll start. The water treatment plan is still at a back and forth with DEQ. They wanted these three water samples before they could approve anything. We did start surveying the Liberty Place project last week to get engineered drawings on that. Sewer. We started to pivot. There was a few problems. The control board will shut the pivot off but it will not shut the pump off. So when you hit the end barrier, the pivot sits there and runs until we go manually shut the water off. So they're coming in to fix that board. They were actually out there tonight, so hopefully it's fixed. We started weed spraying this week. We did spray the dandelions in the cemetery today. We usually don't spray them because of the bees but we're getting overwhelmed by dandelions. So we did spray them this year. Got all the sprinklers started, the cemetery, Baseball Park Boulevard. We had some troubles, we ended up changing out five zone valves but everything's up and going. I do still have them shut off because we've been getting so much rain there since running them. But they are loaded and ready to go. So last month we had 21 locate tickets and I got called out four times for water leaks.

Mary Janacaro - Hensleigh: Thank you, Kory. And the cemetery is looking really good. Dandelions and all. All right. Is the fire chief here? No. No. How about the sheriff? No. Okay. Dan, county commissioner report.

- d. Fire Chief
Not present no report.
- e. Sheriff
Not present no report.
- f. County Commissioner

Dan Hagerty: Good evening. Dan Hagerty, county commissioner. On last Tuesday, which would've been the ninth county commissioner's meeting, commissioners wanted to award High Plains architects from Billings, Montana to do the feasibility study on cottage five, which could possibly be the new site for the Jefferson County Health Department. Excuse me. The firm is hoping to have the results back by Friday, September 1st of this year for review to see if this project is

worthwhile moving forward to the next phase of development. In the meantime, the river building is a possibility if cottage five doesn't meet the criteria needed to move on. So for the time being, there isn't any action being taken on the river building as it sits idle while waiting to see the results from cottage five, at least until September. That's all I have.

Mary Janacaro - Hensleigh: Thanks, Dan. Appreciate it.

Allissa Christensen: I have a question for Dan.

Mary Janacaro - Hensleigh: Oh sorry. Yes ma'am.

Allissa Christensen: Hi. What's the status of the meat packing?

Mary Janacaro - Hensleigh: Down here?

Allissa Christensen: Yeah.

Mary Janacaro - Hensleigh: It's in progress. JLBC they put it on the back burner because there's one up north that's come forward that's over by the Montana City over in, what's that, 518, which is the back way [inaudible 00:13:02] of, and they're looking to employ 13 employees and then they take care of things in the sense of getting rid of the stuff and all that kind of stuff. We're using it for fertilizing.

Okay, thank you. We'll move on to committee and board reports.

Planning board. Linda.

C. Committee/Board Reports

a. Planning Board

Linda Jung: Okay, so house bill 246 was signed into law. So now we have tiny house laws from the MCA, so now we can start building some ordinances around that. Jeremy Fabus will be coming to our meeting, he is our city planner, in June and we're going to start working on the ordinance work that we've done. Have him check him over, add, subtract. We had some bylaw work that needed to be done and ordinance work that we had done last year with one correction this year. So we're anxious to get together with Jeremy and make some progress. We had a grant for that so that's helped us. We also had a young gal, Reagan Gin? Gwin? What did she say?

Audience Member: Gin.

Linda Jung: Gin. Okay. She came and she gave us a presentation. She is doing a school project, she's a home talk student and it was lovely having her here and she handled herself very well. She was also at the council meeting last month so I just wanted to add that. And Will Austin is on the consent agenda for approval for joining our planning board. I think he has a lot of good qualifications that will help our planning board. So we're excited to get him on board and start using some of his experience and that's about it.

Mary Janacaro - Hensleigh: Okay, thank you, Linda. We'll move on to sewer, water, and garbage and streets, alleys, and sidewalks. Katy.

b. Sewer, Water, and Garbage

Katy James: Oh, the water, sewer, and garbage board met on April 3rd. Minutes were approved. Agenda approved, no public comments. Question about the meeting with the aberrance was answered by Kory. Water treatment plant, Kory reported that things are back and forth between the engineers and DEQ. Bids have not gone out to date. New business. Kory reported a leak at the Miller's residence on Brook Street South. That toilet leak at the Pierce's just back to the three month base rate. Buchanan's is back to base rate. No complaints. Public works. Kory reported manor is out for bid. Bids are coming in higher than anticipated. Discharge permit from the sewer has come up with one hybrid permit needed to cover all. Kory explained more in detail. Meeting adjourned at 13:30.

c. Streets, Alleys, and Sidewalks

Katy James: Okay, I'll go right into streets, alleys, and sidewalks. Okay, we met the same day at 1:30 and April 3rd minutes were approved. No guests. Old business unfinished business. Brief discussion on the expansion of the road on Meadowview Lane and fixing the corner of East First Street by the country store. No presentations. New business. It was discussed that TIFB approved getting the school sidewalk. The school will be paying for some of the areas to be addressed. Public works update. Kory reported on grading of various alleys. He stated we generally hire Joe Davis to do the grading of the alleys and Kory has ordered oil for the velocity patcher. Meeting adjourned at 13:35.

d. Parks, Trees, and Cemetery

Mary Janacaro-Hensleigh: Thank you, Katy. Park Street and Cemetery. I can give a short report on that. We met at 6:00 PM on Tuesday, April 25th. Updated them on the progress of spring clean. We have \$5,000 for tree trimming thanks to the TIFB board. The playground is not going to be installed until after frontier days, so that will be exciting when that goes up. We're getting new planters in the park. They're going to be the galvanized chops and I think they'll hold up a lot better than the old wood ones. So that'll look nice there too. Already told you about the Arbor Day activities. We had nominations of officers and that'll be on your consent agenda.

e. Pool Board

Katy James: Then we'll go into the pool board. We met on April 25th. Meeting called to order. Minutes from April 5th were approved. Old business. Pool operations. Steve not available but Nancy Antoneli called Allissa and advised that the pool has been drained and it needs to be cleaned and the grates installed. Pool manager report. Concession cases to be picked up by Kory this Wednesday. Kelley attended the pool operator school and has her certification. Steve is not available to report on the status of the refrigerator. Lifeguard training. Kelley planning on meeting with lifeguards 2nd and 3rd of June and worked with the ones needing to certify or re-certify. She's getting copies of certification of ones who have certification. Kelley has been in contact with individuals. Some need to submit their applications. Discussion about the chlorinator using the pucks versus what we now use. Discussion about a lesson plan for swim lessons and needs for the pools. More shading on the fence. Deep cleaning needs to be done and that's going to be scheduled with the lifeguards. And then Allissa will be getting in touch with Jim Sacry in regards to the electrical issues. We have a soup dryer that needs to be installed but they have tried out if it's going to be just an outlet or direct wire was required. And then discussion in regards to the fence, different way to go with it. TUFF for tree bushes or hedges along fence for a wind break is a suggestion. Kelley purchased approximately 20 chairs from last season from Walmart. The Gazebo may go with a Luna roof and there was discussion on that, maybe replace one of them. Various fundraising ideas were discussed. Revamped two of the exits. It was decided to put the slide on hold for now. Fundraising. There was discussing in regards to doing flyers for advertising. No discussion on maintenance. Another discussion was chlorine tester, strips for fence, pool skimmer, PO submit through town hall, and then submit PO request and order chlorine from ACE Hardware and salary for the lifeguards discussion of the \$5000 that was fundraiser funds was allocated last year. Alison plans on going to the budget meeting to discuss the budget for the pool. Next meeting scheduled for May 9th, which we didn't have it, we ended up having it tonight. Meeting was adjourned at 6:10 PM.

f. Rec Complex

Mary Janacaro-Hensleigh: Who would like to give the rec complex board meeting, if there was one?

Kennedy Kleinsasser: There was, but I didn't write anything down for it.

Mary Janacaro - Hensleigh: Okay.

Kennedy Kleinsasser: We met, we discussed the grant and a couple of the things that are going on this summer. I don't remember exactly everything we talked about, but we are still working forward with the grant. We have a grant into the Whitehall Sustainability Committee, which I think they're meeting in June. And I did get a call from Chuck Boos asking if we would revamp our application because they are interested in moving that process forward to get more funding.

Shawn Hoagland: And would you state who Chuck is?

Kennedy Kleinsasser: Chuck Boos with the Golden Sunlight Mine and he's with the sustainability committee as well.

Liz Pullman: Kennedy, just so you're aware, Chuck said that he doesn't want to do another grant cycle until August. We will probably entertain your updated one.

Kennedy Kleinsasser: Yeah, he's the one that told me to get it turned in.

Liz Pullman: He just called me though.

Kennedy Kleinsasser: Okay, sounds good.

Mary Janacaro - Hensleigh: Okay, thanks, Kennedy. TIFF. Katy.

g. Whitehall Tax Incremental Finance District

Katy James: Meeting was called to order on April 15th. There was a roll call taken. Approval of minutes from last meeting. March minutes were approved. Financial report of 387,000. Public comment. Mary said there was a light pole scheduled for the swimming pool in the past. What happened to that plan? The discussion was that it had been in our budget in the past, but Northwestern Energy failed to put it on their schedule. Roy stated that there is legislation currently to do away with TIFF districts in Montana. Mary said she has seen that too. Lee Good talked about wanting to expand internet services to the south side of Whitehall. He would like the Whitehall TIFF to consider funding this. Old business. Colton Anderson Star Theater Bill presented. We pay \$2,000. John Kreis Methodist Church, nothing. Torgerson, nothing. Gold Junction presents nothing. Ben Martinez, Larry Feight, nothing. Whitehall baseball receipts presented for this project, pay \$511.03 and extend their grant for another 30 days for grass seeding. All sidewalks on agenda start the school project ASAP. And under new business, the mayor stated that board appointments aren't meant to be lifetime sentences. The mayor would not be appointing Bridget for another term. The mayor thanked Bridget for all her work over the past 10 years. The mayor stated that actions have consequences and Bridget's reckless behavior at the April 10th

special meeting would've cost the town \$800,000 plus in grant monies. The mayor then made a motion to elect Curtis Koenig as chair and Roy McBride as treasurer. Motion passed. The mayor stated that we should wait to elect a secretary until Jenna was present and we have a new member to replace Bridget. The mayor also stated that the board might want to consider doing electronic minutes like the council and planning board are doing. Motion was made to approve and reimbursement to the town of Whitehall for \$5,000 for TA grant. Steve Wagner's trailer. Kate motioned to approach Steve with a letter of either to purchase his property or repair the trailer. Broker opinion was 60 to \$80,000. Maria Walker's school flags, banners. Curtis said this was a fall project. Mary said they wanted graduating class banners to hang up. Curtis said these had already been purchased and that the students had raised the funds for them. But in additions, Curtis motioned a budget of \$2,000 for mattress and tire dump fees. USA flags. Discussion with this does not address blights. Roy adjourned meeting at 8:07.

Mary Janacaro - Hensleigh: Thank you, Katy. We're going to move on to public comment. This is the time for the public to comment on anything that's not on the agenda.

VII. Public Comment

Maxine Samuelson: Maxine Samuelson. I live in ward three. I found my agenda for tonight's meeting online and I was very happy to see it. And then I looked further and I noticed that the calendar needs to be updated. It says, planning board is no longer the first Monday of the month. It's the second Monday of the month. So when changes like that are made, I know it's tedious, but especially for new people who come to the town, they need to see that. I went to Mayfair this weekend, but I'd like to start this part out by telling you that I am not the concerned citizen who wrote a letter to the editor. And I'm sure Liz can verify that it was not me. However, when I was at Mayfair, I always look for a place that has US flags and I especially requested high wind durable flags. So here's a three by five.

Mary Janacaro - Hensleigh: Thank you. Thank you very much, Maxine.

Maxine Samuelson: I'm talking about wind, it sort of took the wind out of my sails.

Mary Janacaro - Hensleigh: Okay, thank you. Thank you very much. Any other public comments?

Stan Olson: I have one.

Mary Janacaro - Hensleigh: Okay.

Stan Olson: Stan Olson, 401 C3 ward three, neighbor with Maxine. I had a kind of laundry list. Kory, thanks for the update on the potholes because the one at C

and First Street I'm getting ready to plant a tree in. Another inch and [inaudible 00:26:37]. Whoever was the one that told the garbage truck driver to stay off his cell phone, thank you very much. He actually came by my house yesterday not talking on his phone for the first time in like a year. So no accidents there. My concern is there's a house in my neighborhood and I really hate to do this because I'm not one of those people. I think that if you have private property, you should be allowed to do what you want on your private property.

Stan Olson: If you have private property, you should be allowed to do what you want on your private property. But this guy seems to have his business located in his front yard. I'm pretty sure he is not doing business out of there, but he likes to bring it home and stack it up in his yard. And that'd be at 311 East 2nd Street. There's a lot of vehicles that get parked there and I'm pretty sure they're not all his. I don't know what he does for a business, but he seems to have this parking lot for his business in his front yard. And it's just unsightly. That's my big complaint about the neighborhood. And then my last complaint is I was really hoping that this chicken plucking ordinance that y'all have been talking about would've been thrown in the trashcan last month. Because I took a look at it, and then I went and measured my yard because of this 25 foot offset. And if I put chickens back in my yard, which I really would dearly love to do because them little pterodactyls will chase down mice. They eat more mice than my cat does. My cat doesn't touch them. But once I had got rid of my chickens, my house was overrun by with mice. So I want chickens back in there. But if I have this 25 foot offset that you all are talking about, that means I no longer have free-range chickens, I have captive penned convict chickens in my backyard. Which I have a problem with that. I like them to be out there free-range, and chill, and all that. I come from a line of people way back when, where the adage was, "If it's not broke, don't try and fix it." And as the mayor said last month, there have been no complaints. So if there's no complaints, why are we trying to build something to have complaints about? So you also said, "Well, if there's a problem you can get a variance." I don't need a variance now to have chickens in my yard. Why should I want to come in here and have a variance in the future? So I would really like to ask the council, just take that thing... If you have to change language in it, change the language. Bring it up to snuff. But don't add stuff. Don't make it more restrictive. There's no problem with the chickens in the town now. Let's not make one by telling people they can't have them or confining them to pens in the backyard, because that's just wrong. So, thank you for your time.

Mary Janacaro - Hensleigh: Thank you very much. Any other public comment? Okay.

Liz Pullman: I don't really have a comment. I have a question that's to clarify. And it's to Kory. Sorry Kory, I know you're [inaudible 00:29:42]. At the CTAC meeting, it was discussed that the water treatment will take out 20 to 30% of the uranium. Is that correct?

Kory Klappan: No. No. It'll actually take out, probably, less than that. If you want to get critical about it.

Liz Pullman: Okay. Because after the meeting there were a lot of people that were wondering if it only takes out 20 to 30%, DEQ then raises the percentage or lowers the percentage, how much it can take out?

Mary Janacaro - Hensleigh: Okay: So remember what public comment is. It's not a discussion, and not questions, and no back and forth. So if you want to talk to Kory about this, you'll need to talk to him after the meeting.

Liz Pullman: Okay.

Mary Janacaro - Hensleigh: You can make a comment, but you can't have a discussion with Kory during public comment.

Liz Pullman: Okay. We'll talk later. There's a lot of people that are wondering. I was going to ask during his report. Okay.

Audience Member: You can't discuss anything.

Mary Janacaro - Hensleigh: Okay. All right. Any other public comments that's not on the agenda? We'll move on to consent agenda. Pat.

VIII. CONSENT AGENDA

Business License

Pat Peterson: Okay. Consent agenda for business licenses. Domni Pro LLC, Mama's Little Bear Cleaning, Mobile Mike's Food To Go, and MT Euros Taxidermy are three that have been given preliminary approval at this point.

Planning Board

Pat Peterson: Planning board. Zane Kountz fence application, planning board recommends approving it. Ron Stobal fence application, they recommended approval. Western Legacy Center sign application, they recommend approval. Andrew Ostrander garage application, they recommend tabling it until next month because there are some corrections that need to be made to the application. Rosalie Figgins storage container application, recommending tabling that until next month also due to corrections that are needed in the application. Will Austin, they're recommending appointment to the planning board, and he sent in a letter requesting that he be added to the board, and they recommend welcoming him to the board.

Pool Board

Pat Peterson: Pool board. Ethan Valov, lifeguard application. Hope Moriarty, lifeguard application. Kari Ellison, lifeguard application. Laney... Excuse me. Lainey Ellison lifeguard application. All have been recommended for approval.

TIFF Board

Pat Peterson: TIF board. Curtis Conig, president. Roy McBride, treasurer. Mary Jane Carol Hensley, mayor. Jenna McNew, board member. Katie James, board member.

Mary Janacaro - Hensleigh: Is there a motion to approve?

Pat Peterson: I move.

Mary Janacaro - Hensleigh: I'll second. Is there any discussion? All those in favor?

Group: Aye.

Mary Janacaro - Hensleigh: Aye. Opposed? Thank you very much. We'll move on to presentations.

IX. PRESENTATIONS

Mary Janacaro-Hensleigh: I'd like to introduce Gene Townson. Come on up to the podium, Gene. Gene is the former mayor of Three Forks and the current council member and he's here to regale us with wonderful stories.

Gene Townsend: Well thank you Mary and thank you city council for taking the time. I was asked to come here and speak about the rodeo grounds and stuff and what we do in Three Forks. I visited with two weeks ago, I guess, and we talked quite a bit about it, but if there was interest to Whitehall to maybe start going and so I'll give you a little history. Three Forks Rodeo is 77 years old. It was started in 1946 or '47. There's an argument about which year it started and it went on for a number of years, but in 1980 when the Milwaukee Railroad went out of business, they had actually leased that property to the rodeo grounds for a dollar a year. And so the city went in and bought all of the Milwaukee property that was around the rail yards. And that there again, they continued leasing it to the rodeo group that was there. It was called the Saddle Club at that time. And it got ran down, it was fallen down, it wasn't in very good shape. And so as the mayor, I went to them and said, we got some developers that would like to buy this ground and put houses on it, and if you want to continue it as a rodeo ground, you need to do something to improve it. And so running my big mouth, they also asked me to be on the board with them. And so it kind of started what we did. And so we did, we built a new arena, put up new lights, done a number of things by donations and whatever, but one of the things we did for the city is that we took over the finances of the Saddle Club. That money went into the city coffers and is accounted for and is audited. And that was one of the problems we were having is that they got pretty freewheeling with their spending of the money. And so right now we have our biggest new addition has been a new set of bleachers. And so I've been involved with it, like I said, for the

rodeo for about 20 some years now. And we've grown it from, we were lucky to get eight or a hundred, 900 people a night on Friday night. Always had a good crowd on Saturday night. Right now we're getting about 3,300 people both nights, filling it up with standing room only. We're running about 20 to 25 events a year there. We do high school rodeo that we just finished the 1st of May. We do our NRA rodeo the third weekend in July. And we also do a hybrid high winds rodeo in the fall of the year for little kids and stuff that do... We actually have a gentleman that supposedly has bought the livestock auction yards in Three Forks and he is proposing to do a weekly rodeo in Three Forks. I guess I have some reservations about that. We have worked up a contract with him to where he can use the rodeo grounds. I just don't know if there's enough people coming into Three Forks to warrant a weekly rodeo. But we do two large team ropings. We do one on the 4th of July and one on Labor Day and once a week almost entirely during the summer on Thursday. On Wednesday now is a barrel racing group from Bozeman that comes down and whatever. So what does this mean to the town? It actually brings in a lot of revenue into the town. The rodeo's a big deal. It's where we have our class reunions, we have family reunions, but team ropers and those people, when they come into your community, they support it. They go to the restaurants, they buy fuel, go to the other establishments, whatever. And so we have really felt that the rodeo has come in. Currently we have about \$200,000 in our checking account. Last year we made a little over \$250,000 on our rodeo and it keeps getting bigger. And so we are looking at maybe adding another set of bleachers. The ones that we just purchased were about \$650,000. We had a couple of hundred, we had about \$300,000 cash. The city sponsored us for a loan from the state of Montana that we're paying back right now that the interest rate just took a big jump on from a few. We were getting at one and three quarters and it's up to about 4% right now. But it's worked well. And the whole idea is that the money that we make, we put back into the rodeo grounds and it just continues to grow. And I'll be very honest with you, I am not a rodeo person. Gene runs the Cook Shack and you can tell by looking at me, I like to eat and I like to cook hamburgers. But it's been good and it's been good for our main street. We had that high school rodeo, which we've had more kids this year, of course, it's also junior high now also. And we had more kids than we've ever had before. And if you were in Three Forks that weekend, you cannot believe the amount of horse trailers and campers and stuff. They were from the rodeo grounds to the airport, parked in the middle of the trail, parked any place they could find a thing. But those people, the gentleman at the grocery and I think the grocery store, some of you know Rick Lamb told me that he sold completely out of roasted chicken that weekend that he thought he was ready for them, but they took everything he had in his store. So it is good. And I'm here to answer

questions. We do, like I said, run everything through the city coffers. The city council has to approve the budget of the fair board and every council meeting, we also approve their expenditures and stuff. And so keep a pretty close tie on the money because we want to be accountable for it and it gets better. Biggest problem we have is finding volunteers. It takes about 50 to 60 people to put on the NRA rodeo in July. But it always seems like we always got lots of people that want to sell beer, but nobody wants to take tickets or work in the Cook Shack. And so it's one of those things, but it's worked out well for us and certainly would do anything we could to if Whitehall wanted to. I guess I can remember when in Frontier Days they used to have a rodeo and I think it was the same weekend as the Three Forks Rodeo. It was the third weekend in July maybe and stuff. But in my younger days in high school, I can remember coming over here to the rodeo in Whitehall. But it's a growing sport and believe me not, I am in that Cook Shack from when it starts and when it goes. And I used to be able to say hello just about to everybody to walk through that door that I knew. And right now, I'm lucky if I know 10% of the people that come through there. They come from Big Sky, they come from Bozeman, they come from foreign countries. It's amazing that the people that will come to the rodeo, it's a big event anymore. So couple of years ago we did 4,000 people on Saturday night, which we got in trouble because we were selling tickets that we didn't have seats for and so it was standing room only and whatever. But it's turned out well for the town. To say that there hasn't been problems there has. We had a wonderful money maker when we first redone the arena in a team roping people that came from Bozeman that used to be at the county fairground in Bozeman. And they kind of got pushed out of there and they paid us very well. We made a lot of money, but they wouldn't shut down before midnight. We asked them to shut down at 10. They wanted to run 'till midnight. The people in the area said, "We're tired of the lights, we're tired of the noise." And so we finally come to an agreement that they would be better off to find someplace else to go. So we try to keep everything, we try to even shut down our big rodeo by 10 o'clock at night just for the people and stuff. And we don't run very many events past that. And besides that, every time we turn on the lights, it costs us about \$400 with Northwestern Energy. And so we try to get everything done in the daylight. We've had some things that have failed. A couple of years ago we tried a concert and I don't know who the guy was that singing, he wasn't bad, but he certainly... We lost our butt on the deal, to tell you the truth, it just didn't work out. So we probably won't be doing that again and again. We also had some complaints from the neighbors about having the rodeo grounds late on Thursday night and stuff. So thank you Mary. Well, if there's questions. Mary Janacaro - Hensleigh: Thank You Gene Council members, any questions?

Speaker 7: Who manages this? Are they Three Forks employees or are they all volunteers?

Gene Townsend: We actually have what's called a fair board and we have a president and there's five other board members and we make the decisions on it. It's really a good board. I mean, we all kind of know what I'm in charge of Cook Shack and there's two guys that take care of the chutes and the cattle and this kind of thing. So we got a lady that her parents over in Thompson Falls were rodeo contractors for a number of years. And so she helps us a lot. So it just happens, I guess our board puts it together. And Casey, who is the president of the board, that was the boss. Last year it was a gentleman by the name of Chuck [inaudible 00:43:39] who moved to Butte. But it works good.

Mary Janacaro - Hensleigh: Are they all volunteers?

Gene Townsend: All volunteers. Yeah. Nobody gets paid. So kind of like being on the city council.

Speaker 8: On scheduling, how does that work?

Gene Townsend: We have a secretary that is paid. I will do that, but she takes care of the scheduling of the arena. She takes care of the selling of the ads for the rodeo. She takes care of paying our dues to the NRA. She takes care of everything that a business that comes before that.

Speaker 8: That is at the town level?

Gene Townsend: Correct. Yes. Right. And she gets paid \$425 a month and then plus a certain percentage of the ads that she sells. And so I think she does fairly well. It's a lot of work for her, but she's a business on Main Street and it works in good with her business.

Speaker 8: So is she an employee or is she-

Gene Townsend: Yeah, she is an employee.

Speaker 8: Employee of the city.

Gene Townsend: She's covered under, we're all covered under the city's workman comp program.

Speaker 8: Sure.

Gene Townsend: So one of the big things that we do before the rodeo, we got a lady that runs around, gives everybody's social security number and signature so that MMIA knows who's there and stuff. But

Speaker 8: Because it covers the volunteers?

Gene Townsend: And yes, it covers the volunteers too.

Speaker 8: And do you have ordinances that you passed to effect to create the fair board and-

Gene Townsend: No. We didn't do that. These, I guess ever since we've always been able to form our own board we have never done it with.

Speaker 8: Sure.

Mary Janacaro - Hensleigh: Okay. Any other questions from council?

Speaker 9: How about maintenance?

Gene Townsend: That's with... The group does it, the board. And if we run into somebody we need chutes welded or welding done. We have local people. We need fencing done, we call them and then we pay them to do it. We're going to have to have a bunch of electrical work. We want to do some more outlets for people to plug in to.

Speaker 9: But that's all transactions through the town.

Gene Townsend: But it goes through the town. The town pays that bill and it's submitted and the council approves it or doesn't approve.

Speaker 9: Mowing. General Upkeep fall into the same thing?

Gene Townsend: Right. The city crew's pretty good about helping us on that. They do that. They bring the backhoe over if we need a backhoe, stuff like this. Had a good combination. I think that works well.

Speaker 9: Great.

Mary Janacaro - Hensleigh: Any questions from the public?

Tim O'Donnell: What kind of-

Mary Janacaro - Hensleigh: Tim?

Tim O'Donnell: ... revenue. Do you know what does the city get, businesses and that? Do you have any idea, Gene, what [inaudible 00:46:24].

Gene Townsend: Always see things like from a Chamber of Commerce or something that a dollar spent and how it goes down through the town. I don't know exactly how much, but of course I think anybody that's been to the Three Forks Rodeo on the aftermath on Friday and Saturday night, I'm pretty sure it's probably about the best year day at the bar for the bar owners, those days. But the restaurants do well and they tell us that too, that they're full and whatever and stuff. It would be interesting to find that out exactly how much money it does put into the thing.

Tim O'Donnell: It's substantial.

Gene Townsend: Yeah, it is substantial. And one of the things that we did when we were starting out is that, and this was quite a discussion that we had with the Fair Board, was that we wanted to make it, to keep it a family type thing. Downtown and Three Forks on Saturday night gets pretty Western. I don't know any of you've been there, but it's not really a family event. But one of the things that we have done is that we let kids come free, I think up to 12 or 15, but their parents got to bring two cans of food for the food bank or three cans of food. And so the kids get in free. We've kept the concessions, we tried to keep it, I mean, our hamburgers are \$5 and our cheeseburgers are \$6, which everybody says is pretty cheap. But we always thought that if at least a family could come to the rodeo, then it was \$10 to get in. But for 40 bucks you could bring your family and still have a hamburgers and dad and mom could have a beer if they wanted to. And so we've tried to keep that on the prices down on that. I get my eyes opened every once in a while. They charge \$5 for a beer and the kind of guy that's

used to a glass of beer being 50 cents. And so it's a little, \$5 for a beer is pretty pricey to me. But believe it or not, last year I was over taking some food over to the beer sellers and you could get five beers for \$20 and the kid threw down two 20's and told the beer sellers to keep the other 20 and the amount of tips that the beer... So evidently the price of beer does not seem to be bothering anybody. And it's a good money maker. The price of can of beer is about 56 cents when you buy it through wholesalers.

Speaker 5: You're doing that all through the town?

Gene Townsend: Yes.

Speaker 5: You run the Cook Shack, that's all [inaudible 00:49:08].

Gene Townsend: And it's gotten so busy in the Cook Shack, we've started to bring in vendors to set up on the other end of the rodeo grounds. So there's sometimes the line will be from the Cook Shack to the arena. And so we're trying to figure out ways so we can get more people through the line service. So we had two vendors last year and we were going to try to bring in three this year in the food park.

Speaker 6: And they pay, probably a portion [inaudible 00:49:33]-

Gene Townsend: Or something like that.

Speaker 6: And they don't pay percentage of their sales or anything.

Gene Townsend: We're nice to 'em. We give them like 50 or a hundred bucks. We may have to look at it, but we'd really like to get it established and people get used to, we try to ask them to do different kinds of food so that if you don't want a hamburger, you can get something else from them and-

Speaker 6: Sure. That's Great.

Gene Townsend: And

Mary Janacaro - Hensleigh: All right, any other questions? Well, thank you Gene. Really appreciate you coming over.

Gene Townsend: Thank you Mary. Good to see coming over again. Yes, so.

Mary Janacaro - Hensleigh: You're welcome to stay or you can leave because I know how many meetings you have to sit in, so

Gene Townsend: Actually my city council meeting was last week and it was pretty short.

Mary Janacaro - Hensleigh: Oh, good.

Speaker 2: Good.

Gene Townsend: Thank you for having me. I'm sorry if I took long.

Mary Janacaro - Hensleigh: Oh, no. Thank you for coming. Thank you for the information. Thank, yeah.

Gene Townsend: All right, thanks.

Mary Janacaro - Hensleigh: We'll see you again.

Speaker 8: Thank you, Gene.

X. UNFINISHED BUSINESS

Mary Janacaro - Hensleigh: Okay, we'll move on to unfinished business. Item A is correction of resolution 202/07, the resolution to Donate Property to Liberty Place, Inc. We needed to make a correction on the year of the truck. Is there a motion?

Speaker 10: So motioned.

Speaker 11: Second.

Mary Janacaro - Hensleigh: Is there any discussion? All those in favor? Aye. Aye.

Speaker 12: What year is the truck?

Kennedy Kleinsasser: 2002. And it wasn't... [inaudible 00:50:51]. I don't remember what it was written on the last one, but it wasn't a 2002 truck. Yeah, so I just fixed it.

Speaker 4: Okay. Okay.

Mary Janacaro - Hensleigh: So we'll do that again. All those in favor?

Group: Aye. Aye.

Mary Janacaro - Hensleigh: Opposed? Motion carries. We'll move on to new business.

XI. NEW BUSINESS

Mary Janacaro-Hensleigh: Item A is council review and determination on bids for Middle Lark Manor annexation. Is there a motion?

Speaker 13: I move.

Mary Janacaro - Hensleigh: Is there a second?

Kennedy Kleinsasser: Second.

Mary Janacaro - Hensleigh: Discussion. So you've all received the letter from Jason and his recommendation for Montana Civil Contractors. Is there any discussion?

Speaker 13: Question, how much did it come over what we anticipated? How much?

Mary Janacaro - Hensleigh: Kory?

Kory Klappan: Yes. The first cost estimate on that we set aside over for funds was \$350,000. So it did come in about \$88,000 over what our cost estimate was. We did change that about a month and a half ago to a \$410,000 cost estimate. So we did bring it up. So we went over that just a little bit to 410. But strictly the cost of goods and the times we're in, yeah.

Mary Janacaro - Hensleigh: More discussion or questions? All those in favor?

Group: Aye. Aye.

Mary Janacaro - Hensleigh: Oppose? Motion carries.

Mary Janacaro-Hensleigh: Item B counts determination on resolution 2023-8 authorizing participation in the Montana Board of Investments short term

investment pool STIP exhibit A, authorizing participation, Montana Board of Investments, short term investments, pool STIP and authorizing its execution, delivery of documents related thereto. Is there a motion?

Speaker 13: I move.

Kennedy Kleinsasser: I'll second.

Mary Janacaro - Hensleigh: Discussion? Either of you want to give a little information?

Kennedy Kleinsasser: So the beauty about STIP is it's a short term investment pool. Currently, the town has CDs which, your liquidity on CDs, you can set them up at three months, six months, nine months, 12 months. They're all the way up to two years, I think. So to be able to access those funds is not very easy or you get penalized if you do need them out. So with the STIP program, they need 24 hour notice, but it's a daily interest rate accrual. So right now they're sitting at I think 4.7% and they've been kind of riding at that 4.7% and you can choose to be paid back the interest.

Kennedy Kleinsasser: ... and you can choose to be paid back the interest daily, monthly, however you want that to be, or you can choose to invest the interest back into it. Our CDs right now, the lowest one was 0.25% and I think the highest one was 1.25%.

Shawn Hoagland: And what's the term on those CDs, do you know? Is that a monthly CD at the quarter percent?

Kennedy Kleinsasser: So there are two that we're going to roll over at 0.25%. So I did pull those until we made a decision so we weren't locked into another three months. We can choose-

Shawn Hoagland: So that's three months then?

Kennedy Kleinsasser: Yeah. So we can choose to put them back into the CDs, but I did pull them for now until we decided what we wanted to do with the STIP.

Shawn Hoagland: And what's our longest term on a CD currently, like to get the one in the quarter is that...

Kennedy Kleinsasser: I think-

Shawn Hoagland: Probably a year?

Kennedy Kleinsasser: I think our longest one is a year and I think it's up in July. And then there's another one up in October I believe, but I did pull two of them from the CD because we were only earning 0.25% on both of those and I figured if we could make 4.5% or 4.7%...

Shawn Hoagland: Other municipalities using this?

Kennedy Kleinsasser: Yeah, lots of municipalities use this. At Clerk School, I actually talked to an investment broker that said that STIP is a very, very good program and the interest rates are just climbing right now. So it's a good program to go in. And if they start to fall, you can pull and lock into a CD because the rates will be right there, but your liquidity is what is super important just because you can pull it right away if you need to.

Shawn Hoagland: You guys have a question over there?

Speaker 15: Yeah. I have one question because I started reading through all of this fine print. And under resolution page four under miscellaneous, on Section 2.06, it says STIP non-insured against loss. The governing body and the participant understand and acknowledge that the board's STIP program is not FDIC insured or otherwise insured or guaranteed by the federal government, the State of Montana, the board or any other entity against investment loss. I'm just wondering how that's going to play into this.

Kennedy Kleinsasser: So basically what the FDIC ensures is if a bank were to flop, you get up to \$250,000. Currently we have way more than \$250,000 sitting in that bank and we're only guaranteed up to \$250,000 in that bank.

Speaker 15: So we should be diversifying and putting it in other areas?

Kennedy Kleinsasser: That what's another recommendation is diversifying to other FDIC insured. The investment guy didn't seem to think that it... STIP is a really good program is what he explained to me. And he said that if we had questions, we could always call him. I do have his name and number in my office, but I can't remember what it is. But we could call and talk to him about it if that was something that we were concerned about. But he did really reiterate that you're only insured for up to 250,000. And if we something were to happen, that could be an issue.

Speaker 15: Right. So if we had 140,000 in and for some reason they weren't solvent anymore like the banks that have been happening lately in the news, we could lose that whole investment?

Kennedy Kleinsasser: I don't know about the whole thing because I think that we have certain requirements with it, but it's not insured for what is sitting in there now, as far as my understanding. But you can use these investments and you can use the interest off of them to subsidize your budgets.

Shawn Hoagland: Right. That's-

Speaker 15: That's nice.

Kennedy Kleinsasser: Yes, because we do that with our CDs, we use the interest. I mean the cemetery one, we got \$14 last month. I mean, that's not really going to do much, but if we invested at a higher percentage, you're going to get more back from those.

Shawn Hoagland: Nothing's without risk, we just need to look at how much it is. If it's like the old school markets of the eighties and nineties, it's probably pretty safe.

Kennedy Kleinsasser: Yeah, and there are rules for government funding and stuff that it has to be in.... There's specific verbiage and stuff. So it's not just like we're going into hedge funds and we're going to really go out there and lose all the town money, that's not even close to anything like that. They're pretty safe.

Shawn Hoagland: Could you find what those parameters are from the municipalities, just so we know?

Kennedy Kleinsasser: Yep, I can do that.

Mary Janacaro - Hensleigh: Any other questions or discussion? All those in favor?

Linda Jung: I would like to move that we tabled this until we get a bit more information about what the parameters are and things like that to safeguard it. And if we have maybe at the next-

Mary Janacaro - Hensleigh: So the only person that can amend the motion is the person who made the motion.

Kennedy Kleinsasser: She did.

Mary Janacaro - Hensleigh: And did you make the motion?

Kennedy Kleinsasser: She did.

Mary Janacaro - Hensleigh: Okay. Then that's fine.

Kennedy Kleinsasser: Okay.

Mary Janacaro - Hensleigh: All right. All those in favor of tabling? Signify by saying aye.

All counsel members: Aye.

Mary Janacaro - Hensleigh: Opposed? Aye and tabled.

Mary Janacaro - Hensleigh: Okay. Item C, council determination on resolution 2023/9 posting area designations. Is there a motion?

Shawn Hoagland: Motion to approve.

Katy James: I'll second.

Mary Janacaro - Hensleigh: Thank you, Katy. Discussion.

Katy James: I made an appointment. I went to the post office tonight for posting of tonight's meeting. It's in two places in the post office.

Mary Janacaro - Hensleigh: Well that's good to hear.

Katy James: They have it by the front door. There's a bulletin board there and by the side door that we all come in. Our posting was in both of those places. So sometimes they may only post one spot and we may look at the other spot that doesn't have it. That's just something as a mental note. I didn't look when I was at the bank this morning to see their... Their bulletin board at the bank, it's pretty cluttered. I mean, they still have the BY Rodeo poster on the board. So it doesn't get clean much. So it'd be very easy if we posted before that, another posting gets put on top of it. And then one of the little suggestion I'd like to make is we consider a public post bulletin board maybe by the fish pond or something that maybe can be put up there and it would be something that it would have a lock on it, of course. So we can't just have people going in there and ripping down the notices then. So if I wanted to post something, I could come to town hall and say, "Could this go into the bulletin thing?" And it would have a plexiglass cover or something to it just as a thought down the road. I don't know if that's something that Tiff could cover. That's just something to think about.

Mary Janacaro - Hensleigh: Okay, thank you Katie. Any more discussion?

Shawn Hoagland: And on this, just to be clear, we're talking town hall, Rocky Mountain Bank and Jefferson Fresh Foods. So we're committing a hundred percent of those. We'll go like crazy on post office. It's not like we're abandoning that, but to your point.

Kennedy Kleinsasser: No. Yeah. So basically the idea is giving us three minimum places we have to have these posted. But if we don't get to the post office on time or something happens, the library's not always open, it gives us the opportunity where Jefferson IGA is open for long hours. We can get that posted without having that issue. Rocky Mountain Bank, we're typically there, but we have the accessibility to send it through the drawer if we're at past 04:00 PM. So it just gives us a little more wiggle room to get stuff done. We do still fully intend to post it other places as the website. I know Maxine likes to get it off the website and I'm still going to email it to the library and I'll still drop a couple off at the post office if we get time to do it, but just so we have our bases covered. But I'd rather overachieve if we can rather than setting us up to fail.

Mary Janacaro - Hensleigh: Absolutely.

Shawn Hoagland: Okay.

Mary Janacaro - Hensleigh: Any more discussion? All those in favor?

All counsel members: Aye.

Mary Janacaro – Hensleigh: Opposed? Motion carries.

Mary Janacaro – Hensleigh: Move on to item D, council determination on resolution 2023-10, to call elections and set dates for elections in 2023. Is there a motion?

Linda Jung: I move, Pat.

Pat Peterson: I'll second Linda.

Mary Janacaro - Hensleigh: Thank you. Discussion. All those in favor?

Katy James: What dates are we talking or do we don't have those yet?

Kennedy Kleinsasser: So they are set, they do have a schedule. I have the schedule in an email, but primary election is September 12th and then the general election is November 7th. And there's a lot of dates in between that for deadlines and stuff. But basically what this is letting the county know that if we potentially need an election, if somebody runs against one of the other council members that are up, that opportunity is there and that she will do the steps needed to host the election.

Katy James: And there's a cost if we have to have an election.

Kennedy Kleinsasser: There is a cost if we do have an election. It is cheaper to do mail-in ballots. And Ginger at the county said that that's what all the municipalities typically do just because it is quite a bit cheaper than holding the in-person ones where you can drop them off.

Shawn Hoagland: Okay.

Mary Janacaro - Hensleigh: Any more discussion? All those in favor?

All counsel members: Aye.

Mary Janacaro - Hensleigh: Opposed? Item E passes. Thank you very much. I mean item D, excuse me.

Mary Janacaro – Hensleigh: Item E is council determination on request from Saddle Club for 180 day extension.

Bill Lanes: I move.

Katy James: Second.

Mary Janacaro - Hensleigh: Discussion. I'll start out with Ed.

Ed Guza: Yeah, thank you. I was asked to take a deeper look at the items that are in dispute to some degree and that namely apparently is the panels that surround the arena. And the question under Montana law is whether or not they're a fixture. If somebody had affix something to your land the way that the law reads and it's a statute and it's 70-18-101, when somebody fixed something to your land without an agreement, it belongs to the owner of the land unless the owner of the land requires the person to remove it. And that's really what we're talking about here, is whether or not certain items are affixed to the land. And that's another section under Montana law and that fixture section is 70-15-103, which provides a relevant part, "A thing is deemed to be affixed the land when it's embedded in it." In the case of walls, it's permanently resting upon it. In case of buildings or it's permanent by means of cement, plaster, nails, bolts or screws. So when I was looking at the panels out there, I was trying to determine how those posts were put into the ground. And it certainly appears to be that the intention was to actually put those panels in as a permanent fixture. I mean, I'm not a fencing expert obviously. I was looking at it from a layperson's perspective, but when you go up to the panels and you give them a shake and it looks like they're embedded into the ground, it doesn't look like they've been removed at any time for at least the foreseeable last few years. They look very permanent. And then so if that is the case, then we're back to that original statute that says if they have been affixed to the ground, then they become part of the real property and cannot be removed. And so that's where I landed with that issue. I see it as an issue where from the town's perspective to have all that torn out would, in my opinion, be a burden on the town to have that happen in the first place for a lot of reasons. And the law doesn't seem to really support that in neither case. So I guess like with anything, there's always gray in the law and there's cases that have been decided that delve into what a fixture is and analyze it. For example, there's an irrigation system case that went into a lot of analysis as to whether or not the irrigation system that was placed by a third party onto someone's land is actually a fixture in the court in this case. This is a 2016 case said indeed it was. And so the law tends to lean in that direction when you have something like what we're talking about with these panels and how they've been installed. And it doesn't appear that they were made to be moved in other locations. And from what I hear, they never have been moved, maybe adjusted here and there, I guess, as things have developed. But in general they were meant to be there. And so that's my take on it from a legal perspective. Obviously from a town's perspective, we are trying to resolve the issue and it's certainly not

something that anybody wants to make into an adversarial process here. But in terms of what the law seems to suggest, those panels that I looked at are fixtures. Other things that were pointed out to me, for example, several barrels that were laying around the area, clearly those are not fixtures. That's pretty obvious. You can pick them up and move them and they've been moved several times. And so those aren't fixtures. If there are bleachers that the Saddle Club can say, "Hey, we paid for these, these are our bleachers and here's the proof of that." And these bleachers aren't affixed to the real property, then take the bleachers, they're yours, they're not a fixture to the real property. And if you can prove that they're yours, they're yours. We have no right to them. And so that would differentiate from other things that are actually installed into the earth itself. So that's my take on this issue. I'm certainly, as I said, open to facts that potentially could undermine what I took a look at today and from what in information I've seen and heard. But from what I see, it appears that the town has a strong case as it pertains to those particular fixtures.

Mary Janacaro - Hensleigh: Thank you, Ed. Council, questions for Ed?

Bill Lanes: Can we have further discussion besides questions?

Mary Janacaro - Hensleigh: Yes.

Bill Lanes: So I prepared a few things because I need to write things down to follow up on my statements last month regarding the Saddle Club lease. Rather than simply voting yes or no to the motion to extend this lease, what I want to do is just provide a real short rationale at this point why I am not in favor of that motion. One, I've had two discussions recently with Saddle Club members this past month that have been cordial and I appreciate them for reaching out to me. However, I did vote in the affirmative last month to accept the rec board's recommendation to terminate the lease on the clubhouse structure. I'm going to be consistent and not flip flop. I'm a hundred percent behind the vision being cast to bring added improvements to the facility. Two, this is a hot button issue, in my opinion, and has little to do or nothing to do with the lease of the clubhouse. The matter is more about the ownership of the property and the improvements made to the complex, specifically the arena for our community. This is the discrepancy as to whether the Saddle Club or the Town of Whitehall owns certain items. All over, Whitehall entities make substantial efforts to improve specific community landmarks such as the pavilion at the park, the skate park, the gazebo, the fish pond, the Silver Tower park, bike park, the pool, baseball fields, the library and more. Seldom have I ever heard any organizations stating that they will remove those improvements. I've never heard of that. This is kind of new. I made a simple request of the Saddle Club to provide any grant information in last month that brought improvements to the complex and they simply declined to do so. Four, I had some contact with Tara Mastel because I did say last month that I was going to try to research grants. She did provide some things for the city and Tara and some others wrote a Montana tourism grant, I don't know the year exactly, I didn't look at those details, for seeding. And their intent was for those items to remain part of the complex. If I'm understanding this correctly, the Saddle Club is claiming those bleachers belong to their club. If

I'm misunderstood, I'm misunderstood. Five, and lastly, kind of what Ed stated according to the law, Montana Code Annotated the legal descriptions regarding the property, real fixed property. It's quite clear. And so in this case, Whitehall, the town of Whitehall is the owner. I know that some on the Saddle Club members feel slighted or unappreciated for their years of dedication to making these improvements. That is not my intention or it's not the intention of the Rec Board, the Town Council members or Town Staff. All I'm simply asking, would the Saddle Club members cons reconsider the move or rhetoric to pull various structure items from the complex? Let's mend some fences and pull together for the good of our community. That mentality will bring a much better legacy when we're all pushing up daisies. The town of White Hall is not impeding any events at that arena. We wish to see more. We wish to see more rodeo events. If the Saddle Club would choose to try to remove those items, that would just basically slam the door for a long, lengthy period of time for any equestrian events that can occur. So as part of the vision of the rec complex of tomorrow, I would love to see a special commemoration for the Saddle Club much like the Veterans Memorial Wall or the Rotary sponsors at the fish pond. I would also love to encourage Saddle Club members to continue to be part of the rec complex for the years to come. I mean this sincerely and believe this would be something that we can all be proud of for the sake of Whitehall.

Mary Janacaro - Hensleigh: Thank you, Bill. Any other discussion from Counsel? Shawn?

Shawn Hoagland: I'd just like to say that well said, first of all. You put a lot of thought into that. I agree with it. I just think where we were the last time, we ended up not renewing the lease to try and get to the table to talk, and we still need to do that and there's still time. A lot of us have talked. I've talked to you guys, but I think we need to press forward and stay where we're at but not have the communication completely break down. There's still time to move forward. Nobody wants to see stuff come out of there so that we can't have events. And I think there's still room to find a path forward before we all just end up looking terrible to the community, to the people. So that's my two cents.

Mary Janacaro - Hensleigh: Thank you, Sir. Any discussion from the public?

Rich Johnson: I agree with-

Mary Janacaro - Hensleigh: Come to the podium please and state your name. Thanks.

Rich Johnson: My name's Rich Johnson. And I agree with a lot of what you said, Bill and you too Shawn. Last week Lonna and I met with Kennedy and Mary and we had a very productive, I felt, discussion. And one of the first things we talked about was if the lease for the Saddle Club building to be gone by the middle of June, that... We can't even begin to get that done. I mean, if that's what you guys want. It can't happen. So I guess that's number one. The rest of this, like I told Mary, I says, if this could come down to mediation or discussion or whatever for, I don't know, a better part of a day or whatever, I'd pay for it out of my own pocket just to get this... So both amicably for both sides. I just want to put that out there before you guys vote.

Pat Peterson: Okay. I have a question. Say the lease ends, what do you have to do at that point? What are you talking about? Are you taking the building? Are you taking things in the building?

Rich Johnson: Well, we'd have to because that's what the lease is for. The building would have to go.

Lonna Johnson: And our properties.

Pat Peterson: Well, that the properties is under discussion, what is and what is not. And that's something that needs to be cleared up. But-

Mary Janacaro - Hensleigh: The only thing we have a lease on or they have a lease on is the building.

Pat Peterson: Did you build the building?

Lonna Johnson: We did not, but the 1942 Club did, yes. The original Saddle Club did, yeah, back in the 1940s.

Pat Peterson: They built the building. So you would take the building?

Lonna Johnson: According to our lease, we'd have to. With the termination of the lease, that's what it stated in the original lease. We also-

Rich Johnson: I was under the assumption that somebody wanted it gone. Mr. McBride inferred that at one of the meetings that they had. They'd like the building gone there and put something else there, maybe at community center or whatever.

Mary Janacaro - Hensleigh: Okay. So there's basically three options for the building. It either has to be moved, torn down or donated.

Bill Lanes: Can the lease be specifically... That's the sticking point because it's where I would almost say, well, could we extend just the lease on the building itself? When's it actually up? I'm trying to remember the date.

Mary Janacaro - Hensleigh: June 17th.

Bill Lanes: June 20th.

Kennedy Kleinsasser: Well, are you talking about the termination date?

Bill Lanes: Yeah.

Kennedy Kleinsasser: I think it's 17th, I think. I'd have to [inaudible 01:20:02].

Bill Lanes: Because I understand it's a hard way to move a building in a short amount of time.

Rich Johnson: Well, there's scheduling that somebody to move it. And we have been in contact with people. We've been getting some bids, but...

Maxine Samuelson: Do you have events scheduled past that date?

Shawn Hoagland: Yeah, that's the thing. I mean, there's community-

Lonna Johnson: One for sure.

Rich Johnson: And it's my wish that if we could... Part of the extension, this 180 days would be to hold this thing together to get us through summer and have frontier dates, whatever. If nothing else, like you said, remove some fences and take the time to step back and sit down and work this out.

Pat Peterson: But there are a lot of other things that are involved too like property.

Rich Johnson: Yes ma'am, there are.

Pat Peterson: Who owns the bleachers? Who owns this? Who owns that? And I don't want that being drawn out another six months. That's just delaying something we need to get settled now. I would not be comfortable with delaying everything for six months.

Pat Peterson: With delaying everything for six months. I would not.

Lonna Johnson: We would be willing possibly to come with what we did the other day with Mary and Ed present and actually bring a list of our stuff that we have. We did provide a list overall with everything. It was always through past modes and everything. And yes, I know rules and regulations change but that's why that gray fence went in with the red pins because that was a portable unit. We were asked by the city and the rec board probably about 15, 16 years ago to go back in and put wooden posts in to stabilize it a little bit more because it was a safety issue. That is why we did it because originally it is all portable with the red pins that they can all be removed. We've changed it up for when we've had horse shows and took some of the pins apart, folded it in, made it two smaller facilities when we've been doing horse shows. So it is very accessible for portable units. So we would be willing to meet on a later time, the sooner, the better with Ed present and go over [inaudible 01:22:14].

Shawn Hoagland: That's it and your board as well.

Lonna Johnson: Yes.

Shawn Hoagland: I mean we've had a lot of conversations and we end up in the same place because we're not decision-makers, definitively.

Lonna Johnson: Right.

Shawn Hoagland: I can't speak for anybody, but I think it's got to be that. And my position, I thought about it so much after talking to you is like, hey there's still time. It's June 17th if that's the date, but that was the reason it was not renewed last time was to get to the table and we've spent a lot of time not really getting to the table. Now if you're willing to get to the table, lay them out like I was telling you I'm a proponent of a lease from the town to you in recognition of everything that's happened, how much effort's gone into that through Saddle Club. Long term, short term, whatever we want to replace it, make it bigger, better. But by the time that you're looking for, I don't think there's anybody here that would say that building's got to go, we have big plans, it's got to be gone by June 17th. It just doesn't. But Saddle Club has to come to the table, talk to Ed [inaudible 01:23:24].

Lonna Johnson: And in the past we always have. That was the first conversation that I've ever ... we initiated the call with Mary. In past years, I've had contact with every city attorney, every mayor over all these years. Plus the rec board. This was the first time that that meeting even took place. So yeah, I mean we are willing to do that to try to go forward and get something ironed out.

Shawn Hoagland: Yeah. Cause there's [inaudible 01:23:55].

Rich Johnson: Well, I want to speak on behalf of the Saddle Club. Some of that lost time was we had sent some alternatives to the city and we didn't hear back from them.

Shawn Hoagland: Right. That's true.

Rich Johnson: In a timely fashion. So there's some lost time. I want to say a couple weeks. And if they weren't valid alternatives, I wish [inaudible 01:24:16] okay, tell me right away and we'll work something else out.

Lonna Johnson: Come to the table with something else.

Shawn Hoagland: Yeah. That's why we've got to renew that effort.

Mary Janacaro - Hensleigh: Thank you.

Shawn Hoagland: And we got to make a commitment to ... How's next week look?

Mary Janacaro - Hensleigh: So the agenda item. The agenda item is only on extending I understand for 180 days the lease on the building. That's all that we're talking about right here. So is there any more discussion? Bill.

Bill Lanes: I don't have a problem with extending the lease on the building itself. That's it, as far as that's the matter at hand.

Mary Janacaro - Hensleigh: That's the only thing we have a lease on. Yes, go ahead Tim.

Tim O'Donnell: I'm Tim O'Donnell. Bill your words were very well-spoken. I think you're spot on. I agree with just about a hundred percent of everything you said. The building, again, the lease we're discussing, I don't see why that does have to be in concrete. We don't have the money, the design, the stuff ready to put a new building in that place immediately, so I personally think we could leave that building there and have it a month by month ... I don't care how that might look, but when the funding, the grant money, the things come in, we're ready to put a new building up there, that thing has to go on kind of a short notice, possibly. And so as far as the building, that's where I kind of feel there. But again, this had to be pushed to get people to the table because I know this thing's been going around in circles for what year and a half or something and people ain't coming to the table. So if all this did is get everybody to get to a table, whoever has to be at that table, let's get to the table like now, not next month, not six months. So the building could stay in my opinion, until the funding and everything's ready to put a new one up, a new building. The arena, I don't know why the Saddle Club would even consider that should even be on the table to take it. It's going to ... the council, the rec board all want that to stay. And just what Gene Townsend said that's an asset to this community and that arena personally, I think, belongs to the community of White Hall. It's been put there with a lot of grant money, a lot of sweat equity from a lot of people. The Saddle Club needs a lot of recognition for their drive behind it. That would never stand anywhere until the Saddle Club don't deserve recognition. You're suggesting about some memorial or tribute, however, to the Saddle Club. And the legacy of that thing, it does need to keep going forward. So I don't understand where the problem is to hand this thing off and let somebody else with a lot of energy and drive and ambition to take that arena to a different level. I seen where it came from years ago when it was just an old chicken-wire and split-rail and telephone-pole fence to where it is today. This is, it's a damn nice arena. And again, the credit to the Saddle Club driving force behind it. So why don't we all get behind the same drive and take this thing together. We shouldn't be having a discussion about it. Those panels belong to the Saddle Club or who they belong

to. They belong to our community and to take them out of there I think would be a sin.

Mary Janacaro - Hensleigh: Thanks Tim. Any more discussion? Linda?

Linda Jung: I have a question on the way that the motion is written. Counsel determination on a request from Saddle Club for 180 day extension. I think we need to clarify that's on the building.

Mary Janacaro - Hensleigh: Yes. That's the only thing we have a lease on. That's what they're asking for is an extension on canceling the lease. They would like-

Linda Jung: Exactly.

Mary Janacaro - Hensleigh: They would like another 180 days. That's all we're voting on here.

Liz Pullman: But doesn't the contract say that they have to remove their property?

Ed Guza: That's why you-

Mary Janacaro - Hensleigh: The only thing we have the lease on is the building. That's it.

Liz Pullman: Right so the property also has to be [inaudible 01:29:00].

Ed Guza: That's part of the building premises. Nothing else.

Mary Janacaro - Hensleigh: That's all the-

Ed Guza: And specific to that alone.

Mary Janacaro - Hensleigh: Yeah. So that's all we're talking about here is the building.

Linda Jung: I need to clarify that.

Liz Pullman: Yeah.

Linda Jung: Right now before we vote that this is what we're voting on. Just want to make sure everybody knows and the audience knows.

Mary Janacaro - Hensleigh: Yeah. Cause that's the only thing we have a lease on.

Ed Guza: Let me chime in if I may, please.

Mary Janacaro - Hensleigh: Go ahead. Certainly.

Ed Guza: I guess we've gone through a lot of work to get to this place where the lease has been terminated. And I know that hasn't come at any easy expense and time and effort. So I guess to extend things even longer from a legal side of ... I wouldn't recommend that. And I don't mean ... and I understand your situation in terms of having a building that needs to be removed. I mean if it can be narrowed down to just we're talking about we need more time to remove a building, that's different than leasing that space for six months. That just kind of puts us where we were when I started looking at this months ago. And so I think the town should work with the Saddle Club to give them the additional time, if necessary, if it can be shown in good faith, look this is what we're doing to remove that building, then yes, I think more time makes sense. Why not? But I don't think that we're actually talking about renewing the lease or maintaining the lease for 180 days, which is what the motion sounds like.

I'd say if we can narrow that down to just simply, if you need more time to remove the building and those items of property that are affixed to that, that's fine. I don't see why not. But not the whole lease.

Mary Janacaro - Hensleigh: No. And when Lonna and Rich came in to talk to me, that's what they were asking for was just 180 days to remove the building because it's so hard to line up any kind of movers. There's not that many in the state. They're booked out and so that's what they're asking for is 180 days.

Pat Peterson: I'm still not comfortable with giving them six more months. I don't see why six months.

Mary Janacaro - Hensleigh: Okay.

Linda Jung: I'd like to see us do ... Well, in my mind it just keeps going round and round, the last few days of 180 days ... I think you say, you get a 30-day notice, 30 more days as they need it, and at some point you shut it off. That to me would be better than just ... because now we're going from 60, you had 180, that's 240 days. That's the end of August, 1st of September [inaudible 01:32:18] .

Pat Peterson: It seems like it's just being drug out until ... Then they'll say, oh well the lease runs out in four months anyway. Let's just keep it going till then. I don't like the ambiguity of the whole thing, it's just ...

Bill Lanes: Can we amend it to be specific?

Mary Janacaro - Hensleigh: No, there's already motion on the table so we have to vote.

Pat Peterson: Well, I would like ... I move to discuss. So I would like to amend.

Kennedy Kleinsasser: You second it.

Pat Peterson: I second it. Okay.

Kennedy Kleinsasser: Bill has the motion so he can change that motion.

Pat Peterson: Oh, then you can change it.

Bill: Yeah. I'm up for amending that to a stipulation of the clubhouse building so that there isn't this time pressure for you to remove that. We totally understand that.

Mary Janacaro - Hensleigh: That's all they're asking for.

Bill Lanes: Yeah, I think that's what they're asking for. But I'm concerned that-

Liz Pullman: Can you clarify, because Pat just said lease again. Is it an extension to remove the building? For just for public clarification. Is it extension-

Bill: That's what I-

Liz Pullman: ... to remove the building or an extension on the lease?

Pat Peterson: Well the lease is on the building and it says they have to remove the property.

Liz Pullman: But you've already terminated the lease, that's what I mean. So you would be extending just the removal date?

Pat Peterson: Correct.

Bill: Yes. The removal date of the building, specifically.

Shawn Hoagland: Is there more to point E?

Linda Jung: Yeah, I mean the way that's written ...

Bill Lanes: Which is point E?

Linda Jung: Under new business, read that, Bill.

Pat Peterson: Council determination request from Saddle Club for 180 day extension.

Linda Jung: On what?

Pat Peterson: Yeah, there's nothing on the next page.

Shawn Hoagland: So my stance is we still have time. It doesn't matter what we do, as long as everybody comes to the table. The right decision-makers from Saddle Club, get with Ed and there's plenty of time to extend more time. We don't have to extend the lease. I know damn well there's more to this than that building. So let's just ...

Mary Janacaro - Hensleigh: So Bill, do you want to amend your motion or not?

Kennedy Kleinsasser: So are we suggesting maybe we table it until ...

Shawn Hoagland: Bill, what was your motion specifically? Was it a motion to approve?

Bill Lanes: I didn't say motion to approve. I just ...

Pat Peterson: In so moved ...

Linda Jung: In so moved.

Bill: Okay, so moved. I would amend it to tabling it.

Mary Janacaro - Hensleigh: Okay, so your table brings us past the point of when they need to move it.

Shawn Hoagland: Yeah, we can't do that.

Mary Janacaro - Hensleigh: That would not work.

Bill Lanes: Okay.

Kennedy Keleinsasser: So can we schedule something sooner?

Linda Jung: Yeah.

Kennedy Kleinsasser: Would you guys want to schedule a special meeting [inaudible 01:35:07]-

Mary Janacaro - Hensleigh: I don't think there needs to be a special meeting. I think you need to decide if you want to give them the extension to move the building or not. It's pretty simple.

Pat Peterson: I would agree to 30-day extension. So that would give us another council meeting to [inaudible 01:35:27]-

Mary Janacaro - Hensleigh: If Bill wants to amend the motion, that's perfectly in order.

Bill Lanes: Yeah. I'm very comfortable with giving them another 30 days so that we can ... on the removal of the building so that we can come to the table.

Mary Janacaro - Hensleigh: Okay. So your amended motion is to approve a 30-day extension on removal of the building?

Linda Jung: Yes.

Mary Janacaro - Hensleigh: Is there a second on the amended motion?

Linda Jung: I'll second that.

Mary Janacaro - Hensleigh: Okay. Is there any more discussion? All those in favor of the 30-day extension say aye.

Council Members: Aye.

Mary Janacaro - Hensleigh: Opposed? Motion carries.

Mary Janacaro – Hensleigh: Okay, we'll move on to unscheduled matters. So now is the time. Kory, would you come up to the podium? Liz, would you like to-

XII. UNSCHEDULED MATTERS

Liz Pullman: All I had was a simple question. I wasn't debating him or anything. At the CTAC meeting, you had said 20 to 30%. If DEQ lowers the rate, can our water system handle it? That's all I was asking.

Kory Klappan: So what I reported at the CTAC meeting, just for clarification, we're only going to treat about 40% of our water, 60% of our water's going to bypass the filtration process of [inaudible 01:36:42]. DEQs requirement is to get uranium below 30 parts per billion. That's all we have to do. If the requirements go lower, we can definitely take more out. The problem with it is that uranium's expensive to dispose of. So if you're getting in the safe level to where DEQ says it's safe. You are in compliance.

Liz Pullman: There were just a lot of people that were asking if DEQ were to lower it, do we have the ability to [inaudible 01:37:15].

Kory Klappan: We do. We have the ability to fully take it out, just the expense of it.

Mary Janacaro - Hensleigh: Okay. Thank you very much for clarifying. Any unscheduled matters from the council? Did you have another question?

Liz Pullman: Yeah.

Mary Janacaro - Hensleigh: Okay.

Liz Pullman: Mainly for you, Ed. Okay. With the whole rec board complex, so this is me not as the paper, this is me as the chamber. So were we to schedule something for, say, Frontier Days and then this doesn't go correctly and then there is litigation that puts that whole complex unusable, correct? Even if we were to have a contract with the town and a contract with a rodeo supplier and a contract with ... Correct?

Ed Guza: Not necessarily.

Liz Pullman: Because the equipment is what's being contested or disputed?

Ed Guza: I mean, certainly if there's a claim that the specific equipment is somebody else's and you can't use it. What you're talking about essentially is an injunction from the court. But courts like to maintain what's called the status quo of things. And so to have a court come in there and say, absolutely there's going to be no events until this litigation's resolved. I don't see a judge doing that. I see a judge saying, look, if that was status quo, that this was used in the manner that it has for a number of years, court's not going to just stop that, typically speaking.

Liz Pullman: Okay. Because I know Kory and I talked this morning and then I talked. There's a couple of different options that we have to bring things into Frontier Days, but there's such a risk right now for anybody, were that to happen. So I just wanted to clarify.

Ed Guza: No, that makes absolute sense because yeah, you're entering into agreements and vendors and lots of things that are happening that circle around that rec facility. So I understand the concern, but let's all just hope it never goes to that.

Mary Janacaro - Hensleigh: Okay. Anything else from the council? All right. Is there a motion to pay bills?

Shawn Hoagland: So motioned.

Bill: Second.

Mary Janacaro - Hensleigh: We're all in favor?

Council Members: Aye.

XIII. ADJOURNMENT

Mary Janacaro - Hensleigh: Motion carries. We are now adjourned. Thank you all very much for coming. Thanks, Ed.

Next Regular Council Meeting, Tuesday, June 20th, 2023 at 7:00 p.m.