

2023-09-12
Harlowton City Hall

A regular meeting of the Harlowton City Council was held Sept 12, 2023. The meeting opened at 7:00pm with the Pledge of Allegiance.

The minutes of the August 22, 2023 Council Meeting and the Budget Public Hearing Sept 5, 2023 stand approved as written.

PUBLIC COMMENTS: Susan Beley stated she had guests in her manor this weekend and they have an on demand, tankless water heater and she wanted to know what to tell her guests regarding possible lead in the water. Per Mayor Paul Otten, they will be fine to shower and drink the water. It was then explained to her the difference between and tank water heater needing flushed as it holds water and a tankless, on demand water heater that does not hold water.

COMMITTEE REPORTS:

Library: Councilmember Johnny Cooney III had nothing to report. Johnny did talk to Library Director Tina Peterson about the need to allocate money on the budget or the need to amend the budget. If the library has repairs done to the basement this year, they will do a budget amendment.

Ordinance Committee: Councilmember Frank Brouillette said they have not met.

Pool: Per Councilmember Charley Bennett, Thompson Pool will be here Sept 22nd to shut the pool down and will do some checking on the plumbing and skimmers. After they are done the public works department will shut the water off to the whole system and then Jimbo Fisk will blow out the pool house to make sure everything is ready for winter including the drinking fountain and the water heater, etc. He stated it has been a really good year.

Tree Board: The Public Works Director Bob Schuchard had nothing new to report.

Wetlands Rail Trail: Councilmember Ron Teig had nothing new to report.

UPDATES ON DECAY ORDINANCE COMPLAINTS:

No council member had anything to report. The Mayor asked if the council members had read the letter he sent out asking them to each look around their wards for junk vehicles and gather, license plate, color, pictures, address, etc. to aide the Sheriff's Office in locating junk vehicles so they can apply a sticker notifying the owner that the vehicle will be towed in 10 days. Currently, the Sheriff's Office has stickers with a 48-hour notice, Deputy Walden will ask if they can order stickers with a 10-day notice. The vehicles will be towed to the transfer station to be held until hauled off by one of two parties that have agreed to this task. The City Attorney will check to see if the Ordinance will need amended to include the 48-hour notice. The Mayor will check with the Miller's about towing the vehicles to the transfer station and this expense will be absorbed by the vehicle owner.

NEW BUSINESS:

Cody Nelson, Director of the Wheatland County Disaster & Emergency Services (DES), presented a synopsis of his Harlowton and Fire Department history. Cody explained that the County Commissioners determined the Disaster & Emergency Services needed to grow and decided to make this a full-time position. This position will do the coordinating with any state agency, EMS, and fire for the county. DES deals with any kind of natural disasters, contamination, conservation efforts as far as petroleum being introduced into the environment, etc. The County Commissioners decided he should offer all his coordinating services to the city as well and will need a state required appointment letter from the City appointing Cody as the Emergency Manager for the City, so he has jurisdiction and authority to act in the event of an emergency. He also wanted to present a new Emergency Alert System the county is looking at. Currently they only have a siren for alerts. They are looking a system Code Red through On Solve that will have multiple alert options for the public to sign up to use for notifications to include landline calls, cell phone calls, text messages, emails, or push notifications that come up on an app on your phone. This will be of no cost to the public.

UPDATE ON PREVIOUSLY DISCUSSED ITEMS:

1. Resolution 2023-09 Cancelling the November 7, 2023 General Election of Certain City council Members.
 - a. Councilmember Frank Brouillette motioned to pass this Resolution and Ron Teig 2nd the motion. The motion passed unanimously.
2. Fiscal Year Budget Resolutions:
 - a. Resolution 2023-08 FY24 Budget Adoption.
 - i. Councilmember Charley Bennett motioned to approve this Resolution and Johnny Cooney III 2nd the motion. The motion passed unanimously.
 - b. Resolution 2023-07 FY24 Wages and Salaries
 - i. Councilmember Johnny Cooney III motioned to pass this Resolution and Ron Teig 2nd the motion. The motion passed unanimously.
3. Resolution 2023-10 Authorization of the City land sale to Boyd Burroughs. The Mayor spoke of the easement from the 1979 title and as it has never been canceled, it will stand on the new survey. As there was no public comment, Councilmember Ron Teig moved to reconsider the previous decision September of 2022 to rescind all bids for the sale of the railroad right of way property owned by the City and Brouillette 2nd the motion. Teig, Brouillette and Cooney are in favor of the motion and Bennett opposed. The second motion would be to approve the land sale. Councilmember Ron Teig moved to approve Resolution 2023-10 which provides for the sale of the railroad right of way property to Boyd Burroughs for \$10,125 under the terms and conditions specified in the Resolution as he was the only responsive bidder that met the minimum bid amount. City Attorney Brooks stated the Resolution has a provision to allow the Mayor to make edits or changes to the Resolution as long as it is not a substantive change. Brooks also assured Brouillette that all the stipulations regarding the land sale have been met. There was no public comment. Councilmember Brouillette 2nd the motion. Teig, Brouillette and Cooney III

are in favor of the motion and Bennett opposed. The second motion requires a 2/3 vote of all the Council under 7-8-4201(2)(a), MCA – the statute that authorizes a city to sell its real property so we will add this back to the agenda for the council meeting Sept 26, 2023. Brooks will let Burrough’s attorney know that it did not pass tonight with a 2/3 majority and will be added to the next council meeting agenda.

4. First Reading Ordinance No 05-2019 – Chapter 10.46 Revision to allow the change of paint color for No Parking Zones. This was a request from the school Superintendent, Randy Durr. The change added states “Upon request, the city may designate red painting on specific curb-ways or other areas unless otherwise prohibited by law or regulation”. Brooks suggested changing the Ordinance number to 01-2023 – Chapter 10.46 rather than amending 05-2019. If passed to would allow Brooks and the City Clerk-Treasurer to make any non-substantive changes to include renumbering the Ordinance. Frank Brouillette motioned to accept the first reading and Charley Bennett 2nd the motion. The motion passed unanimously. The Mayor asked about monetary fines and Brooks will go through the Ordinance and section authorizing the fines and report back. Brooks reminded the council that Ordinances become effective 30 days after the second reading.
5. Per Mayor Otten, councilmember Alli Jones spoke with the High School Shop teacher about fixing the Rail Trail bridge and he told her the shop class was not able to take this on at this time. The council will look for a couple of contractors to give bids on the bridge repair.
6. Denny Eikenhorst’s Solid Waste Fee was discussed and confirmed it is a fee, not a tax, and will need to be paid. The Mayor sent a registered letter to Eikenhorst inviting him to express his views to the council, however, he did not make a presence at the council meeting. The Mayor explained the City cannot make exceptions to remove a fee from one account and not the others. The City Attorney will get an itemized copy of Eikenhorst’s utility bill and discuss options at the next council meeting.

PUBLIC WORKS DIRECTOR REPORT: Bob Schuchard reported they spent the 2nd day feeding the new water source into the tank and flushed hydrants with no issues. All chlorine residual tests are in compliance. He also is getting a bid to start paving streets. The first bid came in at \$82,370, which is just over the capital project limit per Brouillette. Bob will talk to the contractor to see if there is a way to reduce it to under \$80,000. Bob spoke with Joel Pilcher to look at final projects to use the last of the grant monies and there was discussion on possible streets that qualify for repair and ones that will need to wait. The Mayor asked about the removal of the handicap sign at the Post Office, and it was stated that the sidewalk was going to be repaired and the sign was actually not a legal sign as it was.

REPORT OF THE CLERK-TREASURER: City Clerk-Treasurer Debbie Johnson reported the FY24 Budget is final as of the approval of Resolution 2023-08. She will now work with the city accountant to go over the FY22 Audit Findings and get that finalized. Debbie stated the city has changed the pay cycle from the 1st of the month through the last business day of the month to the 26th to the 25th keeping the pay date on the last business day of the month. This will allow for schedule changes up to the last day of the pay cycle without having to make adjustments to the next month’s paycheck.

REPORT OF THE CITY ATTORNEY: Brent Brooks stated the Interlocal Agreement between the New Hospital, and the City will be covered at the next council meeting as all revisions will have been addressed and changed.

REPORT OF THE MAYOR: City Mayor, Paul Otten, pointed out the great work being done at the Graves Hotel site. The Mayor spoke with Fire Chief Chris Anderson, and he will get a fire truck down to the site for water to use in compacting some of the dirt. It was also noted that the county will be responsible for the sidewalk that was broken during the investigation.

REPORT OF THE SHERIFF'S DEPT: Deputy Walden asked about the junk vehicle process and the Mayor stated we are working on the process. Bennett pointed out that the Sheriff's stickers were 48-hour stickers and the Mayor asked if the Sheriff's office could order 10-day stickers. Brooks will verify if the City's Ordinance needs to be revised to 10 days.

ITEMS FOR NEXT MEETING: Bennett would like to discuss putting 3 to 5 links of culvert into Jawbone Creek to prevent flooding of basements in that area of the flats.

CLAIMS:

Frank Brouillette made a motion to approve the claims and Ron Teig seconded the motion. The motion passed unanimously.

The meeting was adjourned at 8:15 pm.

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

Council Members Absent: Allison Jones, Kathleen Schreiber

City Office: Mayor Paul Otten, City Clerk-Treasurer Debbie Johnson, City Attorney Brent Brooks, Public Works Director Bob Schuchard

Sheriff's Department: Deputy Walden

Public Present: Amy Tupker, Cody Nelson, Susan Beley, T.J. Tupker, John Billadeau, Lindsey Sramek



Paul Otten, Mayor



Debbie Johnson, City Clerk-Treasurer