

**CITY OF BOULDER  
P.O. BOX 68  
BOULDER, MONTANA 59632  
CITY COUNCIL MEETING MINUTES  
TUESDAY, FEBRUARY 21, 2023**

CALL TO ORDER:

Mayor Giulio called the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance.

ROLL CALL:

Elected officials present: Drew Dawson, Patricia Lewis, Gyle Nix, and Mike Taylor.

Others participating: Ellen Harne (*City Clerk*), and Chris Mosher (*Community Improvement Coordinator*).

APPROVAL OF MINUTES OF PREVIOUS MEETING:

The minutes from the January 17, 2023, council meeting was presented. Dawson made a motion to approve the minutes as written and presented. Lewis seconded the motion and the motion carried with 4 aye votes.

APPROVAL OF AGENDA: Dawson made a motion to approve the agenda as presented. Taylor seconded the motion and the motion carried with 4 aye votes.

REQUESTS OF ELECTED CITY OFFICIALS FOR ABSENCES EXCEEDING 10 DAYS OR PARTICIPATION BY TELECOMMUNICATION: Mayor Giulio reported he will be out-of-state from March 14<sup>th</sup> through the 24<sup>th</sup>.

COMMUNICATION FOR PUBLIC RECORD (Ex parte): None

CONSTITUENT ISSUES-REPORTS FROM THE MAYOR AND COUNCIL MEMBERS:

CONSENT AGENDA TO INCLUDE:

- Mayor Report - None
- Ambulance Report – Received.
- Fire Report – Received.
- Public Works Report – Received.
- City Court Report – Received.
- City Attorney Report – Documentation of E.J. Guza & Associates received.
- Community Improvement Coordinator – Received.
- Finance/Investment Report – Taylor stated that the committee has met twice since its inception. Terri Kuntz attended the first meeting and gave members a copy of the county's investment policy. The committee will present a final draft of the Policy to council at the March meeting. Several CD's and accounts that were earning .01% at the local financial institution have been negotiated up to 2% . Taylor said there is a lot of room for improvement and the city should start seeing higher returns on investments.
- Reports from Clerk
  - Cash/Bank Reconciliation, January 2023
  - Statement of Revenue Budget vs Actual, January 2023
  - Statement of Expenditure Budget vs Actual, January 2023

- Utility Billing Adjustments for January 2023
- Ambulance Write-offs & collections for January 2023

Dawson made a motion to approve the Consent Agenda. Taylor seconded the motion and the motion carried with 4 aye votes.

CORRESPONDENCE:

- Ellen Harne resignation letter: Mayor Giulio read the resignation letter received from city clerk Harne. Harne’s resignation is effective at the end of day on March 15, 2023.

COMMITTEE REPORTS:

- **Planning Board:** LaDana Hintz submitted a report that the Board had met on 2/6/2023. They received an update on city projects and are planning on inviting representatives from Montana’s Main Street Program to a future meeting. The next meeting is scheduled for March 6, 2023, at 6:30 p.m.
- **Chamber of Commerce:** Pat Lewis reported the Chamber held their annual membership meeting on February 21, 2023.
- **Cemetery Advisory Committee:** Pat Lewis handed out draft minutes from the February 8, 2023, meeting. She stated the Committee held discussion on the columbarium that was purchased by the Boulder Cemetery Care Committee. The mayor asked Lewis to meet with him to further discuss the columbarium.
- **BTAC:** None

OLD BUSINESS:

1. **Update on revisions to the Buildings for Lease or Rent Regulations variance appeal process:** Harne apprised the council that at the January meeting, the appeals process outlined was incorrect, and the council had instructed her to meet with the city attorney to amend the language. Amended language for the appeals process was presented. The council approved the amended appeals process language, and clarified that the regulations were adopted in January with the proviso the appeals process be amended, so no motion was required.

NEW BUSINESS:

1. **Public Hearing, & 1<sup>st</sup> Reading of Ordinance #2023-01 for:**
  - a) **Repealing & replacing Title 9, Chapter 90 “Animals”**

Mayor Giulio opened the public hearing at 6:41 p.m. Taylor gave an overview of the updates that were being presented. He explained that definitions were made clearer, language for chickens/fowls was added, language allowing miniature swine was added, and kennel language was amended. The city attorney suggested the city may want to put a limit on the number of animals that can be housed in a kennel.

**Chickens:** Taylor noted that many other rural communities don’t allow any chickens/fowl within city limits, others limit the number allowed, and no cities allow for roosters. The draft ordinance is proposing a maximum of six be allowed. Lewis asked if there is a way to enforce chickens. Taylor responded that enforcement would follow all other enforcement procedures. There were no objections to limiting chickens, fowl, or combination thereof, to six.

**Livestock:** Taylor said he has been approached about the legalities of owning miniature pigs as pets. Under current ordinance there can’t be any hooved animals in city limits. He would like to allow for miniature pigs and included preliminary language that would allow for miniature swine as pets if they don’t exceed 30 lbs. He suggested that if the council approved of miniature pigs, he would like to add language that would fall under the same chapter for regular

animal nuisances, cruelty, etc. Taylor asked for council opinion on whether to add the language or not. Harne reminded the council that previously there was a resident with goats in town that was told he couldn't have them. She is concerned that by allowing pigs the city may be opening a can of worms for others to want goats or other hooved animals. Taylor said he can't see people keeping goats in their house like they can with a pig, and that there hasn't been a demand for goats, but multiple people have reached out to request miniature pigs be allowed. If someone approaches the council to allow goats, they can revisit it. The city attorney is concerned that the animal ordinances don't include wording governing swine, so if the council agrees to allow swine, then the regulations governing animals in general will be incorporated into the section for swine.

Anita McCauley: In the General Regulations, 90.046 talks about having livestock within city limits. Now, with the proposed language regarding livestock, she wants to know how horses within city limits will be dealt with.

John Jessen: Said he has 3-1/2 acres, a barn, fenced area, and his family brings 3 horses in during the summer months.

Levi Streib: Said there are a few people at this meeting that are requesting an exception be made for those that have historically had and have horses.

Mayor Giulio asked if it would be appropriate to have language that you could have "X" number of animals per acre?

Jessen: Responded that there shouldn't be restrictions, (since there is no limit on the number of dogs a person can have) and leave it up to the landowner to decide.

Giulio suggested adding language that says horses are allowed unless they become a nuisance. Taylor said that people may have 4-5 animals that they take care of and it's not a problem, and there's people that have 1 animal that is a problem. Should the city limit the number of animals or enforce the way the animals are treated?

McCauley: Pointed out they have pastureland within city limits, as does SkyTop. She thinks it's a great idea to include language allowing for horses and that if the animals become a nuisance the city will revisit this issue.

Nix stated that the three people in attendance are a great example of responsible owners, and it's the exception the city wants to prevent. He agrees with Taylor that the city should be less concerned about the number of animals and focus on enforcing the treatment aspect.

Linda Stevens: Said she is glad that a lot of things in Boulder are grandfathered in.

Taylor said Boulder is a small town with a lot of history, and the council doesn't want to force people to change. However, having chickens in town has become an issue, right along with nuisance dogs, so these were the focus of his review. He mentioned that the city attorney had posed the question of whether the council would want to put a limit on the number of animals that can be housed in a kennel. The draft for kennel language also eliminates having three different classes of kennels. Taylor read the new definition of what constitutes a kennel and explained that the animal shelter would be exempt. He suggested the council may want to address this by acreage, housing size, etc.

Taylor said there is a difference between having multiple animals for pets or for hire versus having them for breeding and sale. He stated the heart of the ordinance is to promote responsible animal ownership. He will do research on square footage, etc. and bring ideas back to the next council meeting.

Kathy Rux: Asked if 4H members could raise pigs, calves, etc. within city limits. Harne explained there is no language within the current ordinance that addresses this, and in the past, the council approved a resolution specifically for a few 4H members to raise sheep, and once the specific members had sold their animals, the resolution became void. However, if there are 4H kids that would like to raise animals in the future, they would need to address the council

for permission. Perna said that she understands that this would need to go through the variance process. Taylor said no, it would need to be done by resolution. With no further discussion or questions, the mayor closed the public hearing at 7:07 p.m.

Taylor made a motion to approve the first reading of Ordinance #2023-01, with the changes that will be made. Dawson seconded the motion and the motion carried with 4 aye votes.

2. **Public Hearing & 2<sup>nd</sup> Reading of Ordinance #2022-02 for:**

- a) **Repealing & replacing Title 15 Chapter 153, Section 12 “Board of Adjustment”; and,**
- b) **Repealing title 15, Chapter 153, Section 14, “Schedule of Fees” to allow the City Council to adopt, by resolution, a separate and stand-alone fee schedule.**

Mayor Giulio opened the public hearing at 7:09 p.m. He explained that this ordinance gives the Board the ability to grant zoning variances, and that this will give trailer park owners the ability to apply for a variance so they can begin cleaning up the park without having to come into full compliance with the zoning all at once. For example, they could get a variance to move trailers in and out if the result brings them into compliance with the setbacks, getting homes off the city right-of-way, etc. Nix mentioned that it also gives the Board matching authority as outlined in MCA. Dawson said the main point is that it gives the Board the authority to grant a variance to an ordinance, which has not previously been the case.

Kathy Rux: Asked if a variance goes with the owner or the property? Harne explained that this is on a case-by-case basis. Examples of different variance requests were given.

Linda Stevens: Asked if a permit is needed for a greenhouse in a back yard. Harne explained that non-permanent structures do not need a variance.

Harne apprised the council that a draft fee schedule will be presented to the council in March that will allow council to make changes to the fees by resolution rather than having to make changes through ordinance. With no other comments or questions, the public hearing was closed at 7:16 p.m. Dawson made a motion to approve the second and final reading of Ordinance #2022-02. Taylor seconded the motion and the motion carried with 4 aye votes. Ordinance #2022-02 will become effective in 30 days.

3. **Discussion, & determination on sewer line repair claim at 100 S. Cleveland:** Council was presented with a sewer line repair claim in the amount of \$1,490 from Terry Johnson. Per his letter, the line was damaged in 2016. Giulio explained that the city did work on the lines in 2016, and apparently Johnson has had problems since that time. Johnson had R.S. Giulio Contracting repair the line. Dawson asked why, if he has been having problems since 2016, is he just now submitting a claim? Giulio said Johnson has had the line worked on several times but could never get it resolved. Dawson asked again why the council is just hearing about this now. Giulio responded that the city caused the problem when they did repairs on the main and that the line had settled. Discussion followed. Taylor made a motion to approve payment of the claim. Nix seconded the motion and the motion carried with 3 aye votes with Dawson abstaining.

4. **Discussion & determination on Resignation of City Clerk**

- a) **Hiring city clerk or city administrator**
  - i. **See ordinance Title III, § 31.05**

The mayor said the first decision that the council needs to make is whether they want to hire a city clerk/treasurer or a city administrator. He said the city doesn't have the funds at this time to hire a city administrator and suggested hiring a clerk/treasurer. Dawson agreed the city should advertise for a city clerk/treasurer. He said the one thing the city needs to do is change ordinance 31.05 calling for a city administrator. Dawson made a motion to advertise the position and change the title of the position from city clerk to city clerk/treasurer. Taylor seconded the motion. Dawson asked Harne to explain what duties a clerk/treasurer position entail. Harne included a draft job description for this position in the council packet. Rose Perna let the council know how much she appreciates Harne as a boss, leader, and mentor, and how

much she will be missed by her and everyone else. With no further comment or questions, the mayor called for a vote. The motion carried with 4 aye votes.

**b) Potential of using Westaff for recruiting/advertising**

Dawson stated that with the shortage of professional personnel, he recommends utilizing Westaff to advertise and recruit for the clerk/treasurer position. Westaff charges 10% of the gross salary for their services. Discussion followed. Dawson made a motion to utilize Westaff for the recruiting/hiring of a city clerk/treasurer. Taylor seconded the motion and the motion carried with 4 aye votes.

**c) Salary range**

Dawson suggested that the salary be \$24/hr. DOE. Discussion followed. Dawson made a motion to advertise the salary range as \$24/hr. DOE. Taylor seconded the motion and the motion carried with 4 aye votes.

**5. Ambulance District – Grant from Montana Health Care Foundation:**

**a) Update on progress and future direction**

Dawson explained that the County Health Improvement Plan has a clause emphasizing the importance of having a county-wide ambulance district. He stated that the City of Boulder does not receive tax revenues for ambulance operations, and with service revenues declining the city is going broke. With this, service personnel are declining, and a large percentage of calls are being responded to by St. Peter's. He explained that an ambulance district would allow for a per household assessment to generate service revenues. The City was previously awarded a \$25,000 grant from the Montana HealthCare Foundation to help get an ambulance district in place. However, Dawson would like the city to refocus the grant parameters and utilize the grant funds to contract an interim service director, (Jack Tretheway), to work with the current ambulance crew to upgrade services, increase service revenue, recruit/retain volunteers, and work on getting Boulder into first rate service that could annex into an ambulance district. Dawson gave a brief synopsis of Jack's experience. Discussion took place and questions were asked on how an ambulance district operates, how fees are assessed, etc.

**b) Authorization to accept and expend grant funds** Dawson made a motion to accept the \$25,000 grant from the Montana Healthcare Foundation for an interim service director. Taylor seconded the motion and the motion carried with 4 aye votes.

**c) Proposed expenditure of funds and authorization for possible contracted services (pending approval of granting agency):** Dawson made a motion for authorization to utilize contracted services funding for up to \$30,000 to contract with Jack Tretheway to serve as interim service director for a period of up to one year. Taylor seconded the motion and the motion carried with 4 aye votes.

**6. Information & discussion on sheriff's office enforcing city ordinances:** Giulio apprised the council he had met with Sheriff Grimsrud, and he suggested if the city goes through the process and issues a request for their office to enforce the ordinances, they will. Harne asked if the city should amend the Law Enforcement Contract which currently limits the ordinances the Sheriff's Office enforces. Dawson said this should be the first step. Harne will draft amendments and send to Guza for his review. Amendments will be presented to the council at a future meeting.

**7. Discussion & determination on participating in the 2023-2024 MMIA Employee Benefit Program:** Harne explained that participation in the MMIA Employee Benefit program is to be established each year, giving participants the option to renew or decline participation in the upcoming fiscal year. Dawson made a motion to continue participating in the MMIA Employee Benefit program. Taylor seconded the motion and the motion carried with 4 aye votes.

**8. Discussion & possible determination on dogs in city parks & community outreach efforts:** The city did not receive any information from third parties for this item. Taylor suggested removing this item from the agenda until further information is received.

9. **Discussion & possible determination on a dog park:** The city did not receive any information from third parties for this item. Taylor suggested removing this item from the agenda until further information is received.
10. **Discussion & possible determination on Zoom and Zoom usage:** Taylor informed the council that the county discussed not using Zoom for meetings unless someone specifically requested it. Discussion followed with the council agreeing this is a mechanism that can and should be used to encourage participation.
11. **Discussion & determination on Sweet Pea Sewer & Septic service contract:** Harne presented council with a contract for Sweet Pea Septic services. Discussion followed with council deciding not to sign the contract since there is no difference in costs with or without a contract.
12. **Approval of City record destruction request:** An RM88 form requesting authorization to destroy old records was presented. Taylor made a motion to authorize disposal of items presented. Dawson seconded the motion and the motion carried with 4 aye votes.

UNSCHEDULED MATTERS: None

OPEN PUBLIC COMMENT: None

AUTHORIZATION TO PAY BILLS: The bills were presented for payment authorization using checks #17020-17060 in the amount of \$59,140.45, and ACH payments #978127-978178 the amount of \$28,038.62 for a total of \$87,179.07. *Note: Check #17020 was issued to Blue Collar Diesel on January 25, 2023, for repairs on the fire chief's truck. Funds used were from the ARPA grant the fire department received from Jefferson County for this specific purpose.* Taylor made a motion to authorize ACH payments in the amount of \$28,038.62 and check payments in the amount of \$59,140.45. Nix seconded the motion and the motion carried with 4 aye votes.

COUNCIL AGENDA SUGGESTIONS TO THE MAYOR FOR NEXT MEETING: None

ADJOURNMENT: With no further business, the meeting was adjourned at 7:55 p.m. The next regularly scheduled meeting will be held on Monday, March 20, 2023, at 6:30 p.m.

DATE: 20 MAR 23

Daw E Dawson, Mayor  
Mayor

Attest: Jellen Harne  
City Clerk

SEAL