July 9, 2024

Harlowton City Hall

The Harlowton City Council's regular meeting was held on July 09, 2024. The meeting opened at 7:00 p.m. with the Pledge of Allegiance.

The June 25, 2023, Council meeting minutes were approved as written.

**PUBLIC COMMENT:** Susan Beley stated she received a grant for the weeds for Chip to get his motel rooms, and we got the entire amount that was asked for. She also stated that there had been trouble getting the agenda published; she said that it’s Montana law, and the council swore an oath that it would get published; it’s recommended that it to be published on our website, but it hasn’t been on our website since April 9th, that the minutes were not posted since March 26th, she stated she has been reminding people to get it published by Friday before, and that she has been told to stop reminding them. Mayor Paul Otten stated he would take care of that.

Shawna Eagleton stated that a few months back, she talked to the council about leasing lots on Wheatland Ave. She spoke with the Page about the flood plan information, and she stated that it sounded like it wouldn’t be an issue for them to have their food hub there. Shawna said she would like to set up a lease agreement and take the next steps for both lots. Mayor Otten stated that we would need them to get onto the agenda for the next meeting so we can vote on it. He also said he would have the council think of ideas on a fair lease price, and everyone can discuss it at the next meeting.

**COMMITTEE REPORTS**

**Library:** Council member Johnny Cooney stated they have nothing new to report. He then noted that the Library Director Tina wants to be on the agenda for the next meeting.

**Ordinance:** This has not been met yet.

**Pool:** Councilmember Charley Bennett stated everything is going smoothly except last week. The handrails on the diving board broke. He has Kevin Knudson coming down to fix it.

**Tree Board:** Nothing new to report, except they need to get new members. Council member Frank Brouillette asked if we need to advertise it again. Mayor Paul said we would get around to asking old applicants if they wanted to apply again.

**Wetlands Rail Trail:** Has not met.

**UPDATE ON PAST AGENDA TOPICS:**

**UPDATE ON DECAY ORDINANCE COMPLAINTS:** Mayor Paul Otten asked if we have any new pictures or new updates? Joe Hagl stated that he has sent pictures to clerk-treasurer Sarah of the Chance Miller property and that he cleaned it up nicely. Mayor Otten stated that it does look good. Joe Hagl stated that they still have more to go but it’s a start**.**

**UPDATE ON PREVIOUSLY DISCUSSED ITEMS:**

1. Council to approve or deny road closures for the Harlo music project and the Harlo horizons. Council member Charley Bennett made a motion to pass both road closures. Council member Johnny Cooney seconded the motion. The motion passed unanimously.

**NEW BUSINESS:**

1. Resolution to close and combine all bank accounts for easier banking. Jodie Campbell started by saying that the reason we want to recommend this is having that many bank accounts and combining them into one would make it a lot easier on the clerk; there are 12 total bank accounts Harlowton has. Harlowton would earn more interest, which would make it easier for the clerk. Jodie stated that Sarah had to be gone today, but she would like to present the resolution at the next meeting and have all the bank totals. Council member Frank Brouillette asked if we needed a separate project account. Jodie stated that no, we do not; we just must be able to show your accounting in Black Mountain. You can create different funds within your accounting without having a separate bank account. Mayor Paul Otten stated that he thinks this will make things much easier. He also stated that we would put it on the next agenda, and we would have Sarah get more information on it and present it at the next meeting. Jodie Campbell stated that we will have the resolution ready for the next meeting. Susan Beley said she would like to know if the auditors or Dan Clark can confirm that because she heard that sewer and water needed to be kept separate. Jodie Campbell stated that they must have a different fund within the accounting, but they don’t have to have a separate bank account. So, any money that is brought into the water bills or sewer bills will be put into those separate funds in your accounting. Jodie said she would present that at the next meeting if Susan wants to see how it works. Jodie then stated that she talked to Harlowton’s auditor that works for Strom & Associates, and they are also recommending this.
2. Discussion on HB 355. Attorney Brent reminded the Council that the money is to be used on streets, roads, public grounds, and buildings. Public Works Director Bob Schuchard stated that it could also be used to replace existing equipment. Council member Frank Brouillette asked how much we have. Bob Schuchard noted that we have roughly 90,000. Council member Johnny Cooney asked if this was the money they previously talked about using to seal the street, chip seal. Council member Frank Brouilette stated that it was not. Public works director Bob Schuchard stated that the first and most important is UV bulbs. He stated that he had discussed putting it into the budget, but that never happened. 30,000 a year just for the bulbs. Bob presented his next item, which is a roller. He stated that their old orange roller breaks down a lot. Bob called around and found one for 25,000 in Billings. Bob's next item is a storage container from Tom Keating. Bob would put it at the lagoon and store all their UV bulbs and supplies. 5,700 for one of those. Bob's next item would be a v plow on the skid steer for snow removal; they currently have one, but it's not in great condition. Bob's next item would be a post-hole auger, 4200. Another item Bob would like is another laptop for the office; the one they have now is old. Charley Church will need a new lawn mower for next season, 5099.00. Altogether it's around 80,000. He mentioned a few more items: a new generator, new water pump, line locator, road mix, and chips. Council member Frank Brouilette asked if we could have the list from Bob. Bob stated that he would do that. Susan Beley stated that this was supposed to be done by December 2023, there is a list available, and that the laptop will not be on it. The discussion then ensued about infrastructure, the equipment it will buy, and equipment it will not buy.
3. Millers and Grants sewer issues. Mayor Otten asked if everyone had gotten a chance to read the letter. Paul stated that there was an email from RPA about their thoughts on it. Public Works Director Bob Schuchard indicated that they met, Bill who is the foreman on the sewer project was there as well. There was a video of the sewer line; there is no private sewer line coming out that lines up with the house, it's not even on that street, so PEC says they are not at fault. Then Stan Wilting came over and stated that he thought it went into a septic tank. They then tied into the sewer main and ran down the ally over to F Ave. There is nothing coming from F Ave. Bob then called a line locator, and they think it goes south, both homes share one sewer line, and we are guessing it goes onto private property, and over to 1st SE, but the only way to prove that is to dig it up. Well, you would be digging up neighbors to prove that. Then Jimbo's crew ran their snake in there, and it balled. The Grants and Millers stated they wanted to be reimbursed for paying for sewer all these years; Stan Wilting stated that they are still tied in from the septic tank to the sewer main. The Millers aren’t really having problems with his home, but he does because he is sharing the line and doesn’t want his yard dug up. To fix this, the solution would be to put in two new sewer lines going into Division Street. Which Grants and Millers will want reimbursed for that. Council member Frank Brouillette stated that the letter said they would pay for their yards, but they wanted reimbursement for other things. The letter said the City put the line in incorrectly to begin with; when was that done? Bob stated that it was before he was born. Bob said that if we do that, we must remodel the whole town. Council member Frank stated that our lawyer needs to read the letter and let’s see what he has to say about it. Bob then said that before we jump too far, we need to figure out what the two families want. A discussion then ensued about the letter written to the city and about steps the city can take to remedy this after a conversation with the lawyer.
4. Discussion on theft of utilities. Bob Schuchard stated that this particular house has a motor home hooked up to the water and sewer; according to our ordinance, it’s illegal. They blocked the street, and the other issue was the way that it was wedged in between the boulevard. If there had been a fire, they would have never gotten it out of there. Council member Charley Bennett stated that if we don’t do something with no housing in Harlo, every person will have a camper in their yard hooked to their utilities. Especially if they are renting it out, they need to pay for water and sewer. Mayor Otten stated that he knows there will be trouble down the road with not having housing left in Harlo, but I don’t think we have anything that states we can't do that. Public Works director Bob stated that it's state law; you can't tie up the street. A discussion ensued about steps to take if this happens again.
5. Discussion of dog ordinance. Mayor Otten stated that we need to make an amendment to put 8.09.070 dogs causing annoyance or disturbance into our ordinance 1-2000-19. Susan Beley stated that when the city redid all their rabies and licensing penalties, the dog ordinance noise piece got left out. Council member Frank Brouilette stated that he remembered it being in there; he doesn’t know how that happened. Susan said you can find it if you return to the old typewriter one. Council member Frank asked if the problem is that it’s not in the right spot. Susan Beley replied that it appears that it was not adopted in the resolutions. A discussion then ensued about having the right ordinance information. Susan Beley said she would ask Sarah to send her the copies again.
6. Talk of service charge on off-dump days. Public Works Director Bob Schuchard stated that Charley Church opened the dump nine times on Wednesday last week alone. Council member Jack Runner stated that he knows that in the off-season, not June, July, or August, I have taken some garbage out, and Charley stated that most people would schedule an appointment on Wednesday if they had anything to take out. That is the exception because those are not the regular hours, correct? Bob stated that that was correct. There are no normal hours during winter, because it’s not open. The council suggested that Public Works pick one day to open during the winter months, and we chose Wednesday. Council member Johnny Cooney suggested only having Wednesdays in the winter and nothing in the summer except the scheduled days. A discussion then ensued about service charges on off-dump days. The city decided that there would be no more off-dump days, only the scheduled second Saturday and the scheduled fourth Saturday of each month from 1-5. Councilperson Jack Runner made the 1st motion, and Council Member Johnny Cooney 2nd the motion. The motion passed unanimously.
7. Theft of utilities. Council member Frank Brouilette stated that someone left a couch at the dump. Presumably, because it wasn’t open. Council member Johnny stated that there were tires on it as well. Council member Charley Bennett asked if we knew who it was. Deputy Clerk Tori Welshire stated that we did. Council member Johnny Cooney stated that the picture online and the picture Bob took are two different couches and that if you look at the person in question's Facebook post, the arm on it is a regular couch. And if you look at the sofa that was left at the dump, it has a little step to it. Public work director Bob Schuchard stated that there was a tear in the Facebook picture and the actual couch left at the dump. Council member Frank Brouilette stated that we should ask the person in question if they left the couch. Public Works Director Bob stated that there are many more photos to show, and the tear in the left cushion is the same as the person in question posted on Facebook. Council member Charlie Bennett asked if that’s considered littering. Mayor Otten stated that it was. Public works director Bob Schuchard stated that it was theft of services. Council member Frank Brouillette said they didn’t break into the dump to throw it away, so it would be considered littering. Mayor Otten said he would take the pictures to the sheriff’s office and let them handle it.

**PUBLIC WORKS DIRECTOR REPORT:** Bob Schuchardstated that the aftermath of the rodeo was great. No issues at all. Council member Charley Bennett noted that there is a web site for High School Rodeos that is out of Miles City. Mayor Otten said they all did a good job at the fairgrounds this time. Public Works Director Bob stated that the sewer project should be wrapped up next week. He then noted that the plan is to start trimming trees next. He then asked about the budget, if it's set, and what it is. That July 1 was supposed to be when raises were approved, he stated that the public worksmen were all concerned about that. Bob said that Chip was very patient about his situation but was running out of patience. Mayor Otten stated that the budget hasn’t started yet, but he would talk to Sarah and get it going. He also noted that the pay is retro, so he will get on that too.

**REPORT OF THE CLERK-TREASURER:** Clerk-treasurer Sarah was absent.

**ATTORNEY REPORT:** Attorney Brent Brooks stated that we will finally have a closing on the Burroughs property sale. Brent stated that he reached out to Civic Plus/Muni Code to see if he could coordinate a Zoom meeting or a conference call with Sarah and Jodie to get the next steps taken care of. Mr. Brooks stated that he knows what happened with the dog ordinance and would like to get with the Mayor or Sarah on that. He mentioned several civil criminal cases are pending and that he sent information on HB 355 to the Mayor. He stated that we have an ordinance about leasing property. Mayor Otten asked how Brent was doing on the site title. Attorney Brent noted that he called Craig Erikson and emailed him and has not heard from him. So, he will reach out to a man named Joel Filcher next. Deputy-Clerk Tori Welshire added that Sarah wanted to mention that we are now posting recordings of all our meetings on our web page from here forward. She also stated that we have five business days to post on our web page.

**MAYORS REPORT:** Mayor Otten stated that they got some Wind Impact funds awarded to the City of Harlowton. Harlowton received 1118.00 for a project. He then asked Susan Beley what project it was. Susan replied that it was for the weed spraying and that Chip would go to a state training, so this covers his meals, mileage, and rooms. Mayor Otten stated that Jawbone Creek Country Club was awarded 1800.00. Susan stated it was for the fence along the south side of the driving range. This will finish that project.

**ITEMS FOR NEXT MEETING:** Council member Frank Brouilette said he will not attend the next meeting.

**CLAIMS:** Council member Jack Runner stated that he noticed several of the claims had older dates. Council member Frank Brouillette noted that Sarah had asked to get all those approved so that she could wrap up the fiscal year. Council member Jack said he understood that but wondered if they were late. Council member Frank noted that he thinks it was presented after the fact; they just wanted to get it approved to get it done and move on to the new fiscal year.

Council member Jack Runner moved to pass the claims, and Council member Johnny Cooney seconded it. The motion passed unanimously.

The meeting was adjourned at 8:23 p.m.

Council Members Present: Jack Runner, Charley Bennett, Roger Kitts, Frank Brouillette, Johnny Cooney

Council Members Absent: Kathlene Schreiber

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

WCSO: David Walden, Kevin Froese

Public Present: Joe Hagl, Susan Beley, Dean Thompson, Shawna Eagleton

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Paul Otten, Mayor Sarah Williams, Clerk-Treasurer