

October 11th, 2022

1

TOWN OF WHITEHALL

P. O. BOX 529

WHITEHALL, MT 59759

OCTOBER 11th, 2022

Public hearing on Resolution 2022-16 on Zoning Ordinance updates
ORDINANCE 2022-16

Read by Council Member Linda Jung

AN ORDINANCE OF THE
TOWN COUNCIL OF WHITEHALL, MONTANA,
ADOPTING AMENDMENTS TO CHAPTER 42 - ZONING ORDINANCE OF THE WHITEHALL
MUNICIPAL CODE

WHEREAS, the Whitehall Planning Board has determined that Chapter 42 - Zoning Ordinance of the Whitehall Municipal Code is in need of updating to provide a more user- friendly document, to simplify, and clarify the existing regulations; and

WHEREAS, the Whitehall Planning Board has determined that Chapter 42, Zoning Ordinance is in need of updating for orderly development of the Town of Whitehall; and

WHEREAS, the Town of Whitehall has adopted a growth policy on December 14th, 2009, pursuant to 76-1-604, MCA; and

WHEREAS, the proposed Text Amendments have been properly submitted, reviewed, and noticed, on September 7th, September 21st and 28th, in accordance with Title 76-2-301, MCA; and

WHEREAS, the Planning Board held a public hearing on September 12th, 2021, to receive and review all written and oral testimony on the text amendment; and

WHEREAS, the Planning Board found that the proposed text amendments are consistent with the intent and purpose of the Zoning Ordinance and the Whitehall Growth Policy; and

WHEREAS, the Planning Board made a recommendation to the Town Council to approve the text amendments; and

WHEREAS, the Planning Board held a public hearing on October 3rd, 2022, to receive and review all written and oral testimony on the text amendment; and

WHEREAS, the Town Council found that the text amendment would be in compliance with the Town of Whitehall's Growth Policy and would be in the public interest; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitehall, Montana, that:

Section 1

That the Zoning Ordinance for the Town of Whitehall, be amended per the attached Zoning Ordinance document.

Section 2

The effective date is thirty days after final adoption of this ordinance on second reading. This ordinance shall be in full force and effect on November 3, 2022.

Bridget Morse questions where there is a copy of this reading and marked changes. She asked if it will be online because of the complexity of the ordinance change. Linda Jung informed her that she could pick up a copy at Town Hall if she would like.

Public Hearing on Resolution 2022-17 Vacating the FULL WIDTH OF WEST TERRACE STREET

RESOLUTION 2022-17

**A RESOLUTION TO VACATE THE FULL WIDTH
OF WEST TERRACE STREET ADJACENT TO LOT 1, BLOCK 3 OF THE WEST ADDITION TO THE
TOWN OF WHITEHALL AND TRACT 1, LOT 3 OF M7B TRACT PER BOOK 100, PAGE 155,
DEED 268379, WITHIN THE TOWN OF WHITEHALL, MONTANA**

WHEREAS, Cary and Susan Asel own Tract 1, Lot 3 of M&B Tract per Book 100, Page 155, Deed 268379 in Whitehall, Montana;

WHEREAS, B & L Collins, LLC own Lot 1, Block 3 of the West Addition to the Town of Whitehall in Whitehall, Montana;

WHEREAS, West Terrace Street is located between the Asel property and the B & L Collins, LLC property, with the Asel property situated to the west of the street and the B & L Collins, LLC property situated to the east of the street;

WHEREAS, Asel and B & L Collins, LLC have petitioned the Town for vacation of the entire width of the street between the Asel property and the B & L Collins, LLC property, see Exhibit A with Area 1 being 5,043.3 square feet and Area 2 being 3,811.6 square feet, the proposed vacation is approximately 8,855.4 square feet of right-of-way (the "Right-of-Way");

WHEREAS, Asel and B & L Collins, LLC have proposed that, upon vacation, that the land comprising the Right-of-Way be transferred to each ownership, with Area 1 going to B & L Collins, LLC property and Area 2 going to the Asel property free of charge; and

WHEREAS, The Town of Whitehall wished to have a 20-ft utility easement provided across said properties for the installation, maintenance, and replacement of future utilities; and

WHEREAS, it appears to be in the best interests of the Town and the inhabitants thereof to vacate the Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF WHITEHALL, MONTANA:

Section 1. The Whitehall Town Council wishes to vacate the Right-of-Way and agree that the land comprising the Right-of-Way will be transferred with to B & L Collins, LLC property receiving Area 1 (5,043.8 square feet) and the Asel property receiving Area 2 (3,811.6 square feet), free of charge.

Section 2. The Applicants shall pay to record a quit claim deed, prepared by the Town, for transfer of the Town's interest in the vacated right-of-way to the Applicants. The Applicants are responsible for recording of a quit claim deed, as prepared by the Town, to transfer its interest in the vacated right-of-way.

Section 3. The Applicants shall file the quit claim deeds with the Clerk & Recorder of Jefferson County, Montana. The vacation is effective only upon the recording of the quit claim deeds.

Kory: So, this is the driveway at 605 W Legion and it goes to LaFountaines old house in between IGA and Stageline Pizza. That driveway is a Town road. So, it is just vacating that driveway. In that, did we keep an easement on that?

Allissa: I believe so.

Kory: I didn't hear it in there. We were supposed to keep an easement in case we needed to do a water line through there at a later date. We should keep an easement.

Allissa: I told Jeremy

Pat: It is not in this Resolution.

Kory: So, I think that is really important.

Mary: we can correct that.

Kory: if we ever wanted to do a loop between First street and Legion. Right now it goes down the alley at the Forest Service. So, if we ever needed a water line further west on Legion we are going to want that connection for a loop.

Linda: so, we just need to have another two hearings or another hearing.

October 11th, 2022

4

Mary: Yes, we can correct that and redo it. Because I do think it is important that we do it that way. Thanks for bringing that to our attention Kory.

Bridget: Linda did you read in there that the Collins property was to the East of that because that is what I heard you say.

Mary: Okay, we will need to correct that too.

Pat: yes, it does say the Asel property located West of the street and the Collins property located East of the street.

Mary: very good Bridget thank you for bringing that to our attention. Since we have to redo it anyway, we will make the correction.

The Whitehall Town Council held their regular meeting in the Council Chambers at 207 East Legion Ave, Monday, June 13th, 2022.

PRESENT: Council Members: Katy James, Bill Lanes, Pat Peterson, Linda Jung, Roy McBride, Treasurer Allissa Christensen, and Mayor Mary Janacaro-Hensleigh.

VISITORS: Leonard Wartman, Kory Klapan, Liz Pullman, Bridget Morse, Maxine Samuelson, Amber Wagner, Anslee Wagner, Dana and Kevin Brunett, Jenna McNew, Dave Torgerson

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. AGENDA APPROVAL

Correction to the Public Works new hire Scott Petterson to temporary hire.

Bill motioned approval, Roy seconding

Motion carries unanimously

V. APPROVAL OF MINUTES

Katy motioned approval, Pat seconding

Motion carried unanimously

VI. PRESENTATIONS

none

VII. REPORTS

Mayors Report:

Mayor Mary: I will keep mine short and sweet because there are some of us that aren't feeling very well. I hope everybody had a nice 3-day weekend. I was very happy we didn't have the meeting last night because of my Kansas City Chiefs. They beat the Raiders by one point and it was an excellent game. This is kind of a quiet time of year. Town Hall is all decorated for the Fall Festival which

October 11th, 2022

5

is on the 22nd. You might notice that Town Hall Tilly the scarecrow is out there waving at everybody. On the 20th we have a DES meeting at 10am. On the 19th we will have the regular TIF board meeting. At the end of the month on the 24th we will have a forum in Boulder and on the 27th there will be a forum here in Whitehall.

Attorney Report:

No Report

Clerk / Treasurer's Report:

Allissa: Court has been busy we are up to 128 cases so far for the year. I have turned in County ARPA Applications and I have a meeting on Thursday with Leah Lewis to discuss. Todd came in on the 19th and we worked on bank recs and in his opinion everything looks good. We are almost ready to turn in a trail balance to the Auditors. I was gone the 28th through the 30th for my grandma's funeral so I apologize if anyone came in during that time. I want to thank all of the donors for the raffle basket that I put together for the League Conference I went to last week. The 4th through the 7th in Kalispell. Usually, these baskets raise enough money to provide 2 scholarships to send two clerks to the conference in May but we raised enough money for 4. Now I am on the scholarship committee, I don't really know what that means. These trainings we go to in May is a week-long. They are crucial. They put a lot of extra tasks on clerks like myself in these positions. So much so that these clerks that are in these positions are now retiring because they don't want to deal with it. Since May, there has been an additional 14 clerks around the state. So these trainings are crucial to the networking and there is so much to this job that it is overwhelming sometimes. That clerk conference is in May. I would like for all 3 of us to go, Kennedy, Jessica, and myself. We might need some volunteers to cover the office for a week when that happens. I have been working with Jeremy the planner on getting a deed for our property that is at the school. I am not sure what happened but of course there is no paperwork to prove that we own that land. I am going to have to contact the title company. If anyone knows anybody to contact let me know. November 9th we will have a training here with Dan Clark. He is the executive director with the Montana League of Cities and Towns. It should be really good. Council you should all be there and if anyone wants to attend from the public you are more than welcome.

Public Work's Report:

Kory: we had a pretty busy month really. We had everything blown out once but we do want to go back over the 3 big sprinklers, the park, Whitehall Boulevard, the cemetery and the baseball field. We will probably do that next week. We are going to winterize the pool next week. We did finish filling all of the pot holes with the materials we had. We are officially out of oil but we have come a long way. We got quite a bit done. We finally got our sewer line and our water line pressure tested. I had a meeting today with the engineers on the water treatment plant. It was a more in-depth meeting and was quite interesting how

it's actually going to work. There is a lot to it. Hopefully we have a few more meetings. At the cemetery we had 2 burials and I think that covers it.

Fire Chief's Report:

No report.

Sherriff's Report:

No report.

Commissioner Report:

Leonard Wartman: I hope you like my pink shirt. Every year the County states that October is Breast Cancer Awareness month and because of that we encourage County employees to wear pink on Tuesdays. Allissa, you could call Ginger Kunz at the Clerk and Records office. She is the title person and would be able to help you with that title. There are a couple of things coming up here. There will be a couple budget amendments that you will see. One of them is we did a bond for the Golden Sunlight Mine when the put in a new water system out at the (county) TIF District. That was for some reason the \$950,000 was approved on the Revenue side but for some reason on the expenditure side we didn't include that in the budget so we have to do a budget amendment for that. The bond will be paid back by the (county) TIFD. Then the other one is part of the ARPA stuff. The Jefferson County received \$420,000.00 that was supposed to go to the counties that had some forest land and stuff. It should have been a lot more than that but some folks down in DC got their hands on it and it ended up going to a lot of other local jurisdictions and Indian Tribes so it got loaded down pretty bad. There will be an amendment to take that in. The other major thing that we are looking at is next week at our meeting in Boulder which is going to be in the evening at 6 o'clock at the fairgrounds. We are going to discuss the purchase of the River Restaurant building in Boulder for the Health Dept. The county is restricted to any more than an appraisal. The appraisal is done it came in at \$545,000.00. The guy wanted \$600,000.00 to start with but would have been happy with \$580,000.00. The only offer we can make is the \$540,000.00. He has kind of preliminary indicated that he would consider that. The Health Dept has been looking for a new facility for quite some time now. They have outgrown what they are currently in. The clinic there in Boulder is run by the St. James hospital and they don't have a whole lot of room. They thought about doing a little bit of an expansion but that would not fit their needs and would cost about \$400,000.00. This building would be really good for them. The reservation I have is taking a tax paying business off of Main Street. I hate to see that happen but I also would like to do what we need to do for the county.

Committee / Board Reports:

Planning Board:

See minutes

Recreational Complex Board:

Pool Board:

See minutes.

Trees, Parks and Cemetery:

See Minutes

Water/Sewer/Garbage and Streets/Alley/Sidewalks:

See minutes

T.I.F.F:

See minutes

CTAC:

No meeting

VIII. PUBLIC COMMENT

Kevin Brunet: I have been around for about 19 years. I own a business. Some of you know me and some of you don't. Coming into town on the East on the main drag here. This town is getting to look like a damn junk yard. There is oil all across the street. You can't walk across the street from the bank without trapping your vehicles up. There is no sidewalk left there. So, what happened? Roy? Do you have any comments on what happened?

Mary: no, Roy. there is actually no discussion from the council during public comment.

Kevin: oh, is that how this works? I am just curious of his opinion on what happened.

Mary: and we can get back to you on that but not right now.

Kevin: Get back to me? Okay, I'll look forward to that...

Mary: thank you, Kevin. Any other public comment?

Dana Brunet: I own a business on Legion Street, the Pepper Tree Deli. I had filed a complaint over a camper that was there over the 10-day period. Which when I did this I thought what was I thought was on file for campers to be across the street. I lost business because of it. I came in a filed a complaint that is what the girls in the office told me to do. I just want that brought up. It is either 10-days or its not 10-days. If they are going to park, they need to park the way they are supposed to park not however they want. It also conflicted with the Motorcycle association. They had 10 campers and the person that I had complained about was rude to those people. I don't know if they are going to come back but they do bring a lot of business to our town. I just wanted you to know about that.

Mary: Thank you Dana. Any other public comment?

October 11th, 2022

8

Leonard Wartman: one more thing, I just wondered if any of the council members had made it out to the Western Legacy Center yet? And if not, I strongly encourage people to go check it out. It is a neat place to visit.

Mary: Thank you, Leonard. Anyone else?

Liz Pullman: I messed up. I forgot to put in our street closure for this weekend. I need to close part of Main Street and I was wondering if you guys would be so kind as to approve that after I turn it in tomorrow. I'm sorry the month has gotten away from me. It is for the Trunk or Treat on Main Street.

Mary: Thank you, Liz. Any other public comment?

Katy James: I have a letter to the Whitehall Council and the Mayor in regards to the Jefferson Valley Ambulance District.

Mayor and Council Members,

On the November 2, 2021 Election ballot, we (Whitehall Town Council) put on the ballot for the voters/residents of the Town of Whitehall, asking for their input as to whether or not they were for or against becoming a part of the Jefferson Valley Rural Ambulance District (JVRAD). Results of the election were 181 FOR and 62 AGAINST, and at the next Whitehall Council meeting it was announced and per the recommendation of the Whitehall Town Attorney, it was decided that it was now in the Jefferson County Commissioner's hands.

Since then, no action has been taken by the Commissioner's or the Jefferson County Attorney. It has finally come to light that it is NOT the responsibility of the Commissioner's or the County Attorney, BUT the responsibility of the Whitehall Town Council.

What I would like to propose is that we get it on the next (November, 2022) Council meeting, for discussion. Also, we create a Resolution, just as the Madison County Board of Commissioners did September 21, 2021, and present it to the Commissioners. Please note this is a Town issue not a County issue. Resolving this issue once and for all. Copy of the Madison County Resolution is provided with this letter to the Mayor and Council members this date, Tuesday, October 11, 2022.

Mary: Thank you Katy.

IX. CONSENT AGENDA

Planning Board:

- A. LBS Construction, LLC / business license application / construction/approved.
- B. Kent and Laurie Rathe / development permit application / new structure / 311 W Second Street/approved.

New Temp Hire:

Temp Hire Scott Pettersen

Variance:

Amber Wagner – moving daycare location to 3 Rocky Mountain Dr.

Road Closure:

October 11th, 2022

9

Hannah Forcella 5K on Thanksgiving day 8:00am-12:00pm

Roy motioned Linda approval, Seconding

Maxine Samuelson: May I ask a question? I am just wondering where to road closure is on Thanksgiving Day. It doesn't say.

Kory: I can help answer that.

Maxine: okay come up here Kory.

Kory: Last year we closed Main Street in between Legion and the alley by Ace Hardware. Once the race started it was kind of a rolling road closure. We have a couple people help and I help. The only street we really close is Main to Second and then maybe Division temporarily traffic stopped. It is not actually a barricaded closure. It's just for the mass of people. The only closure there really is where it is actually barricaded closed is Legion to the Alley. The others will just be a temporary closure.

Mary: Thanks Kory for clarifying that.

X. UNFINISHED BUSINESS

None

XI. NEW BUSINESS

- A. Council determination on Resolution 2022-18 budget amendment for 2021-2022 All-purpose fund and Playground CIP.

Pat motioned approval, Linda second.

Allissa: Does everyone understand this?

Roy: Did we not budget for this?

Allissa: I did the expected revenue but I accidentally, I'm glad Leonard brought it up because I'm not the only one doing this but I forgot to include the expenditures. Just to be transparent with auditors and the public. Sorry! I messed up. Fire me if you want.

Katy: We will just take your lunch break.

Motion carries unanimously.

- B. Council determination on Resolution 2022-16 Zoning ordinance updates.

Linda motioned approval, Pat second.

Motion carries unanimously

Pat: Just for everyone's information this is the ordinances that were read earlier.

- C. Council determination on Resolution 2022-17 to vacate West Terrace Street.

Bill Motioned Tabling until we have another hearing, Pat seconding

Motioned carries unanimously

D. Council determination on TIF budget for FY 22-23.

Roy motioned approval, Pat seconding

Motion Carries Unanimously

E. Council determination on revoking Resolution 2020-10, giving Planning Board authority to review Business licenses. Business license review will bypass Planning Board and go straight to Council.

Roy Motioned approval, Linda seconding.

Pat: Right now, you do a lot of pre approvals on business licenses. The town council will still have to vote on those right?

Mary: Yes, everything still has to go through town council.

Linda: so instead of having 3 checks we have two

Mary: Correct.

Roy: just makes it easier

Motion Carries Unanimously

XII. BILL/CLAIM APPROVAL LIST TO BE SIGNED BY ALL COUNCIL MEMBERS

Roy motioned approval, Katy seconding

Motion carried unanimously

XIII. ADJOURN

Pat motioned to adjourn, seconding

Motion carried unanimously

Mayor Mary Hensleigh

Date

Town Clerk Treasurer

Date

October 11th, 2022

11