

**CITY OF BOULDER**  
**P.O. BOX 68**  
**BOULDER, MONTANA 59632**  
**CITY COUNCIL MEETING MINUTES**  
**MONDAY, September 18, 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: Russell Giulio, Drew Dawson, Patricia Lewis, Gyle Nix, and Mike Taylor (by Zoom.)

Others participating: Megan McCauley (*City Clerk*), Jack Trethewey (*ambulance director*)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

The minutes from the 8/21/2023 Council Meeting – Dawson moved, Lewis seconded, carried with 4 aye votes. Final Budget Public Hearing from 9/11/2023 – Dawson moved, Lewis seconded, carried with 4 aye votes

APPROVAL OF AGENDA: Dawson made a motion to approve the agenda with modification moving New Business #3 to item #1 Nix seconded, carried with 4 aye votes.

REQUESTS OF ELECTED CITY OFFICIALS FOR ABSENCES EXCEEDING 10 DAYS OR PARTICIPATION BY TELECOMMUNICATION: Nix will be out September 20 until October 12, 2023. Approved

COMMUNICATION FOR PUBLIC RECORD (Ex parte): None.

CONSTITUENT ISSUES-REPORTS FROM THE MAYOR AND COUNCIL MEMBERS: None.

CONSENT AGENDA TO INCLUDE:

- Mayor Report – None.
- Ambulance Report - Received.
- Fire Report – Received.
- Public Works Report – Wortman was not able to attend the meeting.
- City Court Report – Received.
- City Attorney Report – Received.
- Finance/Investment Report – None.
- Community Improvement Coordinator Report – None.
- Reports from Clerk
  - Cash/Bank Reconciliation, August 2023
  - Statement of Revenue Budget vs Actual, August 2023
  - Statement of Expenditure Budget vs Actual, August 2023
  - Utility Billing Adjustments for August 2023
  - Ambulance Write-offs & collections for August 2023

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

## CORRESPONDENCE:

## COMMITTEE REPORTS:

- **Planning Board:** LaDana Hintz stated the Board met on 9/11/2023 two main discussions were the Tree Board and Tree Board Duties. There is a need for a Tree Board, the Planning Board is recommending that the City Council consider having the Planning Board serve as the Tree Board for the City. Recommend that the City Council start performing duties that are outlined in the ordinance. Next meeting October 2<sup>nd</sup> at 6:30 PM.
- **Chamber of Commerce:** Lewis reported that the annual membership meeting is October 7 at 5 PM, then community and social until 6:30 PM. Next event will be in November for the Holiday Bizarre
- **Cemetery Advisory Committee:** Lewis reported that the advisory committee is ready to make policy/procedures for the columbarium with the City Staff
- **Finance/Investment Committee:** Taylor reported that Mike Blakeley will have more time to have meetings and they will schedule one to address this.

## OLD BUSINESS:

1. Fee Schedule – discussing and determining Pool Fees. Lewis motioned to approve the pool fees as presented, Nix seconded. Carried with 4 aye votes.

## NEW BUSINESS:

1. Morrison-Maierle update – Elly Schmeltzer reported that there was progress with the test well. 102' well, hit water at 15' and high reasoning that we will have a high yielding water well. Very optimistic. DEQ review ahead of us for the well itself. The funding agency have several requirements which might put us back a bit. Hoping to have a bid for the project early next year.
  - Task order amendments, attachments given. Miscellaneous, Throwing Dice, Jefferson High School and Family Dollar were all discussed. The developer is responsible for the charges. Lewis made a motion to approve both task orders as presented, Nix seconded. Carried with 4 aye votes
2. Ambulance MOU – Jack updated that he doesn't know about the original bid. Dodge chaste was having temperature issues so they wanted to switch to a Ford. Which would change the match to the value presented.  
Dawson moved that we sign the MOU, Lewis seconded. Carried with 4 aye votes
3. Betty DeMers-Hering, Sheridan Road – Betty reported that in 2006, she bought the property from Mr. Hoffler (sp?). She paid off her land in 2020, she decided to build a garage and when measuring for said garage, she noticed that she needed 40' so she had her land surveyed. She showed the survey. She gave options to what can be done to "right the situation"
  - Mayor reported that Betty put together a really nice packet that was easy to understand. He also stated that he can't make decisions on his own, therefore, it needed to come to council and that he wants them to do something.
  - Johnathan Reese reported he surveyed the property in 2011 and again this year. Reese reports that they County knew there were errors in 1970s because of the section line with the Warner Edition and the Parsons Edition. Reese states that the surveyor in the 70s didn't do his research and that he found where it should have been set. He states that shifting the road would resolve the issue.
  - Mac Smith, Betty's attorney, stated that Betty has been a life-long citizen of Boulder and this ordeal has been really hard on her. He talks of the 40 foot right-of-

way and there's a 20 foot encroachment onto her property. He states that the City deeded the property to Hoffer in 1995 under warranty. He listed proposals, and that the City said no, there's a prescriptive easement, there's 6 elements – two of which, he states can't be made 1. Open and notorious and 2. Constructed

- Ed Guza states that he has taken a look at the conflict of interest and the Mayor does not have one, additionally he does not vote on the matter. He stated that he went out and looked at the place and read the letter, he wants them to know that we are looking at alternatives and the impact that there will be not only on Betty but neighbors and the community. Wants to know what specifically all Betty wants.
  - Betty wants the road moved and the encroachment from the phone company to be fixed. Also, attorney and surveyor fees paid.
  - Dawson moved that the Mayor, the City Clerk and the Public Works Department to come up with a feasibility study to move the road where it will be noticed for neighbors and the others affected can give comments at the October 16, 2023 meeting. Nix seconded.
  - Cheryl Haasaker wants to know why a land owner would have to ask the City for their land back when it is their land.
  - Bear Taylor pointed out that this isn't just a problem in Boulder, it's a state wide problem. These roads have been established 100 years ago, the reason why they have to ask is because there are costs associated with moving roads and there are prescriptive easement laws in place because it does cost money and established roads are costly to replace. He doesn't say this is what going to happen here, just wanted to make that clear.
  - Mayor reported there's a motion on the floor. All 4 ayes in favor
  - This will be addressed at the next meeting in October
4. Approval of City record destruction request – Dawson moved for approval of record destruction request. Lewis seconded. Motion passed with 4 aye votes.

#### UNSCHEDULED MATTERS:

#### OPEN PUBLIC COMMENT:

AUTHORIZATION TO PAY BILLS: The bills were presented for payment authorization using checks #17309-17347 in the amount of \$37,041.66, and ACH payments #99777-99785 the amount of \$24,147.53 for a total of \$61,189.19. Taylor made a motion to approve the bills and payments as presented. Nix seconded the motion and the motion carried with 4 aye votes.

#### COUNCIL AGENDA SUGGESTIONS TO THE MAYOR FOR THE NEXT MEETING:

Tree Board  
Betty DeMers Hering  
General Election

ADJOURNMENT: With no further business, the meeting was adjourned at 7:23 p.m. The next regularly scheduled meeting will be held on Monday, October 16, 2023, at 6:30 p.m.

DATE: 10/10/23

*James R. ...*  
Mayor



Attest: *Megan McCauley*  
City Clerk