

**TOWN OF DRUMMOND
REGULAR TOWN COUNCIL MEETING**

11/19/2024

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

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

PUBLIC IN ATTENDANCE: Calvin Wight; and Jason Crawford, representing Triple Tree Engineering.

GUEST COMMENT: None

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

MINUTES:

October 15, 2024 Regular Town Council Meeting

Mayor Leeper asked for a motion to approve the October Regular Town Council Meeting minutes. Council Member Clute made a motion to approve the October Regular Town Council Meeting minutes. Council Member O'Dell 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.

ACTION ITEMS:

RESOLUTION NO. 2026-18 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DRUMMOND, MONTANA TO APPROVE THE NORTHWESTERN ENERGY CUSTOMER AGREEMENT NOTIFICATION #340200068

Mayor Leeper asked for a motion to waive the reading of Resolutions 2024-18 Council Member McLure made motion to waive the reading of Resolution 2024-18. Council Member O'Dell seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

Mayor Leeper asked, if the Council had any further questions or discussions in regards to Resolution 2024-18 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DRUMMOND, MONTANA TO APPROVE THE NORTHWESTERN ENERGY CUSTOMER AGREEMENT NOTIFICATION #340200068, Council Member O'Dell asked, regarding power poles at the wastewater treatment facility upgrade project if lines could

be placed underground. At which the Council and Engineer Crawford discussed at length to pros and cons of placing those utility lines underground verses the use of power poles above ground. The Council agreed placement of underground lines would be at a greater cost to the project, with its own set of risks.

Mayor Leeper asked for a motion to approve of Resolution No. 2024-18. Council Member O'Dell made motion to approve Resolution 2024-18 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DRUMMOND, MONTANA TO APPROVE THE NORTHWESTERN ENERGY CUSTOMER AGREEMENT NOTIFICATION #340200068. Council Member McLure seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

RESOLUTION NO. 2024-19 A RESOLUTION TO AUTHORIZE SUBMISSION OF WRDA (WATER RESOURCES DEVELOPMENT ACT) SECTION 595 FUNDING APPLICATION TO ASSIST WITH FUNDING OF TOWN OF DRUMMOND'S WASTEWATER TREATMENT IMPROVEMENT PROJECT

Mayor Leeper asked for a motion to waive the reading of Resolutions 2024-19 Council Member McLure made motion to waive the reading of Resolution 2024-19. Council Member Clute seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

Mayor Leeper asked, if the Council had any further questions or discussions in regards to Resolution 2024-19. Mayor Leeper and the Town Council discussed, there could be minor changes to the draft letter provided by Engineer Koon; and if the council would grant approval for the signing of the letter for WRDA Grant Funding, once those revision are completed.

Mayor Leeper asked for a motion to approve of Resolution No. 2024-19. Council Member McLure made motion to approve Resolution 2024-19 A RESOLUTION TO AUTHORIZE SUBMISSION OF WRDA (WATER RESOURCES DEVELOPMENT ACT) SECTION 595 FUNDING APPLICATION TO ASSIST WITH FUNDING OF TOWN OF DRUMMOND'S WASTEWATER TREATMENT IMPROVEMENT PROJECT. Council Member Clute seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

Mayor Leeper asked for a motion to approve signing of the WRDA Grant Funding Letter, once revisions were completed. Council Member McLure made a motion to approve Mayor Leeper sign the WRDA Grant Funding Letter, once revision was completed.

Attorney McGill interjected, so long as there are only minor changes; that any contractual changes such as numbers, would require coming back before the Council for approval.

Engineer Crawford, further explained the letter drafted by Engineer Koon is ready for signatures this evening; it was left as a draft, only should the Town want changes.

With that, Council Member McLure removed her motion from the table. The original letter presented with Reolsution2024-19 was accepted and signed.

MAYOR'S REPORT:

- **Planning Board** – Claire Bloom did a conservation easement that adjoins the Veitor Property. The conservation easement is 2,482 acres. Mayor Leeper provided the planning board information regarding the easement to the Council for their review, along with the Planning Board Minutes from the last several meetings, should they so choose to review them.

- **Montana Municipal Government Online Training Course** – Mayor Leeper provided an overview of the Municipal Online Course that both Clerk/Treasurer Wight and herself are taking; as well as, the benefits and information available from this course. Expanding the six-week online course has weekly reading assignments, with a test at the end of each week, as well as the cohort groups that you are instructed to correspond with weekly as part of the assignment. These cohort groups are set up by the educator to ensure no quorums are formed, as not interfere with proper noticing of a quorum.

Mayor Leeper expanded, there are a couple housekeeping items we haven't been doing, that from this class we will implement.

Clerk/Treasurer Wight interjected this class is for all Elected Officials, as well as Clerks and Treasures to assist in performing our jobs better.

These online courses were paid for independently and not associated with the Town coffers.

There are continuing education credits available the first time the course is taken. However, you can retake the course as many times as you would like.

- **CBDG Housing Grant Application** – Mayor Leeper informed the Council, Attorney McGill would speak to this item. The information has been turned over to the Sheriff, he will investigate the matter, and then be turned over to the County Attorney.

Attorney McGill commented, the initial report is public information; once, it is under investigation it is under the Criminal Justice Information Act; it is confidential. So, anything we know about this, she urges, we do not discuss it.

Attorney McGill continued; she is really going to urge that no one discusses it. If this comes out in the public and goes to charges, the public is going to want to discuss it, she asked please respond with “no comment.”

This is currently an investigation, and we do not know if there will be charges brought. That is not up to the Town.

Discussion was had between Attorney McGill, the Mayor, Town Council, and Town Employees regarding the importance of not commenting. She further stated, this instruction would go to everyone involved with the Town.

Attorney McGill further noted; should the County Attorney file charges this will be discussed within the Town Council Meeting in an Executive Session, because that is considered litigation which can be done confidentially.

- **Action Inc and Headwaters Meeting** – Mayor Leeper provided the summary report to the Council, should they choose to review it.
- **DES** – Mayor Leeper is working the DES Coordinator, about radar signs for Drummond; one to be placed at each in of Town.

Discussion was had between the mayor and council regarding the need of these signs.

ATTORNEY: Noted above.

PARKS:

- **Fish, Wildlife and Parks Fishing Boat Access Agreement** – Calculations have been

compiled for the last 6 years, showing what the Town has expended for the park; multiply those numbers times 20.

Unfortunately, Council Member Stuart is currently in the hospital. Mayor Leeper feels the importance of opening these discussions, after reviewing the financial numbers.

The Town signed a two-year extension to the original contract for negotiation purposes. Mayor Leeper presented to the Council, the need to begin discussions and not wait for the full two-year extension term before making a decision.

Should the Town decide not to renew a contract with Fish, Wildlife and Parks; their vaulted toilet could be padlocked or they could remove it, which was installed 25 years ago.

Mayor Leeper asked the Council their thoughts as to renewing the FWP Contract, to which the Council were in agreement they did not wish to renew the contract.

Mayor Leeper asked each Council person for the record their response should the contract be renewed.

- | | |
|-----------------------------|--------|
| ✓ Council President McLure: | No |
| ✓ Council Member Clute | No |
| ✓ Council Member O'Dell | No |
| ✓ Council Member Stuart | Absent |

It was asked of Attorney McGill if this decision should be done by motion, to which she responded yes.

Council Member McLure made a motion to not renew the Fish, wildlife and Parks Fishing Boat Access Agreement. Council Member O'Dell seconded the motion. Mayor Leeper asked if there was any other discussion. All yeas, none opposed. Mayor Leeper concurred.

Mayor Leeper stated she wanted to receive Council Member Stuart's feedback on this as well; she doesn't want to speak for her, but she knows she's been on the same path of not wanting to renew the contract.

Further discussion was had; Attorney McGill interjected, suggesting that the Council do not vote on the contract tonight, wait for the park's person be included in the discussion and decision. Placing on the December Agenda; allowing Council Member Stuart be present to make a motion.

Since this is not time sensitive the council agreed to withdraw the motion.

Council Member McLure rescinds her last motion for Fish Wildlife and Parks that the Town not renew the Fishing Boat Access Agreement. Council Member O'Dell rescinds his second.

Mayor Leeper added, we will put this on the agenda for next month.

ROADS:

- **No Parking Sign at 17 A ST** – a No Parking sign has been placed at this location.

Mayor Leeper and Attorney McGill discussed this, prior to the Town Council Meeting; with Attorney McGill asking, if there is a driveway into the garage, which she responded there is not.

Should this be a driveway it would be covered under Title 61; but it is not, it's just a sidewalk. He doesn't have any authority to place no parking signage because this is a public street.

Attorney McGill will draft a letter to be sent; if the signs are not removed then we will proceed forward.

- **Blackfoot Road Repair** – Council Member O'Dell has been attempting to contact Rich for asphalt repair or clean-up prior to snowplowing, with no response.

Mayor Leeper will provide Council Member O'Dell, J.B. Ray's contact information to proceed forward to resolve this.

J.B. Ray requested a punch list at the last meeting.

- **Stop Sign by Fic's & Conoco** – Council Member O'Dell asked a liability question, as to if the stop sign needs to be a break-a-way sign. Mayor Leeper, directed Council Member O'Dell to the State Highway Drummond Contact, Brandon McMahon, regarding his question.

Council Member O'Dell's concern is, could the Town be liable if the signs are not break-away.

Attorney McGill stated, she is not versed to the regulations of stop signs; so, she will not speak to this without looking into it more in depth.

Council Member O'Dell asked who we could bring in on this, since it abuts the State Highway.

Further discussion, led to the lineage on the street and maintenance of such.

Mayor Leeper, will provide Council Member O'Dell, Montana State Highway Drummond's contact, Brandon McMahon's, information after the meeting; to further discuss the stop sign regulations.

FLOODPLAINS:

Floodplain Ordinance – DNRC has sent educational information regarding training for the floodplain mapping ordinance.

Council Member McLure stated, DNRC should be providing the Floodplain Mapping Ordinance Template.

SEWER:

- **Wastewater Treatment Facility Upgrade – Engineer Crawford distributed the talking points of the project**

See copy of said talking points attached hereto as **EXHIBIT 1 A. Wastewater System Improvements Project**

Engineer Crawford spoke of the SLFRF reporting requirements with Clerk/Treasurer Wight clarifying if reporting has been submitted.

Clerk/Treasurer Wight will work with Triple Tree Engineering in supplying the SLFRF information.

- **Drummond Fire Suppression System – SLIPA HB355 Funding**

See copy of said talking points attached hereto as **EXHIBIT 1 B. SLIPA Funding**

These funds have to be under contract by December 31, 2024. The project in total is about \$26,000, which falls under the dollar threshold of the competitive bid process.

Funds have to be expended by end of 2027.

The Town will use the recommendation of the Engineer in securing the contractor for this project as it falls under the complete bid process.

Once the contractor is secured, a thorough contract with full scope and pricing will be drawn.

The Town will revisit this as the need arises, a Special Meeting will be noticed and held should it be needed.

Next Sewer Funding Meeting Conference Call December 11, 2024 at 9:00 AM

- **Sewer Lagoon** – The Lagoon level is at the lowest level that we have seen. Great Divide Septic has helped with maintenance of the inflow at the lift station.

There has been a drought and we have not received moisture. We are unsure as to the decreasing levels; the lagoon is completely lined, there is no evidence of leakage.

The initial sewer project started within the Town, ending at the Lagoon.

To assisting in the low level of the Lagoon, Great Divide Septic will be dumping gray water when they are able, with in-kind consideration to assist the Town with Porta-Potty's.

Further discussion led to leakage; climate considerations, evaporation, as we normally see about 6" inches of snow by now. As well as, less usage due to declined population at the school and an aging population in the community.

Every year it as been observed of the decreasing levels at the lagoon, the Town has not discharged since the lagoon has been slip lined.
Last inspection was two years ago; DEQ will be conducting an inspection on December 5th.

If the lagoon is found in violation; it would be noted, the Town is in the process of moving forward with the final phase for upgrading the lagoon with the current Wastewater Treatment Facility Upgrade.

- **DEQ Floodplain Application** goes to the County. The Town needs to sign as the applicant.

Council Member McLure made motion that Mayor Leeper sign Floodplain Permit Joint Application for the County. Council Member Clute seconded the motion. All yeas, none opposed. Mayor Leeper concurred.

CITY COURT: None

NEW BUSINESS:

- **Council Pay** – Attorney McGill, spoke to Council Member O’Dell’s request to waive his Council Pay.

Attorney McGill will draft a memorandum, that the Council would need to approve.

Clerk/Treasurer Wight put the question of council request to waive Council Pay out on ListServ and that’s what another Town has done. Then it is memorialized, and within the records; at any time, Council Member O’Dell would like to rescind this and start receiving his council pay it’s in the records and he can do that.

UNFINISHED BUSINESS:

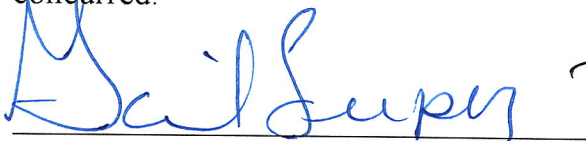
- **Fireworks** – Mayor Leeper requested the Town Hall Meeting; we wait until after the holidays. So, we can send out postcards; ensuring everyone is notified.

The Town Hall meeting to discuss the issue of fireworks will be set at a later date; no decisions will made at that Town Hall Meeting.

Should issues arise with New Years celebrations and fireworks; it will be handled through Law Enforcement, as done in the past.

Next Town Council Meeting: Scheduled Tuesday, December 17, 2024.

ADJOURNMENT: Council Member O’Dell made a motion to adjourn the meeting at 8:15pm. Council Member McLure seconded the motion. All yeas. None opposed. Mayor Leeper concurred.



GAIL LEEPER, Mayor



ROBIN WIGHT, Town Clerk/Treasurer/Paralegal

Drummond Engineering Update

Date: 11/19/2024

A. Wastewater System Improvements Project

DESIGN/DEQ APPROVAL:

- a. Submitted Plans, Specifications, and Design Report to State Revolving Fund/DEQ
- b. DEQ/SRF provided comments
- c. All comments have been addressed
 - i. Jacobs is making the final modifications to the plans, and we will submit.
- d. Expect DEQ/SRF approval in January 2025

FUNDING:

- a. Project Estimate ~ \$8.35 Million (Includes \$670,000 Contingency)
- b. USDA Rural Development Application Submitted
 - i. Working back and forth with funding agency to address questions
 - ii. Preparing environmental reporting
 - iii. Brad talked to RD yesterday and they said the Drummond project is a high priority for funding
- c. CDBG Application
 - i. Submitted application in October 2024 for \$750,000.
- d. US Army Corps of Engineers Section 595 WRDA Funding
 - i. Prepared draft funding request letter for UV treatment and fencing (**Exhibit A**)
 - ii. If approved by the council, please sign, and we will submit to the WRDA representative.
- a. LFR Funding
 - i. We were recently informed that the ARPA Local Fiscal Recovery (LFR) funds need to be under contract or spent by the end of 2024. I believe the Town spent these funds, but it would be good to have documentation of what the funds were spent on if requested by ARPA.



SLUDGE AND LAND APPLICATION:

- a. Working with Shawn Wetsch to identify a location for land application.
- b. Identified a field that looked perfect
 - i. Obtained soil samples, and the nitrates were too high.
- c. Sampled 2 more locations today.
 - i. Shawn has been great to work with and wants to help the Town identify a location.

ESTIMATED SCHEDULE:

- a. DEQ/SRF Approval – January 2025
- b. Receipt of RD Grant Loan Package – January 2025
- c. Find out about award of CDBG funds February 2025
- d. Bid in February 2025
 - i. Can't bid until after notification of CDBG funds is received.
- e. Begin Construction – April 2025
- f. Complete Construction – October 2025
- g. Project Closeout – December 2025
 - i. UV Treatment and Fencing may be completed in 2026

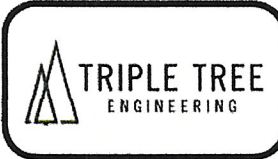
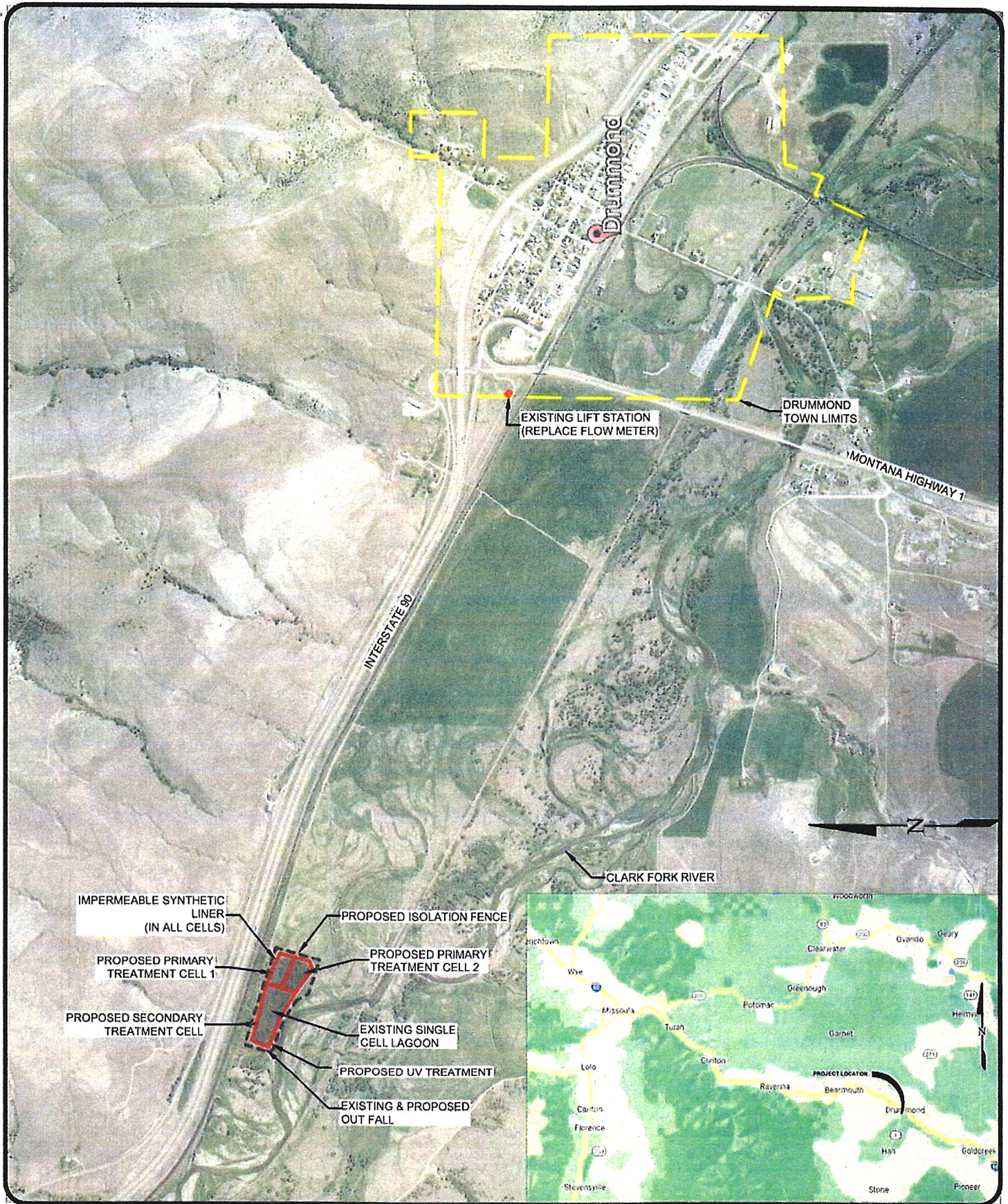
B. SLIPA Funding

- a. The Town of Drummond was awarded \$18,562.50 in State-Local Infrastructure Partnership Act (SLIPA) funds for improvements to the water tank fill system.
 - i. A 25% match (\$6,187.50) is required by the Town
- b. We were recently informed that it is required for the work to be under contract with a contractor by the end of 2024.
 - i. **Exhibit B** includes a draft general agreement for the work with the "Contractor" left blank.
 - ii. Triple Tree will work with a Contractor between now and the Town's December 17, 2024 meeting to get the agreement finalized.
 - iii. We recommend inclusion of the agreement on the agenda for the December 17, 2024 Council Meeting for review by the council to meet the SLIPA Requirement.



EXHIBIT A

WRDA Section 595 Funding Request



DRUMMOND WASTEWATER TREATMENT FACILITY IMPROVEMENTS
 TOWN OF DRUMMOND
 DRUMMOND, MT

EXHIBIT
A



EXHIBIT B

Draft Owner/Contractor Agreement for SLIPA Project

AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR CONSTRUCTION CONTRACT

This Agreement is by and between Town of Drummond ("Owner") and _____ ("Contractor").

Owner and Contractor hereby agree as follows:

ARTICLE 1—WORK

- 1.01 For fire water supply, the Town of Drummond utilizes an existing storage tank that was originally used to fill steam engines for the railroad. The public works director has noted the tank leaks approximately 1,000 gallons every three days and the leak has been determined to be between the pump house and the water storage tank. The project includes replacement of the piping from the existing pump house and the storage tank.
- The specific contract scope of work and contract price will be determined upon completion of the Design.
 - All work will be completed no later than October 31, 2026.

ARTICLE 2—THE PROJECT

- 2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows:

Drummond Fire Water Supply Line Improvements

ARTICLE 3—ENGINEER

- 3.01 The Owner is working with Triple Tree Engineering, Inc. ("Engineer") to perform design, permitting, and limited resident project representative services.

ARTICLE 4—CONTRACT TIMES

- 4.03 *Contract Times:*

A. The Work will be substantially complete no later than October 31, 2026.

ARTICLE 5—CONTRACT PRICE

- 5.01 The Owner and Contractor will agree on the specific scope of work and contract price upon completion of the design by Triple Tree Engineering.

ARTICLE 6—PAYMENT PROCEDURES

- 6.01 *Submittal and Processing of Payments*

A. Contractor shall submit Applications for Payment based on work completed

ARTICLE 7—Not Used

ARTICLE 8—REPRESENTATIONS, CERTIFICATIONS, AND STIPULATIONS

8.01 *Not Used*

8.02 *Contractor's Certifications*

A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 8.02:

1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;
2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

8.03 *Standard General Conditions*

A. Owner stipulates that the General Conditions that are made a part of this Contract are EJCDC® C-700, Standard General Conditions for the Construction Contract (2018), published by the Engineers Joint Contract Documents Committee.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on December 17, 2024 (which is the Effective Date of the Contract).

Owner: Town of Drummond

Contractor: _____

By: _____
(individual's signature)

By: _____
(individual's signature)

Date: _____
(date signed)

Date: _____
(date signed)

Name: Gail Leeper
(typed or printed)

Name: _____
(typed or printed)

Title: Mayor
(typed or printed)

Title: _____
(typed or printed)