

Harlowton City Council Minutes  
January 8, 2019  
Harlowton City Hall

A regular meeting of the Harlowton City Council held January 8, 2019 opened at 7:00 pm with the Pledge of Allegiance. Minutes of the December 11, 2018 council meeting were approved as written.

There was no public comment.

John Anderson reported that the library will be installing additional security cameras located by the back door of the library. Donations for after school snacks for the kids have been received – both monetary and actual snacks. There are usually 15-25 kids each day after school at the library since the after school program (21<sup>st</sup> Century Grant) was discontinued.

There was nothing to report for the street and alley committee.

Rob Elwood reported for the Ordinance Committee. The committee met immediately prior to the council meeting. Attorney Karen Hammel was ill so was not able to attend the ordinance committee meeting. Rob hopes that the final draft of the dog ordinances will be available for first reading at the next regularly scheduled council meeting. Discussion regarding the current (2015) snow removal policy was held. An ordinance will be written regarding snow removal policies being set by resolution. The committee will proceed on to discussing traffic, parking and speed limit ordinances. They hope to combine these codes so they are more intuitive and clear. The second reading of Ordinances 1-2018 through 7-2018 will be read tonight as per the agenda.

Shawn Peters addressed the council regarding Peters Inc. receiving city water services but not being annexed into the City of Harlowton. The City had sent him two letters requesting he provide them with a timeline for getting the annexation process completed. Before proceeding with annexation, Shawn would like to know what types of restrictions would be on the property if it was annexed into the city and what would the added taxes be to him for being annexed. Shawn asked about the properties being “spot annexed” out by him (i.e. Rest Area, Rays, Loco Creek, Corral). Kathie explained that attorney Karen Hammel had researched the situation and found that the state (regarding the rest area) had requested annexation pursuant to 7-2-4408. Once the rest area was annexed the other properties were then contiguous to city limits and could be legally annexed. Shawn also asked about other properties in the area that were on city services but not annexed, i.e. Mark Feist (206 Wheatland Avenue S). Ian explained that most of the properties that are on city services but not annexed happened in the 1940’s and 1950’s and thus grandfathered in. Since about the 1970’s (per Ian’s research through the City of Harlowton’s council meeting minutes) it has been the city council’s policy to only allow utility services to properties that are in city limits or will be annexed into city limits. Discussion regarding the city’s current livestock ordinances and the possible effects it would have on future plans for Shawn’s business proceeded. Rob explained that the ordinance committee will soon be working on the livestock ordinance and Shawn’s concerns will be taken into account. Ordinance variances for 4-H, Wheatland County Youth Fair and FFA projects could be applied for if it becomes an issue. The City will gather

information regarding the increased taxes/assessments that Peters Inc. would incur being annexed and get that information to Shawn. Ian indicated that a typical cost for connection to city services is \$800.00 and the land owner pays for the cost from the nearest main to their building.

Council discussion regarding Bryan Tomlinson's request to de-annex from the city were held. Karen Hammel had provided information to the council that there was missing information from the petition (request to de-annex) that need to be included per MCA 7-2-48. Ian clarified that the property owner has historically been responsible to pay the cost of extending the services from the current mains to the property requesting the service. In this case it could be a possibility that more than one property owner would want to be on the new services lines thus reducing the cost per property owner. Discussion regarding drilling a private well within city limits was held. DEQ had requested a moratorium be placed on well drilling within the city due to the known fuel plume issues which to date are not resolved. Council discussed if de-annexation was allowed for Tomlinson there are likely more properties in that area that would want to de-annex for similar reasons. As the petition for de-annexation was missing information no council decision was made at the meeting.

Second reading of ordinance 1-2018 ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, AMENDING CHAPTER 1.04 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING PASSAGE OF ORDINANCES, TO REPEAL SECTIONS THEREIN. was held. Rob Elwood made the motion to approve ordinance 1-2018 as written. Ron Teig seconded the motion. No further discussion. Motion passed unanimously.

Second reading of ordinance 2-2018 ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, REPEALING CHAPTER 1.12 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING THE SOCIAL SECURITY SYSTEM. was held. Ron Teig made the motion to approve ordinance 2-2018 as written. Rob Elwood seconded the motion. No further discussion. Motion passed unanimously.

Second reading of ordinance 3-2018 ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, REPEALING TWO CHAPTERS IN TITLE 2 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING NOMINATION OF CANDIDATES AND REGISTRATION OF ELECTORS. was held. Frank Brouillette made the motion to approve ordinance 3-2018 as written. Ron Teig seconded the motion. No further discussion. Motion passed unanimously.

Second reading of ordinance 4-2018 ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, REPEALING CHAPTER 3.08 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING ISSUANCE AND SALE OF REVENUE BONDS. was held. Ron Teig made the motion to approve ordinance 4-2018 as written. Jim Kalitowski seconded the motion. No further discussion. Motion passed unanimously.

Second reading of ordinance 5-2018 ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, REPEALING CHAPTER 5.36 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING FRANCHISES. was held. Ron Teig made the motion to

approve ordinance 5-2018 as written. Rob Elwood seconded the motion. No further discussion. Motion passed unanimously.

Second reading of ordinance 6-2018 ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, REPEALING CHAPTER 10.42 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING DRIVING WITH OBSTRUCTED VIEW. was held. Rob Elwood made the motion to approve ordinance 6-2018 as written. Frank Brouillette seconded the motion. No further discussion. Motion passed unanimously.

Second reading of ordinance 7-2018 ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, REPEALING CHAPTER 10.48 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING RADAR TRAFFIC CONTROL. was held. Ron Teig made the motion to approve ordinance 7-2018 as written. Rob Elwood seconded the motion. No further discussion. Motion passed unanimously.

Resolution 2018-11 RESOLUTION APPROVING ANNEXATION OF CITY-OWNED LAND INTO THE CITY OF HARLOWTON was read. It was clarified that the whole of the “industrial park” was included in this resolution not just certain lots. John Anderson was concerned about annexing properties that have over-head fuel storage tanks and thought there was possibly an ordinance restricting such tanks. No one was currently aware of any ordinance pertaining to over-head tanks at this time; however Rob Elwood explained that as the ordinance committee goes through the process of revising and amending ordinances they would watch for such a restriction. Ron Teig made the motion to approved resolution 2018-11 as written. Rob Elwood seconded the motion. Motion passed unanimously.

Ian reported that a traffic mirror has been requested at the corner of A Ave NW and 2<sup>nd</sup> St NW since a solid fence had been placed at that corner by the property owner and thus creating a traffic hazard. He estimates the cost to be around \$500. Council consensus was to proceed with installation. Ian reported that an alternate plan to trying to clean the ditch or extend the culvert by Dennis Tandberg’s residence was to plant trees along a portion of city property currently leased to Lance Schuchard. Trees such as golden willow and cotton-less cottonwood trees use extensive ground water for growth. Ian will contact the district DNRC forester for further discussion on the subject. Paul indicated that the Upper Musselshell Conservation District has volunteered to donate trees for this project if the city prepared the area for planting and maintenance afterwards. Ian reported that the DEQ are proposing rule changes to water regulation to include limits on manganese. The city’s water sources would probably exceed the limits and thus require some sort of filtering system, which would be an additional cost to the city and its water system users. Ian reported that the recent high winds once again destroyed one of the Chief Joseph Park signs despite the staff’s efforts to reinforce the signs and brackets. There are no current plans to replace the signs as continuing to replace the signs seems pointless.

Paul reported that he will be attending the local Leadership 44/53 training classes sponsored by MSU-Wheatland County Extension. He will also be attending MMIA’s Executive Forum on February 13, 2019. The following day is Local Government Day which includes an informal luncheon with the local

legislators, at which he hopes to have Wylie Galt and Ryan Osmundson in attendance so he can discuss local issues with them.

Paul informed the council of a possible threat to the city's HB124 (entitlement share) money. Each legislative year there is the possibility of money being taken from this fund for other uses. These funds are an integral part of the city's general operations. Council requested letters be sent to our local legislators informing them of our opposition to these funds being used elsewhere.

Paul has not heard any additional information regarding the potential sale of the National Guard Armory building.

Paul reported that the Family Dollar chain is still interested in Harlowton for a store location. Recent changes in their corporate office had just delayed plans. They hope to be in Harlowton within the next few weeks to check out available properties.

Next council meeting will be January 22, 2019 at 7:00pm at the Harlowton City Hall.

Ron Teig made a motion to approve prior reviewed and accepted claims, checks #21739-21772 from December 8, 2018 through December 21, 2018. These claims had been previously approved by at least four council members and the mayor. This was due to not having a second council meeting in December 2018. Frank Brouillette seconded the motion. Motion to accept previously paid claims passed unanimously.

John Anderson asked about the community connection fee assessed by the Department of Environmental Quality. Kathie explained each year, DEQ assesses all cities based on the number of water connection that were in place that year. John Anderson made a motion to pay the claims, checks #21773- 21787 from December 22, 2018 through January 4, 2019. Jim Kalitowski seconded the motion. No further discussion was had. Motion to pay claims passed unanimously.

Meeting adjourned at 8:25pm.

Council Members Present: John Anderson, Charley Bennett (via phone), 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