

A regular meeting of the Harlowton City Council, held June 11, 2019 opened at 7:00 pm with the Pledge of Allegiance. Minutes of the May 14, 2019 council meeting were approved as written.

There was no public comment.

Mayor Paul Otten updated the council on Biegel's Bar. Paul had left a message for Steve Olson, owner of Biegel's Bar, regarding getting ownership transferred to the city in order to proceed with Brownfields clean-up. Paul has not heard back from Mr. Olson yet.

There was no library report.

Rob Elwood reported that the 2<sup>nd</sup> reading of ordinance 2-2019 will take place later in the council meeting. A 1<sup>st</sup> reading draft domestic livestock ordinances will be ready at the July 9<sup>th</sup> ordinance committee meeting. A 1<sup>st</sup> reading draft traffic control ordinance will be ready at the July 9<sup>th</sup> ordinance committee meeting.

Charley Bennett reported that the pool was open and running. Pool manager Jesi McKeever is compiling a list of items the pool needs. Resident Susan Beley offered to write a wind impact grant for needed supplies and equipment for the pool.

Ian reported that the tree board and employees of Invenergy will be planting trees at the Chief Joseph Park on Wednesday June 12, 2019 at 9:00am.

Ron Teig reported that the wetlands rail trial committee has not heard about when exactly the next stage of clean-up on the railroad property will begin. Ian thought it would be August before the 3<sup>rd</sup> phase of clean up starts. The area needs to dry up quite a bit before work can be performed. DEQ has contracted with someone already to perform the work.

Paul explained that he had issued an emergency proclamation in the form of Resolution 2019-06 regarding suspected asbestos contamination in the roundhouse building leased to Peters Inc.. On the advise of TetraTech Technologies, DEQ, and SMDC the roundhouse was posted with "No Entrance without proper PPE" and "No Trespassing/No Entrance" signs and the building was secured from the general public's access. Lessee's Shawn and Jennifer Peters were in attendance at the council meeting. Both indicated that their business sustained considerable financial loss due to the closure as they could not access their product (fertilizer stored in the roundhouse) or use their equipment in the building. John Anderson asked why TetraTech was there assessing the buildings. Ian explained that as part of the city's attempt to clean-up the roundhouse/rail yard area, the city had requested assistance from Snowy Mountain Development Corporation (SMDC) through their access to the Brownfields Assessment grant funds. The first phase of getting funding to clean up contamination areas is to be assessed for contamination. Ian had requested the assessment at least three years ago. Ian commented that definitive results from the assessment were hoped to be available by Friday June 14, 2019. Shawn Peters asked

what policing powers did the city have to shut-down the building. Attorney Karen Hammel responded that the city acted to limit its liability and possibly limit damage to the general public's safety. Additional discussion ensued. It was explained to Shawn and Jennifer that decontaminating the equipment owned by Peters Inc currently in the roundhouse, could be done at no cost to them. SMDC had received permission to use Brownfields funds to pay for that. A certified asbestos abatement company could be available as early as mid-next week to perform the task. Draft resolution 2019-07 regarding termination of Peter's lease was handed out. Rob Elwood motioned to table the resolution until definitive asbestos testing results were received. Frank Brouillette seconded the motion. No further discussion was had. Motion passed unanimously.

Resident Bryan Tomlinson had presented the city council with a petition to de-annex from the city in order to be able to have a private septic system on his property located in the Van Cleeve Addition Block 12 as the city does not have a wastewater line to the lots. Ian presented information from research he had been doing regarding private septic systems within city limits. He had found that according MT subdivision rules, if city services (wastewater) are within 200 feet of a property, a septic permit will not likely be issued to a landowner, unless the cost to do so is prohibitive, which has been indicated to be three times more expensive than installing a private septic system. Ian believes that the nearest wastewater connection is within the 200 feet stipulated. Ian had provided two quotes that he had received concerning extending the city's water and wastewater lines to supply services to not only Bryan Tomlinson's property but also to Rick Reese's property (next item on the agenda). Bryan Tomlinson made the offer to trade the closure of the ally that runs through the middle of the 18 lots (Van Cleeve Addition, Block 12, Lots 1-9 & 16-24) for easement across his other property (not within city limits) to extend 6<sup>th</sup> Street NE through to the county road (Old Gap Road). Jim Kalitowski made the motion to look into the option of a land trade of the ally that runs between the 18 lots of Van Cleeve Addition, Block 21, Lots 1-9 and 16-24 for easement through his county property to extend 6<sup>th</sup> Street NE through to the Old Gap Road. Frank Brouillette seconded the motion. Motion passed unanimously. Karen Hammel will look into the process that would need to be taken to execute this exchange. Bryan Tomlinson's petition for deannexation was rescinded.

Quotes for extending the city water and sewer services to Van Cleeve Addition Block 11 Lots 13-24 for current owner Rick Reese were presented. Mr. Reese had assumed that city services would be available to his property and had already constructed a new building on the property. Ian explained that if the city extends services in excess of 50', DEQ must give approval to the city for the extension, which means the project would need to be engineered to certain specifications. In the past the city has required the property owner to pay for extending the services to their property lines. If, in the future there are any other connections to that part of the mains, the new users would be required to reimburse Rick Reese a portion of the costs. Ian also explained that currently there is a council imposed no well-drilling moratorium in effect for all property within the city of Harlowton due to the fuel plume issues identified within Harlowton which was recommended to be put into place by DEQ. Mr. Reese feels the quoted costs for connection are too high. Rob Elwood made the motion to table the discussion regarding connecting Rick Reese to the city's utility services until further research could be done. Ron Teig seconded the motion. Motion passed unanimously.

The second reading of ordinance 2-2019 ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, AMENDING CHAPTER 9.16 OF THE CITY OF HARLOWTON

MUNICIPAL CODES CONCERNING THE REGULATION OF SNOW AND ICE REMOVAL WITHIN THE CITY LIMITS, TO ADD SECTIONS TO ADDRESS PARKING ON CITY STREETS WHEN SNOW ACCUMULATION EXCEEDS TWO (2) INCHES, TO PROVIDE FOR PERIODIC RESOLUTIONS BY THE CITY COUNCIL FOR SNOW REMOVAL GUIDELINES AND TO PROHIBIT THE PLACEMENT OF SNOW OR ICE ON PUBLIC STREETS AND OTHER PLACES was held. Charley Bennet made the motion to approve ordinance 2-2019 as written. Jim Kalitowski seconded the motion. No further discussion was held. Motion passed unanimously.

Ian reported that the 4<sup>th</sup> phase of the water main replacement project has been well funded by grants. Bidding for the project has been held up by some missing paperwork required for some of the grants. It is hoped the project will start later this summer and be extended into spring 2020. Ian reminded the council that this is phase 4 of 7 or 8 expected phases.

Ian reported that there was a water break today on A Way / A Avenue SE. The line they have patched is in extremely poor condition. Ian would like to include replacement of this line in the 4<sup>th</sup> phase of the water main project if possible. The area that was dug up is in an area that past council presumably gave to the property owners located in A Way. Ian informed the council that they would have to research and discuss the situation of easement, and access to a new water line in the area.

Ian indicated street patching is being performed. John Anderson asked who is responsible for maintaining the road that goes to the FWP fishing access south of Harlowton. Ian indicated the city is responsible for maintain that road.

Paul informed the council of a street closure request presented by Jodi Tierney of Mid Montana Insurance for June 28. The item could not be voted on as it was not included on the agenda; but Paul wanted the council to know about the request. It will be included on the next city council agenda.

Next council meeting will be June 25, 2019 at 7:00pm at the Harlowton City Hall. Further discussion regarding cancellation of Roundhouse lease, ally exchange for easement, extending city utility services, and street closure will be the agenda.

Ron Teig made a motion to approve prior reviewed and accepted claims, checks #21956-21966 from May 10, 2019 through May 24, 2019. These claims had been previously approved by at least four council members and the mayor. This was due to not having a council meeting on May 28, 2019. Charley Bennett seconded the motion. No further discussion was had. Motion to accept previously paid claims passed unanimously.

Frank Brouillette asked about claim 17046 to Lewistown Ace Hardware. Ian explained it was for mower parts and local stores no longer carry parts for the mower the city has. Frank Brouillette made a motion to pay the claims, checks #21967-21992, from May 25, 2019 through June 7, 2019. Ron Teig seconded the motion. No further discussion was had. Motion passed unanimously.

Meeting adjourned at 9:24 pm.

Council Members Present: John Anderson, Charley Bennett, Frank Brouillette, Rob Elwood, Jim Kalitowski, Ron Teig

Employees Present: Ian Reed

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Paul Otten, Mayor

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Kathie Newland, Clerk

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