

TOWN OF DRUMMOND
JANUARY REGULAR COUNCIL MEETING

01/23/2024

CALL TO ORDER: Mayor Gail Leeper called the January Regular Council Meeting to order at 7:00pm. Present were Mayor Leeper & Council Members McLure, Clute, Powell and Stuart; Town Attorney McGill; Town Clerk-Treasurer Wight and Public Works Director Harrington.

PLEDGE OF ALLEGIANCE: Mayor Leeper led the Pledge of Allegiance at the Public Meeting.

PUBLIC IN ATTENDANCE: Carla and Gordon Haisler; Bernadetta Wangler Bailey; Loren Flynn, Rory Zarling and Anne Marie Johnsen, representing Montana Fish, Wildlife and Parks.

GUEST COMMENT: None

LAW ENFORCEMENT: Law Enforcement Report was provided to Drummond, for the January Town Council meeting.

MINUTES: Mayor Leeper asked for a motion to approve the December Regular Meeting minutes. Council Member Stuart made a motion to approve the December Regular Meeting minutes. Council Member Clute seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

CLAIMS: Mayor Leeper asked for a motion to approve the claims. Council Member McLure made a motion to approve the claims. Council Member Clute seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

INVESTMENTS: Investment sheet provided to the Town Council.

FINANCIALS: Financial sheet provided to the Town Council.

- **Sewer Investment Certificate of Deposit**, in the amount of \$75,591.37; held with First Security Bank matures on February 12, 2024.

Clerk-Treasurer Wight learned at Local Government Services, May 2023 Institute; to be a good steward of the Town's finances, it is best to invest in shorter terms.

Mayor Leeper and Town Council discussed current interest rates and Certificate of Deposit Terms amongst the current Town of Drummond financial institutions; those being: STIP (state level), First Security Bank and Citizens Alliance Bank; coming to the conclusion to close current held Certificate of Deposit with First Security Bank, a 13-Month Term with 1.25% APY, when the Certificate of Deposit matures, on February 12, 2024. Then re-invest those Sewer Investment Funds into Citizen's Alliance Bank, in a 4-Month Term with 5.140% APY.

Mayor Leeper asked for a motion to approve closure of current held Certificate of Deposit located at First Security Bank upon maturing, February 12, 2024; then re-invest those Sewer Investment Funds in a 4-Month Term Certificate of Deposit at 5.14% APY, with Citizen's Alliance Bank. Council Member McLure made a motion to approve closure of current held Certificate of Deposit located at First Security Bank upon maturing, February 12, 2024; then re-invest those Sewer Investment Funds in a 4-Month Term Certificate of Deposit at 5.14% APY, with Citizen's Alliance Bank. Council Member Stuart seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

ACTION ITEMS:

- **Clerk-Treasurer Wight needs Approval to Shred Blank Invalid Bank Checks** – Due to new ownership of financial institution; bank routing number changed and checks are no longer valid. Government record and retention regulations indicate destruction of documents need to be approved by Council and noted in the minutes.

Mayor Leeper and Town Council discussed options of proper destruction methods, coming to the conclusion to deliver invalid blank bank checks to Citizen's Alliance Bank for mass shred destruction.

Mayor Leeper asked for a motion to approve destruction of invalid blank bank checks by means of mass shredding through Citizens Alliance Bank. Council Member McLure made a motion to approve destruction of invalid blank bank checks by means of mass shredding through Citizens Alliance Bank. Council Member Clute seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

MAYOR'S REPORT:

- **Headwaters Meeting** – Meeting was on the road, being held at Drummond Town Hall last Friday, January 17, 2024; in an effort to help local businesses. Mayor Leeper reached out personally to several business owners, inviting them to attend this meeting; one being the new owners of the Canyon Bar.

Headwaters has helped within the region: 13 new businesses, 70 long term, 130 business assistance which supports 504 jobs, 2 Granite County individuals have applied for RBDG Grants and are now in the second phase of that process.

- **Montana League of Cities and Towns** – The topic discussed were: Property Taxes; Quick Guide for Testifying at the Legislation; Medicare Expansion, which will affect Rural Hospitals; Urban Camping; Financial Services, such as the assistance Clerk-Treasurer Wight requested. They have now completed a poll throughout Montana and 28 communities have asked for help; with actually a larger need, than what the Town of Drummond requested. This is because of the large turn over in Clerks and other circumstances; which indicates there is a huge need for this financial service, provided by the League.
- **Local Government Review** – We have the verbiage for the resolution, which Attorney McGill will review. Town of Drummond's documents need to be presented to the County by March 11, 2024.
- **Computer Security** – Public Works has new computer; with this we are looking into putting into place stronger Wi-Fi login security measures. Our current system states, there can be up to five separate Wi-Fi internet logins. Cyber-Security is a huge issue, the Town is taking precautions to ensure the Town's network is not compromised.

ATTORNEY: Attorney McGill received a draft Sludge Dumping Agreement with Lund, from Engineer Koon of Triple Tree Engineering. This Draft Agreement will be re-worked for

verbiage and changed terms, by Attorney McGill; as discussed with Mayor Leeper. Revised agreement will be brought before Council on next month's agenda for review.

PARKS:

- **FWP (Fish, Wildlife and Parks) Fishing Boat Access Agreement.**

Mayor Leeper discussed with Town Council that the Town has taken care of the Town of Drummond fishing boat access for the last 25 years, continuing with the possibility of presenting a proposal to Fish, Wildlife and Parks (FWP) to add an additional vaulted toilet at the Town of Drummond City Park, having them take care of the maintenance of it; continuing that FWP takes care of the maintenance, at the Bear Mouth and Gold Creek facilities already.

Our current contract expires on February 4, 2024.

Introductions were provided: Loren Flynn, Regional Recreation Manager for Fish, Wild Life and Parks; Rory Zarling, Clark Fork Area Recreation Manager, FWP; and Anne Marie Johnsen, with Land Unit out of Helena, FWP.

Discussion was led by Loren Flynn, stating current Fishing Boat Access agreement with the Town of Drummond is set to expire next month, after twenty-five years, which FWP would like to renew.

Mr. Flynn discussed Fish, Wildlife and Parks' perspective feeling this agreement has worked well; offering site presence over the last several years, with staff stopping by when traveling this corridor to check the facility and bathroom.

Mayor Leeper responded, that the Council has reviewed the agreement, which has been up for discussion the past several meetings. The Town has been taking care of the Fishing Boat Access for the last 25 years, and perhaps it was Fish, Wildlife and Parks' turn to start taking care of this access site, and the possibility of a second vaulted toilet.

Discussion continued to the ownership of the facility, and to rework such an agreement it would need to go before the Fish, Wildlife and Parks' Commission to approve such an agreement; which would involve more work and time to elapse, causing the original agreement to lapse, then no agreement would be in place.

Mr. Flynn feels this is a discussion that could be had; Mayor Leeper asked, that he take this back for further discussion with the Commission.

Mr. Zarling interjected, that typically FWP sets up agreements such as this for 10, 25 and 50 years because FWP invests up front funding into the infrastructure of the project and the Town owns the property. After 25 years, FWP feels they have gotten their infrastructure funds out of the project. However, signage placement indicates this is a FWP location and is recognized as such. So, it benefits FWP to continue the agreement.

Mr. Zarling Continued, by asking; what the Town of Drummond does; as far as up keep and maintenance at this site?

Mayor Leeper answered, the Town cleans and sprays out the vaulted bathroom weekly, the vault is pumped out twice a year, and is stocked.

Discussion led to the FWP individual, who monitors the site; and that placing money into a location they do not own would be an uphill battle.

FWP discussion was then turned to Ms. Johnsen; as to how to continue, without causing a lapse with the original agreement. If there is an expiration of the agreement, FWP would have to go through a process for renewal; which includes an environmental assessment, public scoping, and public comment, which is quite lengthy; and would have to be taken before the Commission. The Commission would then need to give their approval. The Commission only meets every other month. This process could take up to a year.

Ms. Johnsen's recommendation, is to renew for two years as an interim agreement to avoid going through the Commission process again. This would allow time to go through the negotiation process and get the needed answers.

Ms. Johnsen asked Mayor Leeper her thoughts, as to a time frame to extend the agreement for negotiation. Discussion led to, if changes to the agreement are the dates or monetary values; it would not have to go before the Commission for renewal. However, if the changes include moving ground; such as placement of a latrine, then that requires FWP to comply with Montana Environmental Protection Act, which requires an environmental assessment and public meetings and full scoping.

In the current FWP agreement with the Town of Drummond, there is no provisions as to what happens should the agreement not continue. In FPW other agreements there is a provision that FWP will remove their improvements, once the agreements are terminated or there is a breach in the agreement. Ms. Johnson continued, in answering Mr. Flynn question; if there is no movement of dirt, then they try to continue with an amendment.

Attorney McGill interjected, as to the cost of the original improvement 25 years; Mr. Flynn answered, \$10,000 to \$12,000 for a single unit installed 25 years ago. Mr. Zarling expanded, to answer Attorney McGill question, roughly \$15,000 to \$25,000 with the latrine, fishing access and signage placement.

The Town of Drummond monetarily contributes roughly \$1,000 annually to the maintenance of the latrine, equaling \$25,000 over the span of the 25-year agreement with FWP, which is a wash. The Fishing Access buildup of sand has been cleaned out by a local, generously donating his time.

Mr. Zarling interjected, going back to the latrine; it is his guess they have over 500 plus FWP facilities, it is the minority that there would be more than one latrine at a facility. He continued, unless there is a large quantity of complaints from the public or a need; FWP would not be placing a second latrine at this site.

Mr. Zarling pressed for a renewal of the twenty-five-year contract, Mr. Flynn interjected, there is no guarantee of how FWP will answer, as to the negotiations with the Town of

Drummond; realizing a two-year extension of the existing agreement would make more sense to the Town of Drummond.

Further negotiating topics were discussed, which would not be answered within a month time; it would take a good year to continue such negotiations.

Mr. Flynn suggested, extending the agreement a couple years; coming back in the Spring to provide an update.

Mayor Leeper, consulted with Attorney McGill; as to her thoughts of the extension.

FWP representatives and the Town of Drummond agreed to move forward with extending the agreement two years, allowing time to fully work out the negotiation process.

Mayor Leeper asked Council, if they are all comfortable of amending the original agreement to an extension of two years, followed with the possibility of a 25-year amendment.

Attorney McGill interjected, to only approve the amendment extension of two years; not locking the Town into something we don't know yet. Expanding, this allows time to renegotiate the terms a little bit differently. Attorney McGill continued, how she looks at it, their improvements of \$15,000 to \$25,000 twenty-five years ago; the Town has maintained this say a \$1,000 a year; this is now a wash. She does not feel the same agreement can continue, because what is the benefit for the Town; stating, "your improvements have been paid for."

Mr. Zarling commented, that is how they came up with the time of the term, because they feel if they partner with the entity for twenty-five years, they have gotten their money out of it. Attorney McGill concurred; that she looks at it, as they have.

Mr. Flynn interjected, there are other aspects that he as thought of as well, to discuss in the future.

Mayor Leeper and Attorney McGill will meet to further discuss negotiating topics, and then reach out for a meeting with FWP; which doesn't need to be in the context of a Town Council Meeting. An informal meeting would be more beneficial, allowing time to sit down and discuss the negotiations; then bring before the Council.

Mayor Leeper asked for a motion to extend the existing agreement for two years while the Town negotiates an amendment. Council Member Clure made a motion to approve the extension of the existing agreement for two years while the Town negotiates an amendment. Council Member Stuart seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

Ms. Johnsen added, the extension agreement needs to be signed and returned before the 21st of February.

Ms. Johnsen will take the amendment back and redo the verbiage terms, to reflect the time change; then email to the Town to sign and return; then she will get the Director's

signature to complete the agreement extension.

Mayor Leeper verified with the Council of their approval of this action, to be made by motion. Council Member McLure made a motion to approve, when the revised document extending the original agreement for an additional two years comes back, Mayor Leeper has authority to sign it. Council Member Powell seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

Informal meeting set to be scheduled in Drummond, for further discussion and negotiation.

ROADS:

- **Tow Sign Enforcement:** Mayor Leeper spoke with Montana Towing, about tow signage and enforcement in the Town. State Law requires, towing be conducted by utilizing the Sheriff's Office; even if the tow signage states, you will be towed at your own expense; because it is public land.

Discussion led to placement of the tow signage; and if, the general public could make the phone call to the Sheriff's Office. This is still a problem; as according to Attorney McGill, there can not be a monopoly giving the business to just one company. The Sheriff's Office has the Tow Companies on a rotation basis.

The discussion continued; as to the placement of signage, without indicating any specific Towing Company.

Mayor Leeper will continue to work on gathering more information, and discussing this issue with Sheriff Dunkerson.

- **South Main Bridge** – Mayor Leeper met with Representative John Fitzpatrick, as he wanted to discuss South Main Bridge. Representative Fitzpatrick helped the Town in receiving State MCEP Grant Funds, of \$190,000, to redo that bridge.

Representative Fitzpatrick, does realize that South Main Bridge is not the Town of Drummond's bridge. he did however ask, how much the Town could contribute to the funding of the bridge; which Mayor Leeper response to him, was zero. However, she agreed to him she would bring this discussion before the Council, again.

Representative Fitzpatrick did not realize, this funding grant is a dollar-to-dollar match; he had thought the matching funding could be in-kind, which it cannot.

This bridge is the Counties jurisdiction and in their hands; the County has made it clear they do not want redo this bridge, they have passed on these MCEP Grant Funds.

The Town is not guaranteed these MCEP Grant Funds: State statute says, "Bridges are done by the County." Even the bridge up by the school; if it goes across a waterway State statute is clear, it is to be overseen by the County.

Mayor Leeper expressed to the Council, she wants to do her due diligence; in bringing this before the Council for discussion, and ask their thoughts regarding the South Main

Bridge.

The Council expressed, this is out of the Town's hands; adding, this is not a project we want to administer either.

Mayor Leeper expressed, Clerk-Treasurer Wight's concerns of administering this grant, and the financial impact of that to the Town; such as the possibility of placing revenues over the financial annual threshold causing a mandatory audit, which is quite costly. For a project that is not in the Town's jurisdiction.

Attorney McGill interjected, the County passed on the South Main Bridge MCEP Grant Funding of \$190,000; and they did so, by motion.

- **Road Conditions** – Council Member Powell reported, as to the road weather conditions and hazards.

Guest, Bernadetta Wangler Bailey, requested placement of a cone on the corner of Front and Main Street, by Parker's Restaurant; as you turn towards the school. She mentioned, of a cone behind the Fire station in the alleyway; and moving that cone herself, to the location of Front and Main.

Mayor Leeper informed her, that location is State right-of-way and the Sates jurisdiction; and requested Ms. Bailey, please not to change the placement of the cone. That the Town will handle placement of cones.

Discussion led to Ms. Bailey asking, if she could contact the State regarding the problem area on Front and Main Street herself.

Mayor Leeper, informed Ms. Bailey she can contact the state.

FLOODPLAINS:

- **Edwards Gulch** – Public Works Director Harrington reported, with the recent warming temperature in Edwards Gulch the culverts are rising; he will be doing preventative maintenance there every day, to prevent the Gulch from freezing up; until we are in the clear.

Discussion of the preventive maintenance led to; as long as we don't have another big thaw followed by a deep freeze, we will be alright. Council Member McLure expanded; Public Works Director Harrington is doing a great job with preventive maintenance in this area of concern.

- **River at the Lagoon** – Mayor Leeper reported; Public Works Director Harrington is also monitoring the river at the lagoon area, for thaw and freezing, to prevent any breach of the lagoon. This area is running, and it is not totally frozen over. This is part of winter maintenance.

SEWER:

- **Manhole** – Council Member Clute reported, manhole located on the West end of Town was full of human waste. He had the company that pumps out the toilets at the park, as they were traveling by with a load of water, stop by and flush it out; it is now clean.

Mayor Leeper added, this is a problem area because it goes uphill. She continued, by asking Public Works Director Harrington to monitor this area monthly.

- **Sludge Agreement** – Mayor Leeper reported of Tiple Tree Engineer Brad Koon, speaking with the Land Owner regarding the placement of the lagoon sludge. Jana discussed the agreement with the Land owner earlier in the meeting; regarding putting the sludge on their land. Attorney McGill is going to draw up the agreement, which will be called an Exchange Agreement.

Mayor Leeper presented the Council pictures form Engineer Koon, mapping out the lagoon and where placement of the sludge will be on the land owner’s property.

- **Waste Water Facility Upgrade** - Mayor Leeper informed Council Member McLure; Engineer Brad Koon does not have the liner samples yet, but he will be getting them for her review.
- **Generator** – Mayor Leeper asked Public Works Director Harrington; how the generator is working with this cold weather. Public Works Director Harrington confirmed with Mayor Leeper, weekly maintenance is going well and the generator is working properly. The generator has a built-in block heater, so it stays warm. We no longer have the issues we had with previous generators

CITY COURT:

- **Internet Login** – As discussed earlier, under Mayor’s Report; there will be new Wi-Fi login in information, assigned to Justice of the Peace.

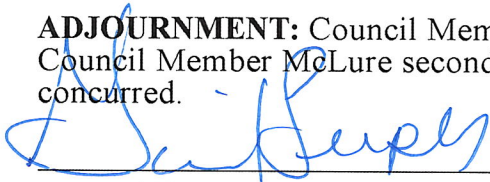
NEW BUSINESS: None

OLD BUSINESS:

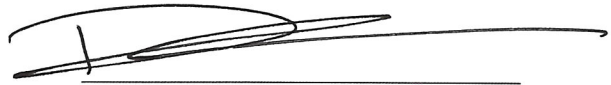
- **Triple Tree PER (Preliminary Engineer Report) Infrastructure Funding for Drinking Water** – Engineer Koon asked, if the Town wanted him to seek infrastructure funding dollars right now. Mayor Leeper responded, to Engineer Koon; that the PER needs to be in place before going further.

Next Town Council Meeting scheduled Tuesday, February 20, 2024. February will resume back to the Third Tuesday Each Month.

ADJOURNMENT: Council Member Stuart made a motion to adjourn the meeting at 7:55pm. Council Member McLure seconded the motion. All yeas. None opposed. Mayor Leeper concurred.



Gail Leeper, Mayor



Robin Wight, Town Clerk-Treasurer