

The regular meeting of the Town Council was held January 9, 2023 in the Council Chambers at 6:30 pm. A review of claims took place at 6:00 pm.

Mayor Roni Phillips

Councilors: Kelly Dillon, Wanda James, Shirley Iwata, Thomas McCloskey, Stephanie Quick,
Bessie Spangler

Clerk Brenda Schneider

Rodney Goins, Public Works Superintendent

Scott Dodd, Fire Chief

Andy Short, County Planner

Sherriff Ryan Funke

Citizens: Sherry Goins

There being a quorum present Roni Phillips, Mayor, called the meeting to order. Roni Phillips Mayor, asked for additions/corrections to the minutes of the December 12, 2022 regular meeting. Kelly Dillon made a motion to approve the minutes of the December 12, 2022 regular meeting; Wanda James seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-aye, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye.

CORRESPONDENCE

PUBLIC COMMENT

Mary Jo Berry contacted the Town about parking the new DAV Van in the lot next to the town offices. They are going to have two vans now due to the number of vets needing medical care in Missoula and Helena. They have room for one van that they park in the county building, but not enough room for the second van. They are expecting to get the second van by June. Parking the van by the town offices would not be a problem, but the town would need to be able to access the van to move it during fire training exercises that are conducted in the lot next to the town offices.

COUNCIL REPORTS

Wanda James read the December Animal report. All is well in the Superior Animal.

Stephanie Quick read the December Water report. All routine sampling and testing completed. Staff were advised that the parts to repair well #1 are in. We are still waiting to hear from the contractor with the date for repairs to be made.

Shirley Iwata read the December Court report. 5 initial appearances, 10 omnibus hearings, 1 Change of Plea, 1 Status Hearing, 1 appearance. Disorderly conduct, Seatbelt violation, and Improper passing in not passing zone. Ryan Funke, Sheriff, reported that there were 4 felony charges in December in Superior. Ryan Funke reported that Mike Toth deleted all records from his duty phone and computer prior to leaving office. Sheriff Funke is working with the AG office. Sheriff Funke is working with Attorney Lance Jasper to meet the requirements set by the Judge regarding the Writ of Mandamus. Sheriff Funke is looking at a grant application for a new CAD system. The mold and mildew found in the Offices of the Sheriff and Undersheriff is being taken care of.

Kelly Dillon read the December Streets report. Snow removal equipment has been deployed in high gear! Roadways have been plowed and graveled and are checked on a daily basis. Staff continues to gravel high traffic areas and school bus routes routinely. Several alleys were plowed by request. During the latest snow event, the end loader broke down and is currently out of service yet again. Western States Cat has been given all the information and sent a technician out

the run tests on our machine. It appears that the loader is having internal engine issues very similar to the issues we have had repaired in the not-so-distant past! Rodney Goins reported that Western States Cat is going to replace the head gasket at no cost to the town. Council discussed replacing the loader, leasing a loader for winter plowing, or purchasing a dump truck to replace the loader. All options will be researched. Rodney Goins talked about planning to enclose the remaining bays in the Mullan Road Shop so that all the equipment is in a heated building.

Thomas McCloskey read the December Parks report. The parks are still a winter wonderland.

Roni Phillips read the December Fire Department report. 197 Emergency Calls during 2022 (compared to 170 in 2021 and 91 in 2020)

21 Emergency Calls in December (4 EMS, 3 FIRE, 14 Traffic)

2 Trainings and 1 Department Dinner

12-2 Traffic, Slide off MM55 I 90 in the median

12-04 Fire, Structure Fire at 182 Peters Flat

12-05 Traffic, ON Star Crash Notification, (UTL) Cedar Creek

12-05 Traffic, Vehicle in median MM47 I 90

12-09 Medical, Unresponsive male So Fork Nemote Creek

12-09 Traffic, Vehicle Vs Deer MM57 I 90 East bound

12-10 Traffic, Vehicle Slide off MM61, UTL

12-11 Traffic/Medical, Vehicle VS Elk MM63 I 90 East Bound

12-12 Medical, Unresponsive male, 23 Peters Flat

12-14 Traffic, Vehicle Spin out, MM43 I 90 West Bound

12-19 Traffic, Vehicle in median, MM56 I 90

12-20 Fire, Chimney Fire, 720 Elk Lane

12-20 Traffic, MVC Guard Rail, MM62 I 90

12-20 Traffic, MVC involving 3 Tractor Trailers, MM57 I 90 East Bound

12-22 Traffic, MVC/Slide off, MM61 I 90 East Bound, UTL

12-23 Traffic, MVC, MM53 I 90

12-24 Traffic, MVC/Slide off, MM57 I 90

12-25 Fire, CO Alarm in Residence, 2861 Dry Creek

12-27 Traffic/Medical, MVC Two Vehicle, Town Pump

12-29 Medical, Assist Ambulance, 1858 Quarts Loop

12-30 Medical, Lift Assist, Commons Apartments

12- 07 CPR Renewal for Medical Units

12-13 CPR/ First Aid for Firefighters, West End Fire and Community Participants

12-27 Training on 'Truck Checks' new format.

Annual Holiday dinner was held on Dec. 16th. Was well attended. Celebrated the retirements of both Chief Temple and Engineer Ken Quitt. They will both be missed.

19 Firefighters on the current roster

Hard month. Not only did Temple and Quitt both retire, but FF/EMT Pugh announced his resignation as well. Recruitment will be a focus in the coming months.

With Chief Temple's retirement now effective, I have begun the full transition as the new Chief. I hope there won't be much lag, but some, I am sure. We are facing some issues with the State PERS Retirement on previous record keeping and correct filing. Temple has promised his full support to help me rectify this as best we can and thanks to a clarification from the State, the record keeping and annual filing will be much better going forward!

Bessie Spangler read the December sewer report. All routine sampling and testing are completed. Staff conducted approx. 1 locate request for the month. Staff were called by Superior Septic to assist with a plugged sewer line at the old Hilltop Motel property. Staff checked the town sewer main on Johnson loop which was found clear of obstructions. Superior Septic was unable to clear the line. Roto Rooter from Missoula responded. After several attempts and practices the line was cleared and flowing again. It appears their service line had frozen during the extreme cold

weather which the owners were made aware of. The Clerk read a letter from Governor Gianforte announcing that the Town of Superior has been awarded a Community Development Block Grant (CDBG) in the amount of \$750,000 for installing headworks and replacing the aeration system at the wastewater (sewer) treatment facility.

COUNCIL CONCERNS

Thomas McCloskey reported that Rachel Ryan of the Forest Service is working on grants to improve trails. The trail to Heart Lake is one that would be improved. Rachel is asking for letters of support. Thomas McCloskey will email the sample letters of support to the Clerk. A letter will be prepared.

Thomas McCloskey reported that Diane Magone may ask the town for a letter of support for grant application for a Rails to Trails project that would connect the trail between Tarkio and Crystal Springs. He stated that Diane may attend a future meeting regarding the request.

UNFINISHED BUSINESS

DEVELOPMENT STANDARDS

Council discussed the information received from Thomas Orr, Town Attorney regarding the development standards being considered by the Council. What the Town is proposing appears to be zoning. Whether they call it “development standards” or something else, these standards appear to fall under the category of zoning. Mont. Code Ann. Section 76-2-301 states: “For the purpose of promoting health, safety, morals, or the general welfare of the community, the city or town council or other legislative body of cities and incorporated towns is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.” The Town Attorney opinion is that the Town could get itself in trouble, or at least a lawsuit if its only ability to regulate land development is exercised by council on a case-by-case basis relative to water hook ups. Council discussed establishing zoning in the town and it will entail a much longer discussion and a lengthy process of adoption of a zoning code. The Committee meets prior to the Council meeting February 13, 2023 at 5:30 pm. The Clerk will contact the Attorney to find out if he can attend the meeting.

GENERATOR WELL #3—ADVERTISE FOR BIDS

Rodney Goins has prepared a bid specification for a backup generator for Water Well 3 and is requesting Council approval to advertise for bids. The bids will be for the installation of a 3 Phase 90Kw propane generator at our well 3 site and should include and be not limited to the following;

- The installation of the generator, outdoor enclosure, and automatic transfer switch
- prep, frame, prepare, and pour the concrete pad
- Make appropriate alterations to the chain link fence at well 3
- Provide start up services, initial load testing, and owner training.

Council discussed the request. Thomas McCloskey made a MOTION to approve advertising for bids for a backup generator for Water Well 3; Wanda James seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-aye, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye. The Clerk will prepare and publish the call for bids notice.

TRANSPORTATION ALTERNATIVES PROGRAM

Council discussed applying for a Transportation Alternatives Program grant application to install sidewalks. Discussed locations to start. The Town could do the project over a period of years as the program is every two years. The grant applications are detailed and include design information and the state recommends having an engineer prepare the application. The estimated cost for the Engineer to prepare the application is \$8500.00. There is a 13% match required for the grant. The TAP program now has a \$5000 grant to help prepare the application. Andy Short commented that it would be two years before the match would be needed. Wanda James made a MOTION to approve having RPA, Engineers prepare a Transportation Alternatives Program Grant application and approve Mayor signing agreement; Shirley Iwata seconded. MOTION passed 5 ayes, 1 nay, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-nay, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye. The Town has \$10,000 budgeted for the 50/50 sidewalk program. We do not have any active applications at this time. Thomas McCloskey made a MOTION to reallocating \$3500 of the 50/50 sidewalks budget line item to Engineering for preparing the Transportation Alternatives Program grant application; Kelly Dillon seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-aye, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye.

NEW BUSINESS

ELECT COUNCIL PRESIDENTS

The Council is required by the Charter to elect a Council President every January. Currently Kelly Dillon is 1st Council President and David Hubler was the 2nd Council President. Shirley Iwata made a MOTION to elect Kelly Dillon as 1st Council president and Wanda James as 2nd Council President; Thomas McCloskey seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-aye, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye.

MUTUAL AID AGREEMENT WITH SUPERIOR RURAL FIRE DISTRICT UPDATE

Council discussed the Mutual Aid Agreement updated Mutual Aid Agreement between the Town of Superior and the Superior Rural Fire District to include the new section regarding the Rural District reimbursing the Town for the costs of the stipend for the Battalion/Deputy Chief Josh Pecora. The new section is No. 8. There are no other changes in the agreement. Kelly Dillon made a MOTION to approve the updated Mutual Aid Agreement between the Town of Superior and the Superior Rural Fire District; Shirley Iwata seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-aye, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye.

STREET BANNERS

The Town purchased new Holiday Banners last year that are currently displayed around the center of town. Now that the Holiday season is over, Council discussed the flag street banners that were purchased in October 2017 as they are extremely brittle and coming apart, only 4 or 5 are worthy to be put back up. Council discussed taking the Holiday Banners and holding rods down and leave them empty until next Christmas. Discussed hanging the 4 old ones back up on River Street. Discussed purchasing 18 new Banners from the vendor, Street Décor.com. There are a variety of non-Holiday designs to choose from with some personalization options. The company rep states that any of the options for a 30x60 banner are \$95 each. The shipping would be \$125. Total estimate for the new banners is \$1835. Thomas McCloskey made a MOTION to

approve purchasing the street banners and have office personnel pick them out; Shirley Iwata seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-aye, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye.

BACKHOE PLATFORM BASKET

Rodney Goins, Public Works Superintendent requested approval to purchase a backhoe platform basket to be utilized in conjunction with the new backhoe and front forks set up. He stated that Public Works had to construct a home-made one to install the electrical conduit in the shop for the charging station for the new sweeper. It fit on the forklift but would not meet required safety standards!! We recently had to hire a contractor to assist with the installation of the new Holiday Street banners and brackets around the center of town. We will again require the use of a man lift to change or remove the Holiday Banners in the very near future. There is also a need to perform future planned projects including the remaining work to finish the charging station at the shop. Future tree pruning around town and in the parks. Any roof work or elevated projects around town that can't be done off a ladder such as gutter cleaning, painting, or building repairs. Kelly Dillon made a MOTION to approve the purchase of a backhoe platform basket up to \$5,000; Shirley Iwata seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-aye, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye.

LEGAL

CLERKS BUSINESS

Prepared minutes.
Updated Utility customer accounts as needed.
Prepared and mailed utility bills.
Posted daily receipts and made daily deposits.
Prepared and mailed past due and remaining balance utility letters.
Transmitted and posted the ACH utility payments.
Prepared and mailed final UB customer bills.
Prepared Agenda and Notes from the Clerk.
Uploaded Agenda to website. Posted Agenda.
Prepared and delivered council packets.
Prepared claims and checks.
Prepared payroll and monthly, quarterly and annual reports.
Prepared monthly Tax vouchers and receipts.
Uploaded checks to the Wells Fargo positive pay as part of the fraud protections.
Updated software.
Updated Website
Grant searches.
Updated Agenda Subject Index
Uploaded Minutes to website.
Completed cash reconciliation for SVFRA.
Prepared Cash reconciliation and financial reports.
Work with HRC and CDBG on HRC building project and grant.
Prepare Oath of Office for Bessie Spangler.
Administer the Oath of Office for Bessie Spangler.
Submit the Oath of Office to the Mineral County Clerk & Recorder.
Ordered nameplate for Bessie.

Submitted MT VEBA paperwork to the State.
Emailed Town Attorney the development standards information and questions.
Prepared and submitted the Water line lead questionnaire to the State
Prepared and posted JV transfer funds from Water R/D to Water Operating for backhoe purchase.
Added new backhoe to the insurance.
Prepared SVFRA 1099R annual worksheet.
Prepared and mailed SVFRA 2022 1099Rs
Prepared and, mailed and distributed 2022 1095B and 1094B.
Prepared and mailed annual letter requesting reimbursement from Rural Fire District.
Set up employee folder and paperwork for Town Judge.
Set up folders for Fire Chief and Battalion/Deputy Chief.
Prepare and posted JV transferring funds from General Fund to Pool CIP per MOU.
Receipted and posted reimbursement from Superior Rural Fire District.
Prepared and submitted 2022 W2's online with SSA and State.
Prepared and submitted 2022 state withholding annual report.
Prepared and submitted 2022 1099 NEC forms on line to State and mailed forms to IRS.
Work with new Fire Chief.

CONSENT AGENDA

Kelly Dillon made a MOTION to approve the Consent Agenda as presented, Town Claims 37051-37109, December Cash reconciliations, December Financial reports, December pledged securities reports, December Journal and UB Vouchers, and December Budget reports; Shirley Iwata seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-aye, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangler-aye.

ADJOURNMENT

There being no further business before the Council Thomas McCloskey made a MOTION to adjourn until the next regular meeting February 13, 2023; Shirley Iwata seconded. MOTION passed 6 ayes, 0 nays, 0 abstain, 0 absent. Roll Call: Thomas McCloskey-aye, Kelly Dillon-aye, Shirley Iwata-aye, Wanda James-aye, Stephanie Quick-aye, Bessie Spangle-aye.

Roni Phillips, Mayor

Attest:
Brenda Schneider, Town Clerk