

MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF
CONRAD, COUNTY OF PONDERA, STATE
OF MONTANA, HELD AT CONRAD CITY HALL
ON SEPTEMBER 20, 2022

The City Council of the City of Conrad, County of Pondera, State of Montana, met in regular session at the Conrad City Hall on September 20, 2022, at 6:00 p.m.

Present: Mayor Miller, Aldermen Breeding, Cates, Schoenrock, and Hunsucker, Finance Officer Ritter, Chief Padilla, PWD Zimbelman, City Attorney Jones

Present by Phone: None

Absent: None

Guests present: Agnes Fowler, Terry Diedrich, Daryll Burditt, Ryan & Melissa Vandyke, Tammy VandenBos, Tanner VandenBos, Bryce Watterud, Tricia Patterson, Jodi Habets, Cody Shaw, Robert Bender and David & Angela Thomas

The meeting was called to order by Mayor Miller at 6:00 p.m.

Motion by Alderman Breeding, second by Alderman Schoenrock to approve the minutes as presented from the September 6, 2022, regular meeting.

Motion Carried Unanimously

Claims: Claims 26629-26659 and August 2022 payroll presented to Council.

Motion by Alderman Hunsucker, second by Alderman Cates to approve the claims and August 2022 payroll as presented.

Motion Carried Unanimously

Water Contracts: None

Correspondence: None

Public Comment: A letter was submitted to the Council by the Conrad Park and Rec/Tri-County Cardinals, requesting funding from the Genevieve Rieken Anderson funds (FY22-23) to assist with the cost of installing lights at our local baseball complex. The mayor accepted the letter and noted as a received request of funds.

The City received an award letter for the LWCF Project for the Conrad Splash Park approved by the National Park Service. In addition to the awards letter, a Land and Water Conservation Fund Grant Agreement between the State of Montana and the Subrecipient (City of Conrad) in addition to a Subrecipient Risk Assessment Form were received for signature. The Mayor asked if Council had any comments or questions prior to signing the agreement and assessment form. Questions were asked by an attendee if any additional funding for the Conrad Splash Park was requested. The City is currently waiting on Triple Tree for costs of the project. Cost projections are being done for the flow through system.

Motion by Alderman Breeding, second by Alderman Hunsucker for the LWCF to be signed off by the Mayor.

Motion Carried Unanimously

Finance Officer Ritter met with Jodi Kassner to discuss the Low-Income Home Water Assistance Program (LIWHAP). This program assists low-income families to help pay water/sewer bills both current and past due, as well as late or reconnect fees. Eligible participants could be awarded up to approximately \$265 per year for assistance. Applicants can contact the North Central Area Agency on Aging in Conrad for applications, or applications can be found at liheap.mt.gov. Presently, this is a temporary program through September 30, 2023. Finance Officer Ritter discussed the encumbrance with the billing clerk, and it was deemed participating in this program should not create additional burden. Pondera County is the only County in the area not participating in this program.

Motion by Alderman Breeding, second by Alderman Cates to approve the LIWHAP water/sewer assistance program.

Motion Carried Unanimously

Mayor Miller and Finance Officer Ritter have been discussing a new web design. Fence Line Design reached out to the City about updating the City website. Finance Officer Ritter met with Lacie Vermulm of Fence Line Design and discussed the needs and desires for the City website. The estimate is +/- \$1,000, but Fence Line Design is willing to work within the City budget. The only request by City officials is for the City to be able to upload agendas and minutes and to have some management discretion regarding the website. There is a \$27 monthly fee for the website platform, but Fence Line Design will work to get a promotional discount if paid in advance.

Motion by Alderman Hunsucker, second by Alderman Cates to approve Fence Line Design to work on the City of Conrad's website.

Motion Carried Unanimously

Motion by Alderman Breeding, second by Alderman Schoenrock, to open the public hearing and close the regular meeting at 6:30 p.m.

Motion Carried Unanimously

PUBLIC HEARING:

There was a Zoning Committee hearing on September 8, 2022, at 7:00 p.m. for a conditional use permit request for David and Jane Arends. There was not a quorum due to extenuating circumstances. Spoke with neighbors and no discrepancy. David and Jane Arends want to move a single-wide manufactured home to 612 2nd Ave SE. The lot is already set up for a mobile home but is zoned as a commercial lot. This went to the zoning board committee and has been approved through them. No public comment.

Motion by Alderman Breeding, second by Alderman Cates, to close the public hearing and open the regular meeting at 6:33 p.m.

Motion Carried Unanimously

Ball field lights were approved for Conrad Parks and Rec, Inc in the March 15, 2022, meeting with contingencies. Attorney Jones drafted the

originally proposed Memorandum of Understanding (MOU). There is an issue with the electrical service being sufficient. The updated MOU reads Conrad Parks and Rec, Inc will pay for and upgrade to 300-amp service. Discussion on the responsible party for the upgrade of electrical service. Conrad Parks and Rec, Inc found out that the lights require 320-amp service, that is if anything else is connected to the power. Currently, there is 110-amp service. PWD Zimbelman approximates with discussions with Northwest Energy piping, wiring, transformer, etc. could run between \$9,000-\$10,000. If Northwest Energy trenches in the cost could increase upwards of \$20,000 and create additional repairs. Chris Sullivan could bore it in at approximately \$7,500, for a total of \$17,500. Each pole gets a wire, which requires an electrician. Northwest Energy will be installing the light poles for free. This work will be done on off work time hours, making time of the essence. Local electricians could donate to assist in the electrical. MMIA Insurance suggested to include language that any contractor used is licensed/bonded and carries workman's Compensation Insurance. City Attorney Jones clarified as to be bonded/insured sufficiently and have the City listed as the insured. Conrad Parks and Rec, Inc was not aware of the power upgrade needed and made the point if we are donating a six-figure project to the City, we would like if the City would assist in the cost. As far as moving forward, the Legion building has power issues. There are power failures. A business donated a deep freeze and the outlet failed and ruined the contents of the freezer. An upgrade will probably need to be done in the short term. PWD Zimbelman does have money in CIP. The hope is Conrad Parks and Rec, Inc could pay the \$7,500 and City could pay the remaining or if Conrad Parks and Rec, Inc is a recipient of any of the Genevieve Rieken Anderson Funds, that could be used. The MOU needs the amperage updated. Alderman Cates proposed each party paying a percentage of the costs. Attorney Jones agreed he could make an amendment to the MOU based on each party paying a percentage of the costs. Conrad Parks and Rec, Inc, said Rusty Gunderson is going to do the cement work around the poles and possibly pour the collars ahead of time. Fowler's and Diedrich's want all to know they are not against the lights. Their concern is for their waterline running nearby the fields. Agnes Fowler presented minutes from the City Council meeting on March 15, 2022, which included conditions to be met Conrad Parks and Rec, Inc. She alleged that not all of the conditions had been met as of this meeting. Agnes Fowler also stated that she believed the waterline easement was being interpreted differently than how it was originally interpreted. Attorney Jones stated that he had issued a legal opinion on the matter. He further stated that the language in the waterline easement was very straightforward. It was not an exclusive easement, and the City still had the right to use its land as long as the City's use did not interfere with the use described in the waterline easement. Agnes Fowler suggested that the former City Attorney, Gale Gustafson, interpreted the waterline easement differently. Attorney Jones stated that Agnes Fowler was wrong in her understanding, and he offered to have Gale Gustafson co-sign Attorney Jones' legal opinion if Agnes Fowler preferred a second legal opinion.

Agnes Fowler asked if the City had received a map of where the lights would be located. The City at this time has not received a map of the light placement. Ryan Vandyke will get a map. Agnes Fowler stated that her 42-year-old water line made of PVC, with PVC connectors, is potentially very fragile and subject to damage if the lights are placed too close to the waterline. Fowler's and Diedrich's don't want to be liable for making

repairs to the waterline for damage caused by the installation of the lights. They are requesting a lifetime warranty in the areas where the light poles will be installed near the water line. Both parties want to come to an agreement that is best for all involved. Attorney Jones stated that a lifetime warranty would need to be done by amending the water line easement. The MOU on the table is between the City and Conrad Parks and Rec, Inc. A new easement/agreement would have to be done for the Fowler's & Diedrich's. The one-year warranty for Conrad Parks and Rec, Inc would begin as soon as the lights are operational, but the lights warranty carries forward for 5 years no matter who owns them. Once the lights are donated and operational, and after the one-year warranty, if something happens to the water line because of the light poles the City would be liable pursuant to the water line easement. However, Fowler's and Diedrich's would have to prove that the light poles were the cause of the issue.

Alderman Hunsucker stated a Lifetime guarantee for a 42-year-old line is not reasonable. Attorney Jones brought up a 20' radius from the center of three of the poles in question (2 North, 1 West). Conrad Parks and Rec, Inc is good with accepting liability for one-year after the poles are operational. However, if Parks and Rec, Inc. is liable for repairs it should be able to choose its own contractor (which would be licensed and bonded and MMIA approved). A separate agreement would have to be done for the time period after the one-year warranty expired. The City will offer a seven-year warranty after the 1 year from Conrad Parks and Rec, Inc.

Motion by Alderman Breeding, second by Alderman Schoenrock to approve the Conrad Parks and Rec, Inc MOU with updates to the following: MMIA insurance requirements; changing to 320 amp; changing the one-year warranty to only encompass 3 light poles for a distance of a 20' radius from center of pole; and the City paying up to \$10,000 of the electrical upgrade (Genevieve Rieken Anderson funds are excluded), and a new easement/agreement would be done for Fowler's and Diedrich's as in section vii of the MOU.

Motion Carried Unanimously

Discussion on conditional use permit for David and Jane Ahrens.

Motion by Alderman Hunsucker, second by Alderman Schoenrock to approve conditional use permit pending unconditional recommendations from the zoning committee.

Motion Carried Unanimously

Other business: Finance Officer Ritter presented with a quote from American Legal Publishing for codification. The estimate for codifying Ordinances 415-425 is \$500-\$750 (+S/H). It was also noted from American Legal Publishing they are missing Ordinances 411 and 412 and this will affect final billing. Finance Officer Ritter will get the missing ordinances sent in the morning.

The office staff has been working hard on record retention. A quote was received from Stericycle, Inc for shredding documents. The pickup charge is \$289.00 and an additional \$9.89 per container. Alderman Breeding and Schoenrock gave other company suggestions, and we will get quotes from them.

Executive Session: None

Other Business: None

Items to appear on next agenda: Water Contract, Amended easement for Fowler's and Diedrich's.

Motion by Alderman Breeding, second by Alderman Hunsucker to adjourn at 8:22 p.m.

Motion Carried Unanimously



Mayor

Jamie Miller

Attest:

Heidi Putter
Finance officer