

HARLOWTON CITY COUNCIL PUBLIC MEETING

August 12, 2014

Harlowton Public Library

A regular meeting of the Harlowton City Council held August 12, 2014 opened with the Pledge of Allegiance. Minutes of the July 8, 2014 meeting were approved as written.

The council discussed the increase in Mayor and Council salaries. Tomlinson wanted to attain a public vote, Kalitowski and Teig were in agreement. Anderson questioned how the council would go about that, they discussed having it put on the ballot. Mayor Sell stated that is it the duty of the governing bodies to vote for raises and was not sure the issue could be added to the ballot and would have to research it. Anderson told the council that those he has spoken to in his ward, are in favor of the salary increases. A letter from City Attorney, Jon Hesse was read stating that both the attorney, and the accountant from the Local Government Assistance Program, felt that it was legal to give raises above what the MCA states, due to the wording. Local resident, Randy Colby asked if the council would have a straw poll to those in the audience, council agreed to straw poll. 35 were in favor of salary increases, 5 were against. John Anderson made a motion to raise the Mayor's salary to \$400 per month and increase the Council salary to \$50 per meeting. Ron Teig seconded the motion. Motion passed by a 3:2 vote: Anderson, Jones and Teig in favor, Kalitowski and Brouillette against. Tomlinson abstained.

Existing fireworks ordinance reads: 9.28.020 Unlawful to Set off or Explode Fireworks. It is unlawful for and person, persons, or corporation to set off or explode or cause to be set off or exploded, any firecrackers, fireworks, cap guns or other explosives used as fireworks or explosives, at any time within the limits of the City of Harlowton. 9.28.030 Penalties. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five dollars (\$5.00) and not exceeding two hundred fifty dollars (\$250.00) and cost of prosecution, or by imprisonment in the city jail for a period of not less than five (5) days and not exceeding ninety (90) day, or by both said fine and imprisonment; in case said fine and cost of prosecution are not paid, the offender shall be committed to jail until such fine is paid at the rate of one (1) day for each two dollars (\$2.00) of said fine cost.

In prior work meetings it was discussed to change this ordinance, but action was never taken. The Wheatland County Sheriff requested a change in the ordinance to allow fireworks within city limits July 2, 3 and 4 from 8 am to midnight (12 am). Mayor Sell wants to get the ordinance decided on now, so another Fourth of July doesn't go by without an ordinance in place if changes are desired. Mayor Sell proposed to change the ordinance to read: fireworks be allowed within the city limits of the City of Harlowton July 2, 3 and 4 from 8 am to midnight (12am). Bryan Tomlinson so moved, Teig seconded. Further discussion: Sheriff Rosenberg asked to have it read: barring any county fire restrictions, then fireworks would be banned and councilman Tomlinson asked to add a restriction that people must request permission from the council for special occasions, such as New Year's Eve. The council held another straw poll of the public to

see the response of the proposed changes to the ordinance. 35 were in favor of the proposed changes, 3 were against the proposed change. Tomlinson amended the motion to change ordinance to read: Fireworks will be allowed within the city limits of the City of Harlowton July 2, 3 and 4 from 8:00 am to midnight (12:00 am). If the county is under fire restrictions, fireworks will be prohibited. Any parties wishing to light off fireworks for other occasions not falling on July 2, 3 or 4th must request permission from the Harlowton City Council. Teig re-seconded the motion. Motion carried 5:1; Anderson, Brouillette, Teig, Tomlinson and Jones in favor, Kalitowski against. Mayor Sell told the council that a citizen had written a letter in favor of fireworks within the city limits, and other citizens took it around town, and it came back to the city with 115 signatures.

The Council discussed the Decay Ordinance. Brouillette asked about the citizen who sent an anonymous letter to the city about lawns in violation of fire hazards and wanted to know why the city sent letters, he was under the impression that the public will make complaints and the City Attorney would be sending the letters. Mayor Sell told him that that is the way it has been done in the past by request of our fire department. As for the decay violations, the attorney now wants the city to send an initial letter to those in violation of the Decay Ordinance and if no action is taken, the attorney will then send a second letter. The overgrown lawns fall under both the Decay Ordinance and the fire hazard violations so it was handled as a fire hazard violation, rather than a decay violation.

While gathering information for our bond council, Dorsey and Whitney, it was found that a resolution to modify the base rate and charges for the sewer system, was not recorded in the resolution book. All of the necessary public meetings and publications were handled correctly, the resolution was just never recorded. To satisfy this, RESOLUTION NO. 2014-12 A RESOLUTION TO MODIFY THE BASE ON WHICH SEWER CHARGES ARE IMPOSED AND TO ADJUST THE RATES FOR USERS OF THE SYSTEM needs to be adopted. Kalitowski made a motion to adopt RESOLUTION NO. 2014-12 A RESOLUTION TO MODIFY THE BASE ON WHICH SEWER CHARGES ARE IMPOSED AND TO ADJUST THE RATES FOR USERS OF THE SYSTEM. Jones seconded the motion. Motion carried unanimously.

Resident Jean Hart sent the council a letter asking if the non-compliances, material weaknesses, and single deficiency in the audit report had been taken care of and if the city has responded to the state as required by the law. In response, Mayor Sell read the letter from the Department of Administration State Accounting Division, Jeannie Ryan; Administrative Assistant of the Local Government Services Bureau, dated July 24, 2014. The letter read: Response to FY 2013 Audit. Thank you for notifying us of the actions that have been or will be taken, regarding the audit deficiencies or recommendations contained in the management letter and/or audit report, for the City of Harlowton for the fiscal year(s) ended June 30, 2013. Your auditor, Strom & Associates, Certified Public Account(s), issued that report to you on June 27, 2014. Pursuant to State law, we've reviewed your corrective action plan or response and are notifying you of our acceptance. Hart was in attendance and was satisfied with the response letter.

Headwaters Recycling has sold all of their inventory. The per capita fee is \$4293.65 for the City of Harlowton. Recycle Montana is asking Headwaters to make a donation to Recycle Montana

before Headwaters Recycling distributes the money. Board members of Headwaters have suggested making a \$1000 donation. Mayor Sell does not think we should make a donation because our city has plenty of recycling needs of our own and would like to see the full portion come to our program. The council is in agreement and Jim Kalitowski will speak on behalf of the city to Headwaters Recycling about their decision.

City Superintendent Ian Reed reported that the sewer project is almost half done and has come in under budget by between \$100,000 and \$200,000. With the money saved, the city plans to replace some of the oldest sewer lines in town. The broken power line that was hit has been repaired. The water shut off to the Kiwanis club was due to another water line break and unrelated to the sewer project, the crew has replaced the old line so there shouldn't be any major issues with that line anymore. PEC, the lining company for the sewer project, was waiting on the subcontractor that fell a little behind, and jetted the west end sewer lines at no cost to the city while waiting for the subcontractor to catch up, this saved the city around \$20,000. The crew has also been out getting caught up on mowing grass.

Items for next meeting: 1. Resolution to accept grant monies from DNRC.

2. Preliminary budget

Jones made a motion to pay the bills, checks #19224-19234 and checks #19248-19262. Teig seconded the motion. Motion carried unanimously.

Next meeting will be held August 26, 2014.

Council Members Present:

Ron Teig
Bryan Tomlinson
Joe Brouillette
Jim Kalitowski
John Anderson
Bob Jones

City Employees Present:

Ian Reed

Jeff Sell, Mayor

Jayne Colby, Clerk