

A regular meeting of the Harlowton City Council, held June 23, 2020 opened at 7:00 pm with the Pledge of Allegiance. Minutes of the June 9, 2020 council meeting were approved as written.

PUBLIC COMMENT

There was no public comment.

UNFINISHED BUSINESS

Mayor Otten updated the council on Biegel's Bar ownership transfer. A conference call was held on June 10, 2020 with Attorney Karen Hammel, Paul Otten, Kathie Newland, Steve Olson, Trish Olson. Karen will work on drafting a document and legal paperwork to transfer ownership that will be submitted to Steve for review.

Mayor Otten reported that he has not heard from Karen Hammel regarding the alley closure for easement exchange with Bryan Tomlinson.

Paul reported that the minutes of the Harlowton City Council have been reviewed from the mid 1970's through present and copies made of any reference to the Tucker Town Sewer District or anyone living in that area. Bob Schuchard also provided cost information on typical maintenance and repair scenarios. From the review of these documents it appears that the county is responsible for the lateral sewer lines, the city is responsible for the main sewer line and individual property owners are responsible from the lateral to their private homes. Mark Feist added that he has continued to do some research on the situation as well. He had discovered that the Harlowton City Council had requested John Crowley (then public works director) to maintain a log of any work that was done by the city on the lateral lines. Kathie will look for any of this documentation that may be at the city hall. Mark recommended that if/when this situation gets resolved that final documents of some nature are recorded with the county clerk and recorder for historical reference. Mark also asked what had been done with the \$2 additional charge that had been assessed to the Tucker Town sewer users for the approximate 40 years this has been going on. Rob replied that those \$2 fees were used to pay for the infrastructure of the lagoon and maintenance through the years. A meeting will be set for July 21, 2020 at 7:30pm at the Harlowton Library Conference Room. The county commissioners, property owners that are currently being charged the "tucker town" sewer rate, and Mark Feist will be invited to attend the meeting as well as a public meeting notice posted.

COMMITTEE REPORTS

Jack Runner reported that the library has been working toward fulfilling the matching grant portion of the Washington Grant. Hardware to upgrade computers has been getting worked on. The Wind Impact Grant will be submitted by the deadline. The Federated Church indicated they will be making a donation to the library.

Rob Elwood reported that the ordinance committee met earlier in the evening. They reviewed section 10.24 of the draft Rules and Regulations Governing Utility Services. Also discussed was the Tucker Town Sewer District and how to proceed with resolving the current issue. Also discussed was if the city had any ordinances or codes referencing building on city easements or property. The next meeting will be on July 28, 2020.

Ron Teig reported that he has been working with Ken Manchester of Pioneer Technical regarding re-seeding of an area of the rail grounds. Kathie Newland reported a survey has been sent to each Concept Plan Steering Committee member by WWC. WWC is awaiting all of the replies before proceeding with the next step of the process.

Bob reported nothing new for the tree board committee.

Charley Bennett reported that the pool has been filled and is heating. A leak in the drain has been discovered and will hopefully be fixed this fall. Chemical imbalances are being worked out and the staff hope to open the pool on Saturday.

NEW BUSINESS

Kelsey Miller and Gary Olson of the Wheatland County Weed District presented information on “adopting” the Smoking Boomer Rail Trail. They proposed installing an information kiosk and boot cleaning station that the weed district would pay for and maintain. They also asked for permission to hold a “Weed Pulling” walk on July 3, 2020. Additional educational items would be available for the walk. They asked for permission to park the MWCA-SC noxious weed education trailer on the city ball field during the fourth of July celebrations. Kelsey informed the council of the WCWD’s future plans. Council consensus was to allow the installation of the kiosk and boot cleaning station and to allow for the parking of the trailer on the ball field during the fourth of July celebration.

The Moose Lodge filled out a street closure request for July 2, 3, 4, 2020 for their annual street dance. Council consensus was to allow for the street closure as written in the request.

Greg Berg addressed the council to ask if E Avenue SE which abuts his property at 420 1st St could be closed and possibly sold to him. At this time the street “dead ends” there and others have been using it to store private property. He stated it is currently unmaintained by either the city, himself or the abutting property owner. His current intent is not to build a structure on it but to clean it up and maintain it. Paul informed him that he would discuss this with the city attorney to get her opinion on the process and/or legality of it.

Rob Elwood informed the council that Harlowton High School Principal Andy Begger had contacted him about water drainage issues on East Division in front of the high school. The school will be working on the drainage issues and asked if the city would pay for a portion as they felt some of the issue was caused by a change in grade caused by the water project a few years ago. Bob informed the council that a change in grade had not been done and the water issue appears to stem more from the school getting re-roofed and installing the roof gutters in a different location. Jeff Sell indicated that while he was mayor the school had been told that they could no longer direct the roof drains into the city’s sewer system. Bob informed the council he had discussed the situation with Andy Begger and believes the issue is resolved without the city having to pay anything.

Jeff Sell addressed the council regarding his property at 411 2nd St NE. He recently started improving the property with a retaining wall and fence. He acknowledged that he knew these structures were on city property but explained that he was just lining these structures up with the adjacent properties. Rob Elwood express his concern about visibility at the intersection if a privacy fence was installed and the height of the retaining wall – which appeared to be about 18 inches.

Jeff noted that there were multiple properties in the immediate area as well as throughout Harlowton that had similar retaining walls and fences and potentially other more serious situations and expressed his concern that if he had to change what he was doing, the city would have to enforce that upon everyone else that was doing it as well. Jim Kaltowski asked if the city had any codes regarding this. Rob explained the city didn't have a code for this but there appears to be a Montana code (7-14-4104) that addresses this. Considerable discussion ensued. Rob indicated that the ordinance committee has been working on updating and improving the city's codes and regulations and that there would have to be a starting point somewhere to start enforcing the city's codes. He is aware there will be considerable backlash. Jim Kalitowski asked if the city would implement building codes. Jeff Sell indicated that he had tried multiple times during his mayoral tenure to implement such things but the public had been against it. In addition during the Sell's property improvement project, the water stand pipe had been damaged making it inoperative. Jeff indicated that his son had offered to come in with equipment to access the stand pipe so the city crew could fix it. This would limit damage done to the property by heavy equipment. Jeff indicated he would revisit the fencing plan and communicate with the city on his intentions.

RESOLUTION 2020-09 A Loan Resolution for USDA-RD (RUS Bulletin 1780-27) was reviewed. Kathie explained that this resolution is written up differently than usual as it is in the USDA-RD prescribed format. Ron Teig made the motion to approve Resolution 2020-09 as written. There were no further comments or discussion. Jack Runner seconded the motion. Motion passed unanimously.

PUBLIC WORKS DIRECTOR REPORT

Bob Schuchard reported that the "4th of July" banners had been put up on Central Avenue.

The Harlowton wells have stopped functioning automatically after the recent planned NWEnergy power outage. The wells have to be manually turned on and the alarm system isn't working properly. A company out of Helena has offered to come and review the system and get it functioning; but as they are unfamiliar with our system it will take considerably longer to familiarize themselves with what we have. The normal contractor (an electrician out of Helena) is too busy to come and get it functioning in a reasonable time frame.

When Do-All Construction was doing service connections along Central Avenue for the phase 4 water project, the sidewalk in front of the State Theater collapsed from the old coal shoot. It will cost approximately \$5,500 to fix the sidewalk. Paul contacted the owner of the building who said he was not interested in fixing it or paying for it. Kathie will check into the process of filing a lien against the property for the cost of fixing the sidewalk.

Bob informed the council that the swimming pool boiler had been turned on and that it normally takes around 3 days for the air to work its way out of the system and the boiler to start operating better.

Bryan Tomlinson had contacted Bob and told him that due to the city taking too long to get the ally exchange for street easement process done he will be blocking that street off.

Bob informed the council that due to recent weather (rain) that Do-All construction was not going to be able to have Central Avenue re-paved before the 4th of July parade.

There are three large trees that need to be removed but the city crew does not have time to get this done. In addition the mowing of parks is getting behind. Rob Elwood asked about contracting out the tree removal and if there was money in the budget for it. He also asked if the city should consider coordinating a parks and recreation department with the county that would have separate staff and funding and be in charge of the parks, pool, campground, the future "wetlands rail trail" area, county operated rodeo grounds etc.. Kathie has researched this in the past but also has not had the time to progress with the process.

Bob asked the council how he is to proceed with future city residents who may attempt to encroach on city property or easements. Paul informed him that he would take care of the situations.

MAYOR REPORT

Paul informed the council that he had reviewed and signed the “SAVE the Pool” Committee’s Wind Impact Grant application.

ITEMS FOR NEXT MEETING

The next council meeting will be July 14, 2020 at 7:00pm at the Harlowton City Hall.

CLAIMS

Charley Bennett made the motion to pay claims, checks #22515-22538, from June 6, 2020 through June 19, 2020. Paul noted that the street light bill from Northwestern Energy was \$2,162.21 which is down from about \$2,800.00 per month. There were no other questions or comments. Ron Teig seconded the motion. Motion passed unanimously.

Meeting adjourned at 8:55 pm.

Council Members Present: Charley Bennett, Rob Elwood, Jim Kalitowski, Jack Runner, Ron Teig
Council Members Absent: Frank Brouillette

Employees Present: Bob Schuchard

Paul Otten, Mayor

Kathie Newland, Clerk