

September 27, 2022  
Harlowton City Hall

A regular meeting of the Harlowton City Council was held on September 27, 2022. The meeting opened at 7:00pm with the Pledge of Allegiance.

The minutes of the September 13, 2022 Council meeting were approved as written. Charley made note that he meant to say "Roundup", not "Ryegate" when speaking about the transfer station.

The minutes of the September 13, 2022 closed session meeting were approved as written.

**PUBLIC COMMENT:** None

### **COMMITTEE REPORTS**

Council member Jack Runner stated that the front door was almost done. The handicapped button was acting up. The card catalog had been down. The library would be hosting their Federated meeting on April 1st 2023. Mayor Paul Otten asked Jack if the library basement had been looked at yet by Dean and Dwayne. Jack stated that he was unsure.

The Ordinance committee did not meet this week.

Council member Charley Bennett gave a report on the pool. The epoxy company would be giving an estimate on the pool house in the next few weeks. New meters would be put in and new lines would be put in. Charley was closing up the pool for winter.

Public Works Director Bob Schuchard stated that there was nothing new to report.

Council member Ron Teig was not present to give a report.

### **UPDATE ON PAST AGENDA TOPICS**

Council members were asked to give updates on Decay Ordinance-related complaints from the community. Frank stated that he could not get a hold of the new owner. Community member Bob Jones stated that he had reached out to some engineers to assess the wall between the Senior Center property and Joe Brouillette's but had not heard back yet. Charley asked who assessed the Togery building's structural soundness but it was unknown.

Discussion took place regarding the library basement leaks and damages. Public Works Director Bob Schuchard stated that Dwayne at Do All Construction was interested in doing the work but was very busy. Paul suggested Les Christensen. City Clerk-Treasurer Lara Brisco stated that she had purchased two wireless lights for Tina to easily light the basement without electricity by the area leaking water.

### **NEW BUSINESS**

- 1) Chris Hayes from RPA was present to discuss the ARPA Minimum Allocation Grant (MAG) funds and the plans to use the allocated funds towards the sewer project. November 1<sup>st</sup>

would be the deadline for submitting the application for these additional funds. \$250,000.00 is available to the City and Wheatland County has pledge an additional \$200,000 towards the project. The funds must be used by 2026. Chris presented a map and budget documents to review. He stated that the green lines on the map would be the proposed project. A change order could be made later on if the City chose to use some of their own local fiscal funds towards the project. Paul asked if there would need to be a rate increase with this phase of the project. Chris stated that it would not be necessary because it would be all grant funded. Chris stated that bids would go out in January 2023, the project would start in summer 2023 and even go into fall. Chris stated that many contractors are very busy but that it wasn't necessary to rush. The funds would need to be under contract before the end of 2024 and must be used up by end of 2026. Jack made a motion to submit the ARPA MAG application for the full amount available to be use for the sewer project. Charley seconded the motion. The motion passed unanimously.

- 2) Discussion took place regarding the sale of City property S22, T08 N, R15 E, 103428 9.83 acres (Formerly RR RW) at the 9/13/2022 meeting. Chad Roelfs and Boyd Burroughs' bid of \$21,000.00 had been accepted at the 9/13/22 meeting.

Charley stated that the City was only selling an acre originally. Paul stated that the part for sale was to be around 43,560 sq ft and that there was a miscommunication of what part was to be advertised. Paul stated that the ad should have stated "part of" the lot. Boyd Burroughs was present to give his interpretation of the situation. He stated that "part of" was not included in the advertisement. Boyd stated that a letter from his lawyer would be arriving soon. Discussion took place regarding the land survey. Chad stated that a survey had not been done. Boyd stated that they had even offered to pay for half. The City had stated that it would be the responsibility of the buyer to have the land surveyed. Community member and fellow bidder Tom Keating was present as well. Tom stated that the land that is currently being leased out by the City to other businesses could not be sold.

City Attorney Karen Hammel stated that the newspaper ad was not clear and that people who bid on the land were assuming it was a portion of that full lot. Boyd stated that was advertised in the paper and reflected in the minutes to be the entire lot. Karen advised that the land be surveyed and readvertised because the current ad was not clear. She stated that mistakes had been made. Boyd stated that he did not bid \$21,000 for one acre. Karen stated that easements would need to be made. Boyd stated that it was not advertised that way. Karen stated that easements were assured. Bob stated that easements would be on City property, not private property. Karen stated that the offer should be rescinded. Chad stated that he was the highest bidder and now he would need to fight against others because he won the bid. Since it wasn't surveyed, he stated, it was unknown.

Karen stated that the cost of the survey would be included in the sale of the land. Realtor Julie Woodard was present at the meeting. She stated that the legal description of the land is not necessarily what a realtor would use. Karen stated that a survey would be done and the process would start over and that would be the only way to know what to

do. Karen stated that there was no contract. Chad stated that a copy of the minutes showed acceptance. Karen stated that it was not a real estate contract but that she understood their frustrations. Boyd stated that he wanted to make it right and that votes matter. Karen stated that a contract is the only thing that is binding. Boyd stated that the City would be receiving a letter from his lawyer. Boyd stated that maybe after the Council accepted his offer that he should have asked if they realized it was for the full lot, but he didn't ask. Boyd stated that the minimum bid requirements must be adhered to and asked if a bid under the minimum could be accepted. Frank stated that no they would not be accepted.

Julie stated that Errol Creek Surveying had been contacted and that in a few weeks they would be able to start. Julie stated that it would take a few months. Julie stated that the Council should rescind the acceptance of the bid and have that reflected in the minutes as well as to be very clear and careful moving forward. Karen stated that to rescind and re-advertise after surveying should be done. Frank asked would a lawyer say about this. Karen stated that it would be addressed when it comes. Charley made a motion to rescind the offer of sale of City property S22, T08 N, R15 E, 103428 9.83 acres (Formerly RR RW). Jack seconded the motion. The motion passed unanimously. Paul stated that the whole thing should be surveyed. Julie stated that the whole thing was already surveyed and that the City should only focus on surveying the portion Boyd wants.

- 3) Tom Hayden was not present to discuss the subdivision that he was working on. Paul stated that Tom had come into City Hall earlier in the day to ask what the status was and when the planning board would meet. Paul had reached out to Page Dringman. The project will be reviewed at the next planning board meeting but it was unsure when this date would be. Charley stated that the City wasn't even involved in the process and that the Council wasn't being represented on the board. Bob stated that the sewer wouldn't be able to go into the property until the next phase of the sewer project. Discussion took place regarding when the last time a subdivision was built in the City. Charley asked if the planning board might like to attend a council meeting. Paul stated that while the sewer line was waiting to be put in that the project could continue in other ways such as a basement being built.
- 4) Discussion took place regarding the new hospital plans. New City Attorney Brent Brooks, who also represents the Hospital, was present to give update on the status of the land donation. Brent stated that he had met with Karen, Paul, Commissioner Sell and Kelly Evans from the hospital the previous week to discuss the process of donating the land to the hospital as well as who really owns it (city or county?). Brent stated that the County Commissioners would hold a public hearing and vacate liberty park "lot 16" for subdivision and then devote it to the hospital. Sweet Grass Title Company was ok with it but would like an attorney to write clear terms of the process of vacating from subdivision. It would be necessary to notify anyone in that subdivision of these changes. The City would also need to issue a quit claim deed to the hospital. The public hearing would take place to have opportunities for public comment. Brent stated that records show that in 1974 the lot was leased to the Fischer family for 5 years. The liberty park dedication had taken place in 1919 but no other records could be found at the county

clerk and recorder's office. Council member Kathleen Schreiber asked if maybe there were more documents at the White Sulphur court house since Harlowton was once part of Meagher County. Karen stated that probably not because in the past Meagher County only had few documents of the City's and this wasn't one of them. Also, Wheatland County created the subdivisions, not Meagher County. Charley asked what the situation was with getting permission from the Tribes since it was part of the Nez Perce trial. Paul stated that it had been taken care of. Brent stated that a one-page memo would be submitted to County Attorney Lynn Grant to submit to the Mayor and Council. It would have to be put on the agenda and made as a resolution. The underwriting would ensure that the title would be transferred to the hospital and that a quit claim deed from the City and County would be done.

- 5) Discussion took place regarding the solid waste fund 5410 and how to keep it from going into the red during fiscal year 2023. Frank stated that the county had suggested that county residents be charged more at the door when bringing items to dispose of at the transfer station. Discussion took place regarding the current utility bill having \$2.23 per month added to resident's bills to help support the transfer station. Paul stated that with the rates going up when the new water comes in, that the bills should not increase for solid waste too. Council member Allison Jones asked how many people visiting the transfer station were city versus county residents. Bob stated that Charlie kept a log. Lara stated that accounting consultant Magda Nelson had suggested asking the County and other surrounding counties that use the transfer station for more support. Lara stated that if the fund was negative at the end of the year, it would need to borrow from another fund, possibly the 1000, but that essentially a fund must support itself. Charley asked about raising rates. Lara stated that a public hearing would have to take place. Frank suggested charging out of town people more. Jack asked how much the fund would be over. Lara stated around \$1400.00. City Deputy Clerk Alanna Berg stated that the county currently pledged \$2800 a year to support the transfer station. Frank suggested charging extra for appointments made during the week. Maybe \$15-20. Paul stated that this should be followed up on at another meeting in the future.
- 6) *The council meeting went into closed session to continue discussing a personnel issue. The closed session lasted from 8:25 to 9:30 pm.*

#### **PUBLIC WORKS DIRECTOR REPORT**

Bob gave his report. The water project was going well. The Thompson well would be going back up the following day (9/28/22). The pressure had been low because the booster station was down but it had since been fixed.

#### **REPORT OF THE CLERK-TREASURER**

City Clerk-Treasurer Lara Brisco stated that she had run into issues with scanning the budget to get it to the State by Friday. Allison stated that she would be willing to help her if she brought the documents to her office.

#### **MAYORS REPORT**

Mayor Paul Otten Gave a report. He had reached out to the Clerk in Judith Gap regarding their purchase of the speed signs with grant funds. They told him they used their general fund to purchase the signs. Discussion took place regarding issues with speeding in town.

#### **ITEMS FOR NEXT MEETING**

The next council meeting will be October 11, 2022 at 7:00pm.

#### **CLAIMS**

Frank made a motion to pass the claims from September 12<sup>th</sup> through 23<sup>rd</sup>. Jack seconded the motion. The motion passed unanimously.

The meeting was adjourned at 9:40PM

Council Members Present: Allison Jones, Charley Bennett, Jack Runner, Frank Brouillette, Kathleen Schreiber

Council Members Absent: Ron Teig

City Office: Mayor Paul Otten, City Clerk-Treasurer Lara Brisco, Public Works Director Bob Schuchard, City Attorney Karen Hammel, new City Attorney Brent Brooks

Public Present: Boyd Burroughs, Chad Roelfs, Julie Woodard, Bob Jones, Chris Hayes, Tom Keating

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Paul Otten, Mayor

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Lara Brisco, Clerk-Treasurer