

A regular meeting of the Harlowton City Council, held March 12, 2019 opened at 7:00 pm with the Pledge of Allegiance. Minutes of the February 26, 2019 council meeting were approved as written.

Council member John Anderson asked if the claim issue with Tena Keller had been resolved. Frank Brouillette explained that he had talked with Tena but no resolution has been found. The claim for \$490.80 does not have anything to do with the Wheatland County Chamber of Commerce. Kathie explained that the chamber had provided her with a copy of their paid invoice. Kathie will contact Tena and try to get resolution to the issue.

There was no public comment.

A draft letter explaining that the Harlowton City Council is requesting an amendment to Lance and Shirley Shuchard's 25 acre lease was reviewed. Ian explained that since the last council meeting another situation has arisen with the wetland's project involving this lease. Low level heavy metal contamination has been found in one of the areas of the roundhouse clean up. As there is no heavy metal contamination land-farm available in Montana, all those contaminated soils would need to be hauled to an approved sight out of state. This would greatly decrease the funds available to use directly on the clean-up project. DEQ may allow the City of Harlowton to land-farm these contaminated soils directly on sight if the council approved that process. The second item on the lease amendment is to allow this land-farming on a 1 acre piece of land within Schuchard's lease. Charley Bennett asked how long does it take to land-farm the diesel contamination out of the soil. Ian responded approximately two years. Ron Teig made the motion to allow DEQ to use city owned land as the land-farm and to send the letter of proposed amendments to the Schuchards. Frank Brouillette seconded the motion. Motion passed unanimously.

John Anderson reported that the library roof has been leaking extensively. Ian informed the council he had been to the library to check it out. With the heavy snow load and warm temperatures melting the snow, there isn't much he can do about it at this time. John Anderson asked if rather than reroofing the flat roof, could a pitched roof be installed. Frank commented that with a pitched roof the only place for run-off to go would be on city hall and the museum building. The city has applied for \$12,000 from the Bair Family Foundation, and will be applying for \$12,000 from the Callant Family Foundation for the library roof. In addition the Community Facilities USDA grant application for \$36,000 for the library roof is also getting worked on. If funding can be secured a new roof membrane will be installed on the library this coming summer.

Frank Brouillette reported for the Ordinance Committee. The committee met immediately prior to the council meeting. Karen Hammel was not in attendance and the sheriff's office representative had some questions regarding the proposed snow removal ordinance that the committee could not answer. The first reading of ordinance 2-2019 will not be ready for the council meeting tonight. Resolution 2019-03 will also be postponed until Karen can be consulted regarding the questions. Discussion regarding if the city could be responsible for all city sidewalks (not personal entrance sidewalks) plowing was held.

Research will be done on funding an additional employee or sub-contracting such services. Attendee Brian Power asked what happens to any excess funds if there is a minimal snow plowing year? Kathie explained the money is in a separate fund and yearly the council is responsible for reviewing assessments and costs and could lower the next year's assessment if they deemed it necessary.

Travis Jacobson of the Muir Division of the Winnicook Ranch informed the council that the fence boarding their property and the golf course and landfill are in a state of disrepair. They are offering to replace the fence with 5-strand barbed wire. They would do the work and the city would be responsible for material costs. It is estimated that materials cost about \$3,500 - \$4,000 per mile of fence. The landfill has approximately .51 miles of fence and the golf course has approximately .41 miles. Paul commented that the golf course would be responsible for the fencing along their portion. Discussion regarding walk-through gates on the golf course section ensued. Travis commented that the work on the fence wouldn't commence until late summer 2019. He was informed to contact Ian Reed when they were ready to work. John Anderson made the motion to accept Travis Jacobson's offer that in exchange for material costs, he would provide the labor to re-fence the .51 mile portion of fence along the city landfill. Ron Teig seconded the motion. Charley Bennett had reservations regarding spending money on fencing the landfill when there were still issues with resident having water in their basement. After further discussion motion presented passed unanimously.

Resolution 2019-02 A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS was read. Kathie noted that the resolution number had been left off the document and would be corrected. Ron Teig made the motion to approve Resolution 2019-02 as corrected. Frank Brouillette seconded the motion. Motion passed unanimously.

The first reading of ordinance 2-2019 was removed from the agenda as per the ordinance committee's recommendation.

Resolution 2019-03 was removed from the agenda as per the ordinance committee's recommendation.

Paul informed the council that Bryan Tomlinson had submitted the required documentation missing from his petition to de-annex and that Karen Hammel had not provided direction on the next steps yet. Jim Kalitowski commented that he thought the council had agreed to not allow the de-annexation. Kathie explained that as it is a formal petition to de-annex, Karen Hammel should provide direction on the appropriate steps to take.

Paul requested that the council consider allowing the cancellation of the May 28, 2019 council meeting as Kathie had requested time off. Kathie commented that if the council chooses to have the meeting, Deputy Clerk Debra Davis could take minutes. Frank requested that the agenda item be discussed closer to that date and if there were pressing issues to deal with the deputy clerk could take minutes.

Jim Kalitowski asked if the minutes of the council meetings were submitted to the Times-Clarion. Kathie commented that in the past the Times-Clarion was not interested in printing the city council minutes and has not requested the minutes lately.

Public Works Director, Ian Reed reported that there is a conference call regarding Biegels Bar and Brownfields clean up funds on Wednesday March 13. The USEPA Region 8 representative has indicated they are not recommending Brownfields clean up as the contamination levels are not high enough to warrant it. More information will be known after the conference call.

There have been frozen city water service lines to a few locations in town due to the frost lines moving deeper than normal. Residents in areas that have been known to freeze have been asked to keep their water running in order to help mitigate the situation. Office staff have gathered the names/address of the locations that are running water to prevent freezing. Council is in consensus to charge these residents the same usage as February. Frank B. commented that a constituent (Elizabeth Ruark) had contacted him regarding her large bill. She had a personal water issue in February and was asking if the city would forgive some of the bill. Paul informed him that no that wouldn't be possible but if she contacted the city office, payment arrangements could be made. Ian explained that all of the usage she was billed for had gone through her meter, therefore it is billable. The person who fixed her issue was witnessed to have backfilled the personal lines in the yard with backfill that contained snow and was frozen. Ian informed them that if they didn't run water their line would freeze again because of that.

Ian again expressed concern regarding the Travis Schuchard lease at the old lagoon and the temporary gate that has been placed across the cattle guard. City staff are having to get out of the vehicle and negotiate the gate/cattle guard situation. This is putting staff at risk of injury. The horses on this property are in need of food and water and are not the property of the leasee. Council requested Kathie to draft a letter to Travis Schuchard addressing the subletting issue and status of the animals on the property.

Ian informed the council that there may be a high likelihood of flooding again this year and as the rail bed deteriorated last year (west of town on Klock's property), flooding could get to the actual roundhouse that is leased out to Peters Inc. and contains bulk fertilizer. He stressed to the council that the city would be held liable for any damages caused by leaking/flooded fertilizer as the city is allowing the property to be used in such a manner.

Ian presented information from Wharton Asphalt for paving 3 blocks of A Ave SW/NW. Their bid is \$95,400 which includes curb and gutter. This is less than the previous bid from Precision Paving and the city has used Wharton Asphalt for many other projects in Harlowton. Kathie will check on the bidding process required by Montana code. Ian was wondering if it has to be an RFP process or can he gather three bids for the council to choose from.

Jim Kalitowski asked Ian how the millings on 4th Street NE behind the motel are holding up. Ian commented that it was chip sealed as well and as there is not heavy truck traffic on that street it is holding up fine.

Frank asked if the pool leak had been figured out yet. Ian will contact Thompson Pools to see if they can give him suggestions on how to find the leak. John Anderson asked about the heavy snow load on the winter pool cover. Ian suspect more straps broke under the weight of the snow.

Mayor Paul Otten informed the council that one of the candidates for the pool manager position is his daughter, so he will be recusing himself of all duties regarding interviewing, and supervising the pool if his daughter is chosen as the pool manager. He will appoint a council member to be the supervisor of the pool if his daughter becomes manager.

Larry Callant will be in town the end of March. The city will need to submit their requests for grant funds. Kathie will put together the request to include funds for the Milwaukee Railroad grounds survey, fencing by the landfill, library roof, continued pool support, pet project and recycling.

Paul informed the council that Peters Inc. has requested to not annex into the city. They have submitted a letter requesting until July 1, 2019 to continue on city water to allow them time to get their water lines dug in without dealing with the cold weather/frost/frozen ground. Frank asked why we couldn't just let them continue on city water. Ian reminded him that the city has not allowed that for many years and Kathie mentioned that if a utility user is not within city limits, and the utility use is governed by ordinances, people living outside of the city limits may not be required to follow ordinances. Council consensus was to leave water service to Peters Inc. until July 1, 2019 and then sever the connection. Paul informed the council that Mr. Wayne Gentry had submitted another letter to the city. John Anderson informed the council he had also received a copy of the same letter and that he believed Richard Eggebakken had also received the same letter. Mr. Gentry is again concerned about the conduct of the city council; however, it is unclear what exactly the issue is. His letter was hard to understand. Kathie suggested a response in writing be sent to Mr. Gentry to try to address his concerns as best as possible. Karen Hammel will be consulted in how to best respond to Mr. Gentry.

Next council meeting will be March 26, 2019 at 7:00pm at the Harlowton City Hall. Lease subletting will be on the agenda.

Charley Bennett made a motion to pay the claims, checks #21851- 21874, from February 23, 2019 through March 8, 2019. Ron Teig seconded the motion. No further discussion was had. Motion passed unanimously.

Charley asked if Paul had heard anything further from the Family Dollar store. Paul indicated he had not heard anything from them. Ron commented that he saw on the internet that Family Dollar was closing close to 400 stores nationwide. Others had heard that too but also heard that an additional 600 stores were opening nationwide as well.

Meeting adjourned at 9:01pm.

Council Members Present: John Anderson, Charley Bennett (via phone), Frank Brouillette, Jim Kalitowski, Ron Teig

Council Member Absent: Rob Elwood

Employees Present: Ian Reed

Paul Otten, Mayor

Kathie Newland, Clerk