Harlowton City Ordinance Committee Minutes

October 12, 2021

Harlowton City Library Conference Room

6:00PM

**Minutes:** Minutes from the September 28, 2021 Ordinance Committee meeting were approved with the correction of 10/14 to 10/12.

**Public Comment:** None

**Business:**

1) Frank asked Karen if the Floodplain document was ready for review. Karen stated that she wanted to wait until after the discussion with the ladies from the DNRC. She stated that there were only a few things to be done to create a ordinance to adopt sections of the DNRC document by resolution. Karen stated that the document that she would draft could go straight to the Council for review. Discussion took place regarding the documents for sub-division, certificates of survey and the floodplain. Jack stated that the documents had been held up because the fees were unclear. Karen stated that the document for the inter-local agreement was different from the floodplain document. She stated that Paul has a copy of the draft regarding the fees. Karen stated that she talked to Lynn Grant regarding the inter-local agreement document but that she needs to talk to him regarding the City/County Planning Board and making sure that the City is represented during the decision making process. She needs to send a letter to Lynn Grant.

Discussion took place regarding the fees and “double charging”. Karen stated that the City needs to charge the applicant in order to then turn around and pay the County who would pay Page for her services.

Frank asked what the “quickest way” to get the floodplain document drafted. Karen stated that creating a document with the “whereas” parts in place and presenting it to the Council for review with the phrase “all future changes will be adopted by resolution” included.

Traci Sears mentioned the 1981 Floodplain Ordinance that the DNRC has on record from the City. Mayor Paul Otten stated that the City has no internal record of these documents. Karen stated that the minutes at the time of the passing of the document do not record anything regarding the Floodplain Ordinance. Because of this, it is to be assumed that the document was not approved properly. Committee member Allison Jones asked when the fire (at Biegels Bar in 2013) was and that maybe the documents were destroyed at that time (there was water damage in City Hall due to the fire).

2) Karen stated that she had done some research regarding past agenda items. For the Fire Pit Ordinance, Karen stated that “open burning” in containers is not legal in the State of Montana except under DEQ standards. Burning cardboard is not legal because the ink and glue can be toxic. Discussion took place regarding Loco Creek and if the City or County was responsible for managing the open burning. Loco Creek had been annexed into the City. According to Karen, the new ordinance states that people wanting to do open burning must contact the County/Fire Department for permission. The County should be following DEQ standards.

Discussion took place regarding what is City versus County.

Karen also stated that she had researched the long-term parking of vehicles on City streets. State regulations state that a vehicle cannot be parked in one spot for more than 5 days. Discussion took place regarding specific situations around town. The Sheriff’s department would need to issue citations.

3) Traci discussed the DNRC template for the Floodplain Ordinance. Jack stated that it seemed that all the documents (the City’s as well as the DNRC template) had the same information but the order and format were different. The DNRC document also seemed to have more. Traci stated that the DNRC document had been created with FEMA so that FEMA would accept the terms. Discussion took place regarding the City’s document and what would need to be done to make it compliant with FEMA standards.

4) Regarding the Decay Ordinance, Paul stated that the last City Attorney, John Hesse, said the document was not legally enforceable. Karen stated that it would be necessary for the City Council to enforce it. There would be a process of enforcing. First notify people of the offense, then later initiate action if not complied with. She stated that the definition of “community decay” and “nuisance” were vague. Discussion took place regarding why the ordinance was not enforced in the past. Karen stated that everyone would have to be treated fairly and equally and that the Sheriff’s department would need to uphold the ordinance standards. She also stated that the Council would need to get involved. Paul stated that the existing ordinance would need to be reviewed again and possibly revised. Karen stated that it would need to be revised to include the term “whereas” in order to be legally done. Karen also stated that a public meeting should be done to get community input.

Items on the next Meeting’s agenda include:  
Continued discussion of the revised Fire Pit Ordinance

Discussion of Public meeting regarding the Decay Ordinance revision

Meeting adjourned at 6:55pm.

Committee Members present: Allison Jones, Jack Runner, Frank Brouillette

Committee Members absent: none

City: Paul Otten, City Attorney Karen Hammel, Lara Brisco, Bob Schuchard

Sheriff’s Office: none

Public Present: Tiffany Lyden and Traci Sears from the DNRC

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Frank Brouillette , Committee Chair Lara Brisco, City Clerk-Treasurer