

March 12, 2024  
Harlowton City Hall

A regular meeting of the Harlowton City Council was held on March 12<sup>th</sup>, 2024. The meeting opened at 7:00pm with the Pledge of Allegiance.

The minutes of the February 27<sup>th</sup> Council meeting were approved as written.

**PUBLIC COMMENT:** Sabrina Alvarez brought forward a complaint about her neighbors' vicious dogs and dog bites that have occurred at her residence. She stated that 3 children and 2 adults have been bitten by her neighbors' dogs. Mrs. Alvarez has filed complaints with the Sheriff's department, and Deputy McKenna has been the only one to issue a citation. She stated that her children will no longer play in the back or front yard, due to the fear of the dogs. Mayor Otten asked Deputy McKenna what could be done about the situation, Deputy McKenna stated that he has received multiple complaints about this residence and the dogs and has now compiled a list of the complaints and is speaking with Attorney Brent Brooks about moving forward with the issue. Councilmember Charley Bennett asked Deputy McKenna if a dog has bitten someone before, shouldn't the dog be disposed of? Deputy McKenna stated that it depends on the severity of the dog bite. Mrs. Alvarez stated that she felt frustrated because the neighbor has already been to court for a previous incident regarding his dogs, and simply paid the fine and nothing further happened. She feels that something needs to be done regarding the dogs, before this situation gets out of hand. The Mayor stated that he feels the Sheriff's department is doing their due diligence for the situation and he hopes she will have some relief.

#### **COMMITTEE REPORTS**

Library: Nothing new to report.

Ordinance: Still have not met.

Pool: Council member Charley Bennett spoke with Cody Nelson regarding the purchase of an AED and had Deputy Clerk Sarah Williams order one. Bennett stated this would be great to have not only the pool, but also the community in case of an emergency. Bennett also informed the Council that the new gazebo will now be moved to the north side of the pool so that parents can watch their children from the gazebo. He also stated that they would like to have two pickle ball courts placed where the old swimming pool was located. Councilmember Roger Kitts asked if the pool staff was going to be trained on how to use the AED, Bennett stated they are already trained on using the AED. Mayor Otten then asked if we had any word on how many returning lifeguards we would have for the summer season, Bennett stated only the 2 managers from last year will be returning, but they do have flyers out and applications at City Hall for anyone interested.

Tree Board: Waiting for the return of Bob Schuchard to schedule the first meeting.

Wetlands Rail Trail: Nothing to report.

#### **UPDATE ON PAST AGENDA TOPICS:**

## **UPDATE ON DECAY ORDINANCE COMPLAINTS:**

City Clerk-Treasurer Lexi Petersen present the council with the newest complaints received from the public. Councilmember Johnny Cooney stated that the violation was within his Ward, and he would get it taken care of. Ms. Petersen then brought forward the complaint about the State Theatre. The Theatre violation was previously discussed at a Public Hearing, and a lot of the community was concerned about the safety of the building. Clerk-Treasurer Petersen stated she has drafted a letter to be sent to the owner and is having attorney Brooks review the letter before it is sent to the owner of the property.

Attorney Brent Brooks then introduced Tina Hoeger, the Billings Code Enforcement officer. She was a Billings Police Officer for 20 years, and the Code Enforcement Officer in Billings for the last 2 years. Ms. Hoeger took the floor and spoke with the Council and gave suggestions on what the City could do to ensure compliance with the Junk & Decay Ordinance. Ms. Hoeger presented a PowerPoint to display what she has done in terms of cleaning up in Billings and ensuring that the community members comply with the City Ordinances. She informed the Council of how she has managed to accomplish her compliance and been able to assist the community members that were in need weather that be housing, or junk removal. Ms. Hoeger, along with City Attorney Brent Brooks strongly encouraged the Council to designate a Code Enforcement Officer for the City and remove the Councilmembers from being the ones enforcing the Ordinances. They both urged that Councilmembers should remain focused on legislative duties and leave the judicial portion to someone who is not an elected official.

Julie Berg and Sabrina Alvarez, both members of the community agreed that they would like to have a Code Enforcement Officer, they feel that they codes are not being enforced enough, and the Sheriffs Department is overwhelmed with other calls that the violations seem to go unnoticed.

Councilmember Frank Brouillette stated that the Council did receive a large list of violations at the previous council meeting, and that Councilmembers assigned to each violation were able to speak with each community member about the violations. He doesn't agree with the idea of having a code enforcement officer, if speaking with the community members resolves the violations. Councilmember Roger Kitts also stated that if they would like to address the violations from a community aspect, rather than as a Municipality to see if there can be resolution.

Sabrina Alvarez stated that this issue has been going on for years, and she would really like to see progress being made. Deputy McKenna suggested that we submit documentation to the Sheriff's Office as a paper trail, to ensure that proper follow-up is being done for the current violations. McKenna also reiterated to the Council that the Sheriff's department is very busy and understaffed. Unfortunately, Ordinance violations would not be considered a priority among other cases they are working on.

Brad Berg asked the Council what the timeline for compliance is for the current violations. Frank Brouillette stated that they have 30 days to comply.

Mayor Sandra Jones from Roundup strongly encouraged the Council to remember that they should remain legislative and not cross lanes into the Judicial realm. She would not want to see a small town in rural Montana get into any trouble, due to not following State Statute. Attorney Brent Brooks followed up by saying he agrees with Mayor Jones, and that was the purpose of Himself and Ms. Hoeger attending the meeting this evening. Brooks stated that the Councilmembers are at risk anytime they have private conversations with community members. The line can become blurred when you are the ones creating a law and trying to enforce it.

**NEW BUSINESS:** No new business.

**PUBLIC WORKS DIRECTOR REPORT:**

Bob Schuchard stated that they did get their road grader back. He let the council know they will also need a new bobcat for snow removal and anticipates it will cost about \$20,000. He also let the Council know that the UV bulbs needed to be replaced, he estimated \$6,000, but the bill came in at \$34,000. He is hoping to speak with someone at the upcoming water meeting to see if there is another place they can purchase the bulbs from for a cheaper price.

**REPORT OF THE CLERK-TREASURER:** Clerk-Treasurer, Lexi Petersen, informed the council that she reached out to Hardrives Construction regarding a quote for the chipseal. She hopes to have the quote back by the next council meeting.

**REPORT OF THE ATTORNEY:** City attorney Brent Brooks has a meeting scheduled with Burroughs attorney to hopefully finalize the sale. He will also be meeting with Deputy McKenna for the dog issues and get he council updated after that meeting.

**SHERIFFS REPORT:** Deputy McKenna stated they are very busy, and understaffed.

**MAYOR'S REPORT:** Mayor Otten stated he recommends that the Council back off speaking with the public until we decide on a code enforcement office.

**CLAIMS:**

Frank Brouillette made a motion to pass the claims. Ron Teig second. The motion passed unanimously.

The meeting was adjourned at 9:08 pm.

Council Members Present: Ron Teig, Charley Bennett, Johnny Cooney, Frank Brouillette, Rodger Kitts

Council Members Absent: None

City Office: Mayor Paul Otten, City Clerk-Treasurer Lexi Petersen Public Works Director Bob Schuchard, City Attorney Brent Brooks, City Deputy-Clerk Sarah Williams

Public Present: Julie Berg, Brad Berg, Dane Elwood, Sabrina Alvarez, Mayor Sandra Jones, Bruce Holland, Deputy Tim McKenna

  
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Paul Otten, Mayor

  
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Lexi Petersen, Clerk-Treasurer