October 22, 2024

Harlowton City Hall

A regular meeting of the Harlowton City Council was held on Tuesday 22 2024. The meeting opened at 7:00pm with the Pledge of Allegiance.

The minutes of the October 08, 2024 council meeting were approved as written.

**COMMITTEE REPORTS:**

Library: none

Ordinance: none

Pool: Council member Charley Bennet stated that they are shut down for the year. The cameras are in, and the sidewalk is in.

Tree Board: Public Works director Bob Schuchard stated that they have a meeting Thursday at 3.

Wetlands Rail Trail: Council member Roger Kitts stated that he would like to talk to the mayor after the meeting.

Public Comment on Committee reports: none.

**UPDATE ON PAST AGENDA TOPICS:**

1. Discussion of new decay complaints and updates. Treasurer Anita Leach stated there was a few new photos sent in. She then talked about the new ones added to the list and new updated photos of older complaints. Anita and the council discussed where and who the complaints are. Anita stated as soon as the council votes on the official letters then she can get them sent out. She mentioned the green plastic roofing on Tina Keller’s property is blowing off and could be a potential hazard. She also mentioned the dumpster did show up on property 109 C Ave SE for them to begin cleaning that trash.

Public Comment: none.

**UPDATE ON PREVIOUSLY DISCUSSED ITEMS:**

1. Council to vote on decay letters. Council member Charley mentioned the letters looked good. Mayor Otten feels it is short and sweet and to the point and hopefully people will take a good look and clean their stuff up. A few council members remarked on the spelling of words to which Anita said she will fix. Council member Roger Kitts stated its well written and direct, he likes the fact that there isn’t a timeline on there so people can be given the time they need. Roger would like to see an allotment of having one vehicle, a project vehicle on there. Council member Kathleen Schreiber stated that she agrees with people being able to have a project car. Mayor Otten asked how they would like it to be read? Roger then said there are other versions of what a junk vehicle is, some of these vehicles look nice but don’t run, some look like hell, but they are licensed and parked in the yard but haven’t moved in a long time. He would like to have a better definition of what a junk vehicle is and have an allotment for a project vehicle. He stated he will think on it and get back to the council. A motion was made from Kathleen to table the decay letter, Roger Kitts seconded. Three for and one against. Subject will be tabled until the next meeting.

Public Comment: none.

1. Miller/Grant decision. Council member Charley Bennett asked if anyone had heard from PEC? Mayor Otten stated they had not. Anita stated she had sent all the information to Brent, and he was going to try to get ahold of them. Council member Charley stated until we talk to them, what can we do? Mayor Otten said we can decide. MMIA was confident that the City was not at fault. Mayor Otten stated that he is leaning towards MMIA’s decision. Council member Charley asked if we could table it until PEC calls back? Charley then asked Public Works Director Bob Schuchard if he had talked to the guy with PEC? Bob stated that he spent three days with the guy at Grant/Millers property proving that it wasn’t their fault. Charley asked if we could send a letter to PEC? Mayor Otten stated we can try it, but he Is pretty sure they aren’t going to do anything. Public works director Bob stated that the foreman of the PEC crew spent two days filming and proving that they aren’t at fault. Councilmember Jack Runner asked what our attorney Brent has to say on it? City attorney Brent Brooks stated that he thinks at this point the city doesn’t need to wait for the contractor to decide, they can but they don’t have to. The city can rely on the MMIA denial letter or if they want to contribute money to Grant/Miller then they would need to talk to the PEC contractor. MMIA laid out the facts as they have found it. If you offer money to Miller/ Grant, then you are undermining the MMIA decision. Bob Schuchard asked if Jimbo and his crew could come to a meeting and discuss it? Brent stated that that’s a possibility, if they would do that. Brent then stated the council could have a closed session to discuss things farther. Discussion ensued. Council member Jack Runner vote to table this discussion until the next meeting. Council member Roger Kitts 2nd the motion. All were in favor.

Public Comment: Lynn Grant stated that he wanted to address something to Brent Brooks, he stated that 35 years before he became a public defender, he defended municipalities and construction firms on claims just like this. Grant stated that he would like an independent review of the letter through MMIA adjuster. Grant stated that the MMIA adjuster missed the point of what the claim is, and he denied it do to failure of a line, service line, and this is a claim that is due because of the failure of PEC. Grant stated that he didn’t want to get into the specifics regarding the contract through PEC and the city as to who is responsible for those results. Grant would like Brent to give an independent evaluation and to give your recommendation to the city council in a closed session if you can. Grant stated that he does know of other homes out there that have experienced the same thing because of PEC, he is not representing them or talking on their behalf, but he does know that the fix to upgrade the sewers ruins the line. So, this is not an unusual event. Grant stated that he has not heard back from PEC regarding the matter. He then stated that he will do what he can to get them to answer and if the city could do the same. Grant then thanked the Council.

1. Urban Camping discussion. City Attorney Brent stated that he modified the town of Superior’s urban camping ordinance and looked at other cities online and provided 10 or 12 other cities ordinances regarding urban camping. Brent also stated that he tried to identify the dates to correspond to the campers on streets ordinance. Brent also stated he can adjust it more if need be. Council member Roger Kitts stated that he liked the Superior ordinance, it is comprehensive, and it doesn’t say what you can or can’t do on private property. He stated that some of the other ones have time limits, and it tells you what you can or can’t do on your own property, and the size of campers. Council member Kathleen stated that the Superior ordinance looked good. Council member Jack Runner asked that if it’s an ordinance, do we have to have two readings on it? Mayor Otten stated yes, and we will have to retype it too. Jack said it would be nice to take things out, the extra stuff. Mayor Otten stated that he and Anita will get it cleaned up. Jack stated he would like to see the ordinance cleaned up a bit then take a vote. Jack made a motion to table Urban Camping until next meeting. Council member Kathleen 2nd the motion. All were in favor to table the conversation.

Public Comment: Susan Beley stated that she doesn’t know what it is. She stated that she didn’t know what the council was seeing, and the public comment was supposed to be so the public could comment on what you voted, but you already voted. Tina Peterson stated that without knowing what’s on there, in reference to the 14-day camping policy, it’s very specific to Chief Joseph Park, it needs to include other areas in the city not just the park. Council member Roger Kitts stated that the way it’s worded it could include within city limits so it would fall into this.

1. Per Diem discussion. Mayor Otten asked if everyone had gotten the letter from Cody Nelson, and he stated that the city should do the same thing. Council member Charley stated that it’s a reasonable price. Council member Roger stated that its standard deductions. Council member Jack Runner made a motion to pass per diem to the counties rates. Council member Roger Kitts 2nd the motion. All in favor passed unanimously.

Public Comment: Mayor Otten asked if Susan had heard that. Susan said she did hear a bit of concern from someone, she stated that most conferences at least feed you once or twice. That’s not out of pocket. Most feed you breakfast or lunch. If you are concerned about money its sounds like a lot but its fine. Discussion ensued.

1. Utility Share discussion. Mayor Otten stated that that someone could pay over their utility bill to put towards the utility share. Anita stated the Chamber is coming up with some fundraising ideas for us as well. And anyone can donate. Mayor Otten asked if anyone from the public would like to look at the flyer. He stated that the state always gave us money for this, but it stopped last year. Council member Charley made a motion to pass the flyer and get it distributed to the community. Council member Kathleen 2nd the motion. All in favor motion passed unanimously.

Public Comment: none.

**NEW BUSINESS:**

1. Rachel Moore to discuss Wind Farm. Rachel Moore stated that they have signed a power purchase agreement, PPA, she has a few handouts to give. She stated this was based more to ask where we can put our money in the future, she works for a company called Clearway Energy, she stated Clearway signed a PPA with Puget Sound Energy for a wind farm based solely on the Martinsdale colony property and a portion of Haymaker Ranch. She stated the handouts are stating what Clearway is and she stated the reason she is here tonight is because she called Charley regarding the railway and the roundhouse, and her company is very interested in spending money in Wheatland County and portions in Meagher County as well. To give you a little bit of a background, she stated, this project started in 2013, the folks who has bought the Haymaker Ranch, which is between forest service land and Two Dot, 30,000 acres. The folks bought it in hopes of starting a windfarm, the owner did all the studies related, and once the owner realized she had a legit project she went and found a developer. Once the owner, Stacy found someone who would market it correctly, she found Clearway Energy. They are a fully US-based company. Stacy is the lead developer. Rachel stated Clearway has until 2030 to build this project. PSE argues that the energy will not be used In Montana, so the community service hours will now go back to Harlowton and Wheatland County. A tax abatement was signed with Wheatland County. A 75 % abatement. For construction costs we get taxed 25%. While its more Wheatland County, we are hoping to seek things out in Harlowton as well. She stated we are looking at 800 megawatts wind, 250 solar. Seven turbines. Rachel Moore then spoke about the phases it would take to complete. She stated the first phase would be about 7 million. She also stated that she really wants the city of Harlowton to understand the concept of what is happening, and that our commercial operations date is 2028, during the mobilization phase which would take 2 years, the work force will increase, from 200 to 400 workers. We want the city to know the impact it will have on Harlowton. She also stated this project will be done right, no man camps. There will be more meetings in the future for people to attend and ask questions. She also stated that there are opportunities for them to donate money to the surrounding communities. Councilmember Roger asked how many employees once the site is up and running? Rachal stated that there will be 25-40 employees once the project is finished.

Public Comment: Susan Beley stated that they were part of the marathon, and she had talked to a worker from Texas, and she said it was a fabulous company. Rachel stated that they do donate to the rodeo each year, youth fair, and high school booster club.

1. BBQ wall at the park. Mayor Otten stated that its hard to have a BBQ, or keep it lit with the wind down at the park. So, Bob Schuchard wanted to put in a wall to black some of it. Public works director Bob stated that he gets lots of complaints on the wind and trying to keep the bbq lit. He stated that it would need to be designed before as to keep visibility to the playground, you’ll have to have windows. Susan Beley asked what if you built a 2/3s wall across there? And left it open? Bob stated that he took his BBQ out and used his pickup as a wind break and it still didn’t work. A discussion then ensued over the BBQ wall how to build it. Mayor Otten stated he might try to get a bid.

Public Comment: none.

1. Donation of the roller to the High School. City Attorney Brent Brooks stated that if they donate the roller to the school district, he suggests a simple document. An MOU or donation agreement. Something simple. Brent stated he would write something up and send it to Anita. Councilmember Kathleen Schreiber moved to donate the roller to the high school with a donation agreement. Council member Roger Kitts seconded the motion. All was in favor, it passed unanimously.

Public Comment: none.

1. Recycling Proposal Discussion. Public Works Director Bob Schuchard stated he met with them, and they suggested coming to a council meeting to discuss and explain things. There is some hidden language and hidden costs that should be explained. There was also a suggestion to have the public works go and pick through it daily because people won’t separate. Susan Beley then stated that people use it wrong, that people are recycle stupid, she asked that whoever comes to talk to the council if the meeting could be made public. Councilmember Roger Kitts stated unfortunately with a town our size it just doesn’t pay economically, especially plastic. He suggested just having metals. It costs so much for us to have it; does it reduce our garbage bill every month? Or is it just a feel-good thing. Susan Beley then stated that it does offset her garbage bill. She then spoke how she doesn’t buy plastic, and what she purchases. Councilmember Roger stated let’s get lots of people to come to the meeting. Susan Beley stated she thinks it all goes to the landfill. Plastic goes to the landfill. Council member Jack Runner asked if we make any money at all with it? Council member Kathleen stated that the handout makes it look like we are not. Discussion ensued about where the recycling plants are in Billings. Mayor Otten stated that some people can’t reach the slots there and he would be interested in building something for the shorter people to reach. He then stated he will see if he can get a meeting and get the public here for discussion.

Public Discussion: Susan Beley stated that it would be good to see how many people use it, she stated a lot of the county people use is and the city pays for it and that’s not fair. Council member Charley Bennett stated that we need to advertise that we are having a public meeting on it for about a month.

**PUBLIC WORKS DIRECTOR REPORT:** Bob stated that they will start on the manhole on Thursday if the company is done with the hospital by then. If they don’t finish it will be the following week. Public works has been going through the Christmas lights and changing bulbs, they aren’t ready to commit to hanging them yet. Bob ended his report stating that public works is still trimming trees.

**REPORT OF THE CLERK-TREASURER:** Anita stated that Jason Seyler called today with EPA, stating there is a public comment meeting for the cleanup at the roundhouse November 7th at 5:30 at the library conference room. Council member Charlye Bennett stated they might need to meet in a bigger place. Anita stated they can do that if there are enough people. Anita stated that Sarah has been updating the website with the minutes, she stated the recordings don’t do well on the web site because of the acoustics in here. Brent Brooks came up last week and we went through the ordinances, borrowed the city courts copy and got some new ones, but there is still a lot missing. We got what we could to Brent, and he will send it to the lady at civic plus. She then stated thereis copies of the audit here if anyone wants to look at it. Some of the issues are things that have been going on the past few years, the goal is to not have those issues next year when we do it. Anita then discussed a few issues we have had with the audits.

**MAYORS REPORT:** Paul stated he heard from Paige on the property at the industrial park, she stated that we must go through the Montana Code, the dos and don’ts. He stated we will have to cut back on selling some of that stuff. He stated there is a sticker shock on the prices of the fair market value. He is sure that none of the lessees will want to buy their spots. He stated we don’t have to worry about subdivision stuff. Mayor Otten also stated that he has been thinking of something to help with the short people to get into the recycle bins. There were to many people talking at once to decipher the conversations.

**REPORT OF ATTORNEY:** Brent Brooks stated he did come over last Thursday and he and Sarah went through the ordinances. WE compared what was in the hard copy vs what was online. He paperclipped between 15 to 17 in the hard copy that never made it onto the web site. Sarah then found 6 more today. He stated we will be sending them all to Lois with Civic Plus to start reviewing. It was tedious but it was rewarding, he stated he was not expecting that many that was not on the web site. Brent then stated this will be money well spent to get these in order. Brent then stated that the definition of junk vehicle is in our decay ordinance. He stated he has several criminal cases in progress.

**REPOSRT OF WCSO:** none.

**REPORT OF EMERGENCY MGMT, CODY NELSON:** not present.

**PUBLIC COMMENT ON ABOVE REPORTS:** none.

**PUBLIC COMMENT OF ITEMS NOT ON AGENDA:** Susan Beley stated that she still believes that the Tim Sheehy sign by the park is against the law. She stated she then turned him into the commission on political practices and she got a letter back from them and they told me that it was the DOTs problem. She then called the DOT, and they said they would have someone go look at it, Jim Clements went and looked at it and he said no, it is the south side of the sidewalk which is city property. Public works Director Bob stated that is not correct. Susan then gave DOTS number to the counsel. Bob stated that he can show her that it isn’t the cities. Susan stated she has talked to them both today. And it’s on city property, and it’s against the law municipalities cannot campaign. Councilmember Roger Kitts asked if the DOT could, have it? Susan said no. Roger then stated we just need to find out who is responsible to take it down. Bob then got up and showed Susan the cadastral properties. A discussion then ensued who owns what. Susan then said Brent they are breaking the law.

**ITEMS FOR NEXT MEETING:** Decay letters, Miller/Grant discussion, urban camping.

**CLAIMS:** Mayor Otten asked if we could add Lexis fair market value to the claims for $500. The council agreed.

Council member Jack Runner made a motion to pass the claims. Council member Roger Kitts seconded the motion. The motion passed unanimously.

The meeting was adjourned at 9:00 p.m.

Council Members Present: Jack Runner, Charley Bennett, Kathleen Schreiber, Roger Kitts

Council Members Absent: Frank Brouillette, Johnny Cooney

City Office: Mayor Paul Otten, City Clerk-Treasurer Anita Leach, Public Works Director Bob Schuchard, City Attorney Brent Brooks by phone, Kevin Froese WCSO

Public Present: Joe Hagl, Susan Beley, Claire Miller, Tina Peterson, Lynn Grant, Rachel Moore

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Paul Otten, Mayor Anita Leach, Clerk-Treasurer