January 14, 2025

Harlowton City Hall

A regular meeting of the Harlowton City Council was held on January 14, 2025. The meeting opened at 7:00pm with the Pledge of Allegiance.

The minutes of the December 10, 2024, Council meeting was approved as written.

**COMMITTEE REPORTS:**

Library: nothing to report.

Ordinance: nothing to report.

Pool: Councilmember Charlie Bennett stated that they were hoping to get the cameras fixed soon.

Tree Board: Nothing new to report.

**UPDATE ON DECAY ORDINANCE COMPLAINTS:**

1. Read letter addressed to council. Mayor Otten stated that there was a letter sent in from Mr. Dane Elwood. Dane Elwood asked what the council thought of his letter. Council member Jack Runner asked if Dane was the property management on said property. Dane stated that he owned said property, but he does rent it. He stated that he also doesn’t know much because the issues were not specified in the letter he received from the city. Mr. Elwood stated that he believes it is the renter’s property the letter was talking about. Dane stated that it’s a check list with words like ‘waste wood pile’ and ‘stacks of bricks’, no picture and no description, he stated he can’t investigate because he has no idea what the letter is talking about. He stated that he doesn’t want to investigate, he wants the council to investigate, if the council thinks that it’s a problem, then they to need come to him. He stated he also wanted to know if there was a formal complaint. If there was a formal complaint he would like to see it. If it belongs to the tenant, then he would like it to be brought to the tenant. Mayor Otten stated that he will do some checking and find out where the compliant came from. Mr. Elwood also stated that Mr. Robb Barnhart also got a letter like his, and he would like to know how many letters went out. Councilmember Kathleen Schreiber stated that several went out. Clerk-Treasurer Anita Leach stated that about 15 letters out. Mr. Elwood stated that he came back 22 years ago and has been dealing with this issue for 20 of those years. He stated he doesn’t have a problem with the city enforcing the ordinance he has a problem with the selection. He feels that many times he has been singled out and he would like the council to know that if the city continues to write letters on ‘brush piles’, then he will then file complaints on everyone who has a ‘brush pile.’ He stated if you deal with one issue then you need to deal with them all, he stated he will not be singled out, it’s not fair to the ordinance when you send out one or two or 15 when there needs to be sent 300. He then thanked the council for listening. Councilmember Charley Bennett stated that he had a question for Dane, he stated that he agrees 100 percent, but on the letter, Dane addressed it to Robb Barnhart and Frank Brouillette, but Dane’s ward members are Kathleen Schreiber and Johnny Cooney, Bennett stated that they should have been on the letter. Dane Elwood stated that he did send it to the council, he stated he talked with Frank about it, they are friends, as well as Robb, and as a matter of courtesy he sent them the letters too. Council member Charley Bennett then said we should have sent a lot more letters, and he doesn’t want to seem like anyone is getting picked on. A lengthy discussion then ensued. From now on there will be pictures and addresses along with the letters.

Public Comment: Susan Beley stated that she is trying to understand. She stated she feels there is discrimination on who is being picked on. What are the ramifications of the ordinance if Dane’s tenants do not do what they are asked? Attorney Brent Brooks stated that it’s a courtesy letter prior to following your ordinance that’s what all the folks agreed to. It’s a courtesy letter, that’s it. Then the council needs to decide as a group what they want to do after. The ordinance says the following, if it is determined by the city council that there is a problem, then the city shall write a letter, then within 30 days of receiving the written notice the city shall take abatement. Susan Beley asked then what? Attorney Brent Brooks then stated that he can’t tell her after the abatement. Ultimately the responsibility is the property owner. Susan asked you are going to then have him go in there and touch other people’s property? Mr. Brooks stated he can’t tell you what the owner should or should not do, he can just tell you what the ordinance says, most towns in Montana have the same rules, and that’s a risk you take being a property owner, you must be responsible and accountable for your tenants, basic law. Brent then stated we should all be working together and not nit picking at the problem. Brent believes that everyone is well intentioned. A discussion then ensued about renters’ property, what to do and how to solve the problem.

**UPDATE ON PREVIOUSLY DISCUSSED ITEMS:**

1. Council to vote on more Utility Share Applicants. Councilmember Charley Bennett stated that he has a problem checking off some of the applicants. He thinks the form needs to be redone, because any form of income in the house must be recorded. He stated he talked to a couple people who dropped out of it because they didn’t understand it. Mayor Otten said it does ask for sources of income. Charley then said but they need to list every source of income. Mayor Otten stated that if you are going to lie about your income then you don’t need to be on this program. Charley then said he would like every income coming into the house, you might have a kid living with you making money, its still an income for the house and it should be reported. Mayor Otten stated that its clear as it is. Councilman Frank Brouillette stated that if there is a hardship based on their information, we grant it or not. Charley stated they need to be truthful. Frank then said we can’t research each applicant. A discussion ensued about the months an applicant will get help through.

Public Comment: none.

Councilmember Kathleen Schreiber made a motion to approve all the applicants. Councilmember Jack Runner seconded the motion. All were in favor and the motion passed unanimously.

1. Second reading of Urban Campin Ordinance.

Public Comment: Susan Beley stated that it was brought up at a meeting about the dangers of not being able to get a fire truck down an avenue, Roger said that safety should be included, and it doesn’t reflect on that. She suggests that the safety piece is a good sell, and we should include it. She also stated that since people can not camp on private property does that, she specifically asked Council member Charley Bennett, does that mean no camping at the Depot during the Harlo Music Project? Council member Frank said it is their property to do as they please. Susan then stated she had one more question and that is when they violate, you fine them, and keep fining them, same as the dog ordinance, we eventually take the dog, would you remove the camper? Councilmember Frank stated that we are hoping that they will move when they get fined. She stated that in her experience people will just keep paying and paying. Councilmember Roger Kitts stated that at $300 a day they might move. Susan stated that she thought it was $300 after the 3rd offense. Discussion then ensued about the safety piece of the ordinance. Council decided to keep it as it is.

Councilmember Charley Bennett made a motion to pass. Councilmember Roger Kitts seconded the motion. All were in favor. Motion passed unanimously.

**NEW BUSINESS:**

1. Charlie Benett to talk about trespassing signs at the Roundhouse area. Councilmember Charley explained that we must do something with the kids down there. He stated that he went down to the depot the other day and caught them on camera, the police are going to see who’s kids they are. He stated that he has no problem with it, but the thing is at the depot especially, if some kid trips on that track and hits his head on it, it will kill them. And the roundhouse property is a mine field, if someone fell into one of those holes you may never find them. He stated that he sees people down there because he is at the depot all the time. Public works director Bob stated that last week he caught a kid shooting pumpkins down at Deer Park with a 50-caliber rifle. Mr. Bennett stated he is just worried about someone getting hurt bad down there. He caught kids down there with head lamps on and called the police and told them they can’t play down here. Council member Frank Brouillette asked if he is talking about city property or Museum property? Charley then stated its all-city property. Frank then asked how do we determine what city property are people allowed on or not allowed on? Councilmember Charlie stated he is mostly concerned with the roundhouse part, plus the asbestos there as well. Councilmember Frank asked if it was locked up? Mayor Otten stated that just the building was locked up. Council member Frank then asked city attorney Brent Brooks if no trespassing signs will protect us if someone gets hurt there? Attorney Brent stated that yes it would help, there is only so much signage that you can do. The reasonable thing to do is prevent access. A discussion then ensued on where to put signs, and to add more signs.

Public Comment: Susan Beley said maybe instead of no trespassing signs you should put up caution signs, they are less offensive, and it makes people take some sort of responsibility. She stated she is hearing waffling, its city property, but its dangerous. So instead of no trespassing signs, maybe cautions signs will be better. A discussion ensued on the trespass signs and or caution signs.

1. Council Absentee, rules and attendance policy. Mayor Otten stated that we have had a few of the council members absent from a few of the meetings, he stated that we do have an attendance policy in our handbook. Clerk-treasurer Anita stated that she was not sure. Councilmember Frank Brouillette stated that the council before us didn’t have anything for a penalty for not coming. He stated that there is MCA on missing to many meetings in a row, but we did vote last year that we were allowed to miss two meetings per quarter before being fined from our stipend. Mayor Otten asked if he remembered that the fine was? Mr. Brouillette stated that it was $50 after the two missed. Council member Charley stated that his opinion is that if you don’t show up then you shouldn’t get paid. You don’t go to a job and not show up and still get paid. He also stated that it doesn’t set a good example for our city employees if we get paid and they don’t if we take a day off. Mayor Otten stated its different, they have vacation, we don’t.

Public Comment: Susan Beley stated that she thinks its three meetings in a row.

**PUBLIC WORKS DIRECTOR REPORT:** Bob Schuchard stated that he hasn’t has to remove snow, and that that hasn’t happened before. Trimming trees and getting ready for what valves need to be shut off for our next water phase. Council member Kathleen Schreiber asked if there was still a lot of water stealers? Bob stated that since the water has been shut off in the park, it’s been insane how many people have been stealing from the shop. He stated that its every day, especially on the weekends and after dark. Clerk-treasurer Anita stated we only had one person come in and pay for water. Bob then stated they had 7 people come in and get water. Mayor Otten asked if Susan was noticing it at night. Susan stated the weekend of Thanksgiving, there was maybe 6-8. She stated she doesn’t know if they are paying or not, she just notices it. Councilmember Frank asked what kind of signage do we have there? Bob stated there was a phone number and prices. Frank stated that sign with theft of services might help. Mayor Otten stated he would hate to lock it up. Susan stated it would be better to fence the spigot. Bob stated that it penalized the honest ones. Councilmember Roger Kitts stated that lets start with the camera, it’s the cheapest and easiest right now. Discussion ensued about how to get people to stop stealing water. They want to start with a sign and a camera.

**REPORT OF THE CLERK-TREASURER:** Anita Leach stated that the local government review board met last week they are all doing training this week. She said she is also getting end of the year stuff done.

**MAYORS REPORT:** Mayor Otten stated that he did receive a letter from Council member Roger Kitts, it’s a resignation letter. Roger then read the letter, he stated he is moving and can’t be on the council anymore. The letter stated it has been a pleasure serving the City of Harlowton, and to thank you for the opportunity. The letter stated he enjoyed learning the processes, and the progress that was made in one year. He now appreciates the difficulties of how to make small government work. He wishes everyone well moving forward. He then thanked everyone. Mayor Otten thanked him for his service. Mayor Otten then stated he has a letter from Council member Charley Bennett that he is going to be going to Arizona after the first of the year, and that he will be on the phone, zoom or facetime as to not miss any meetings. Mayor Otten stated that we did have a pre bid with Joel Pilcher and some contractors on the 5th concerning phase 6 of the water project, the bid will be going out later this month as well as the award, and the work will start once the weather is contingent to it. He then stated we have another meeting with water on the 19th, closing our SRF loan on phase 5.

**REPORT OF ATTORNEY:** Brent Brooks stated that he has several criminal cases pending, a variety of crimes. Most are resolved. He stated he is still trying to work on the sheriff’s office to try to find a way to get discoveries to defense attorneys, and we are all having some challenges with that. He stated that he has a phone call meeting with Morisson and Maierle to see if we can take care of that, it will in the end make the sheriff’s office work a lot easier. He stated having a share file system will help with large files such as body cam footage, and then everyone who has permission can access that, instead of flash drives or CDs which is outdated. Brent stated that he did hear from Civic Plus, the gal that has been assigned as the attorney, Tiffany Thomas, I will forward that to Mayor Otten and Anita. She did send it to ctyharlo2@itstriangle.com. There is progress being made there. He stated that if he hears of a bill in the legislative session that the council would like him to testify about or write a letter about that would affect you folks, he said he is more then happy to appear or write a letter. He then stated on the council absence policy, if we would like he would write a brief resolution on the rules. Mayor Otten stated we have a paper trail so we will be good to go.

**REPOSRT OF WCSO:** none present.

**PUBLIC COMMENT ON ABOVE REPORTS:** Susan asked if Judge Sheila called and asked to be on the January meeting? Anita stated that she has not. Susan asked her to call, so her appointment needs to be made on the first meeting in January. Susan stated she thought she called but since she didn’t see it on the agenda, she thought she better let us know.

**PUBLIC COMMENT OF ITEMS NOT ON AGENDA:** Council member Charlie Bennett said that when he talked to the guy about the cameras on the pool, they will do a maintenance agreement, want me to see if he will give us an estimate on cameras at the park? Mayor Otten said you can ask, and we can look at it. Councilmember Charley stated we can work with the county and the rodeo committee to see if they would help and get possibly get a grant. Mayor Otten stated we can put that on the agenda. Councilmember Frank stated we will have to let people know that they are being recorded, and he was wondering if we needed to let the public know they are being recorded on the minutes. He asked Attorney Brent Brooks if we needed a sign to let the public know. Attorney Brent said he would encourage us to have a sign to let people know that we record at the meetings. Council member Charley mentioned we need to get something in place since things keep getting destroyed. Councilmember Frank also asked if we had 60 days where we needed to appoint someone to take Roger’s place? Or do we lose the seat? Brent Brooks stated he will send the information on it.

**ITEMS FOR NEXT MEETING:** A camera being at the park and rodeo grounds. Recycling back on the agenda. Appoint Judge Sheila Crow.

**CLAIMS:**

Council member Frank Brouillette made a motion to pass the claims. Council member Kathleen Schreiber seconded the motion. The motion passed unanimously.

The meeting was adjourned at 8:45 pm

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

Council Members Absent: none.

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

Public Present: Susan Beley, Dane Elwood, Robb Barnhart

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Paul Otten, Mayor Anita Leach, Clerk-Treasurer