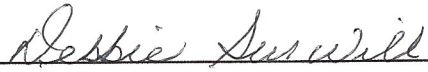
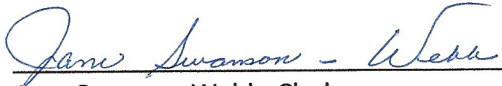


MINUTES OF THE TOWN OF BEARCREEK COUNCIL JANUARY 5, 2023 MEETING

Due to lack of quorum the Mayor notified those present that the January meeting would not be held.



Debbie Surwill, Mayor



Jane Swanson-Webb, Clerk

MINUTES OF THE SPECIAL MEETING OF THE BEARCREEK TOWN COUNCIL DECEMBER 22, 2022

The Mayor called the special meeting to order at 7:00 p.m. in the Town Hall on December 22, 2022. All council members and the town attorney, Juliane Lore, were present. Public present were Jack Owens, Mike Majerus, and Earl Craig.

The Pledge of Allegiance was recited.

The council and the attorney went into an executive session to discuss the strategy to be followed with respect to the threatened litigation.


Following the executive session, the meeting was opened to the public.

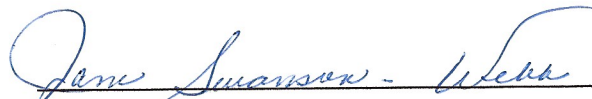
The Mayor asked for public comment. Mike Majerus requested that public comments be later after hearing from the council. The Mayor denied the request.

The Mayor called for unfinished business on Resolution 2022-05. The Mayor explained that the council was moving forward with the Resolution, clarifying that the Town will implement the rate increases and create fee structure for the non-active users who are customers of the system having readily accessible services to the Bearcreek Water System to begin the first day of January, 2023. The fees for the lots that are not readily accessible will be tabled at this time. Earl Craig questioned how close was accessible. Council member Hogan and the Mayor advised that the main runs in front of your lots. A discussion ensued with the same questions and comments as heard at previous meetings. Council member Hogan explained that the town wasn't trying to scam anyone, but money was needed to update the water system and keep it running. This cost big money. Criteria needed to be met to get grants therefore the Town needed to prove they could meet the match money requirements. If this wasn't done, the system would be shut down. The council was only trying to do something that the previous councils should have done and now this council was trying to rectify and get things back on track. Mike Majerus felt that the letter from the Crowley law firm stated that the City of Billings had tried to assess fees and it was unconstitutional. The town's attorney felt Mr. Majerus's interpretation was incorrect and pointed out the verbiage in the municipal code.

The Mayor asked if the council was ready to move on with the Resolution. The attorney asked that Jane read the sentence of the Resolution clarifying the charges of the accessible lots, acknowledging that the inaccessible lots will not be charged at this time. Jane read the sentence that states: The Town of Bearcreek will implement rate increases and create fee structure charges for non-active users who are customers having readily accessible services of the Bearcreek Water System to begin the first day of January, 2023. Council member Hogan moved that Resolution 2022-05 with that clarification be adopted. Council member Cristan seconded the motion, which passed 3-0 with Council member Jenkins dissenting.

Harold moved to adjourn the meeting. Danell seconded the motion. Motion carried 4-0.


Debbie Surwill, Mayor


Jane Swanson-Webb, Clerk

MINUTES OF THE TOWN OF BEARCREEK COUNCIL DECEMBER 1, 2022 MEETING

Mayor Surwill called the Bearcreek council meeting to order at 7:30 p.m. Dec. 1, ²⁰²²~~2021~~, in the Town Hall. Council members Cristan, Boos-Bader, Hogan, and Jenkins were present. Rob Surwill, Animal Control Officer; Loni Hanson, Zoning Director; and Dean Webb, Public Works Director were in attendance. Audience present were Mike Majerus, Earl Craig, Jack Owens, Skip Boyer, Cy Murfitt, John Repac, Kim Bader, and Steve Repac.

The Pledge of Allegiance was recited.

Council member Jenkins moved to accept the minutes, financial reports, and budget vs actual reports as presented. Council member Boos-Bader seconded the motion which carried 4-0.

Under correspondence letters read were from Steve Repac requesting utility maps for water and sewer lines and a review of the Clerk's assessed fees for errors or issues related to classification and Beverly Murfitt who expressed her desire not to be reappointed to the Carbon County Historic Preservation Commission for her term which expires 12-31-22. The clerk advised that another letter had been received from Crowley Law Firm representing Mr. Repac concerning litigation therefore the Council and Mayor had been given a copy of the letter but because of threatening litigation the letter was not read or entered into the record.

The Mayor reminded the audience of the public comment rules. No public comments were received.

Dean reported that all was well with the water, sewer, and streets. The water usage was normal for the winter months. Loni had nothing to report for zoning. Rob reported that he would be sending out the animal license renewal letters.

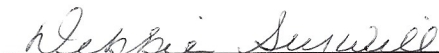
There were no items addressed under council concerns.

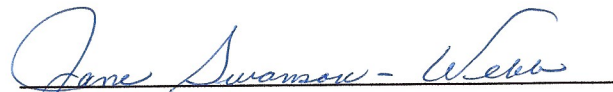
Under unfinished business the Mayor advised that the Water Rate Increase/Structure Change Resolution and the corresponding structure map were to be voted on, but due to the letter received threatening litigation she asked for a motion to table the Resolution and acceptance of the map until the special meeting on December 22, 2022. Council member Jenkins moved to table the Resolution and map until the special meeting on December 22, 2022. Council member Hogan seconded the motion which passed unanimously.

Council member Hogan moved to accept Beverly's non-reappointment to the Carbon County Historical Commission. Council member Cristan seconded the motion, which passed 4-0. No letters of interest had been received to fill the vacancy. The Mayor asked for any volunteers from the audience. Kim Bader expressed an interest after the meeting.

Under clerks items: (1) the clerk had visited with the electrician who had advised her that the light bulbs in the lamps were no longer available therefore he checked into a LED conversion. The cost of those would be \$25.00 each plus labor. She had told him to go ahead and order new ones for each and install them all, saving on the labor should another one go out. (2) The clerk reminded those present of the Women's Club Christmas potluck, Sunday, December 11 at 1:00 p.m. in the Town Hall. (3) She questioned the Mayor and council if they wanted to start at 7:00 p.m. or 7:30 p.m. for their special meeting. The executive meeting will be first to discuss the threatened litigation as a closed session, opening the meeting to the public after the executive meeting. They chose 7:00 p.m.

With no further business Harold moved to adjourn the meeting. The motion seconded by Danell passed unanimously.


Debbie Surwill, Mayor


Jane Swanson-Webb, Clerk

MINUTES OF THE NOV. 3, 2022 MEETING OF THE BEARCREEK COUNCIL

Mayor Surwill called the Bearcreek council meeting to order at 7:30 p.m. Nov. 3, 2022 in the Town Hall. Council members Cristan, Boos-Bader, and Jenkins were present. Rob Surwill, Animal Control Officer; Dean Webb, Public Works Director; Loni Hanson, Zoning Administrator; and Juliane Lore, Town attorney were in attendance. Audience present were Earl Craig, Jack Owens, Steve Repac, Cy Murfitt, LuDon DeVille, Dick DeVille, Jan Oestreich, Skip Boyer, and Dave Schneider.

The Pledge of Allegiance was recited.

Council member Jenkins moved to accept the minutes, financial reports, and budget vs actual reports as presented. Council member Cristan seconded the motion which carried 3-0.

There was no correspondence.

Before public comments were heard the Mayor read the Town's rules of public participation. LuDon DeVille opened public comments with a letter addressed to the property owners showing her support of the water rate/structure change to help the town with its water needs. She outlined several points of how the funds would be used closing with how she has come to realize how important it is for all of us to help with Bearcreek's infrastructure and how she was glad to have served on the committee. Steve Repac advised he had attended the public hearing and was disturbed by some of the comments that had been made about parity and decay. He feels there isn't any benefit to his lots and stated he isn't promoting decay but trying to exist. He wants to sell his lots in town but can't. He stated there's no demand as there are no services. He feels it is unfair the way this is being done and not just. The way he figures he would be paying around \$300.00 a month. He talked to the lady in Great Falls and is in agreement that the Town needs some overage for breaks, etc., but not this way. Jack Owens stated he agreed with Steve as he figures he will be paying \$30.00 more than the basic water user. They say it is buildable, but he would still need to run a line. He stated he didn't think that was buildable as he didn't want to spend \$20,000.00 to run a line. He bought it just for the garage, and he had to run electricity at the cost of \$5,000.00. He stated that he didn't think it was fair for the lot owners to bear the burden.

Dept. head reports was started by Dean who reported that a new water leak was found. Hopefully it will be repaired in the next couple of weeks. Everything else was going well. Water consumption was down with the rest being overflow. Loni reported that she hadn't had any zoning permits, but numerous inquiries on the lots on First Street and Richie Martisch's property that just came up for sale. Rob reported all was going good for animal control. He had calls on a couple of dogs that were running loose and they were returned to their owners.

There were no council concerns.

Under unfinished business the committee workshop notes, and proposals had been passed out prior to the meeting to the council members for their review. The public works director presented the white/green/red coded map to the council for their assessment of the lots that the committee had viewed on their physical survey of the Town lots. The white area designated active water users and the main base rate of \$25.00 per 7,000 sq. ft. The map also showed two sub-categories in the billing structure set at \$10.00 (red) and \$5.00 (green) respectively. The green tier defined where there are currently no services extended, but ultimately buildable and the red tier defined as problematic to building and extending services such as in the creek, across the creek, steepness of property, or doesn't meet footage requirements per zoning. The clerk mentioned that the council had already set the 7,000 sq. ft., in their Resolution of Intent, so she felt they had to stay with the 7,000 sq ft and not do it by tax assessment. She used Dave Schneider's lots for an example that some lie in the green area, but some lie in the red. She advised she would use the tax roll for sq. footage, but go off the map, therefore charging the green footage \$10.00 and the red footage \$5.00 although they may be combined on one tax assessment. The Mayor asked if there were more lots that may have that circumstance. The clerk replied there may be when the map is fine tuned. The clerk advised that the map would need to be part of their Resolution so that she may comply with that. In finishing the committee report the clerk advised that all 5 members had attended both meetings and 4-5 had agreed to accepting the map with the tiers and adjusting the \$10.00 fee to \$5.00 for the 7,000 sq. ft with exceptions. Jack Owens asked the clerk to repeat the last sentence as he was against it. Cy Murfitt remarked that he wasn't for the \$25.00, but that had been set by the council prior and the committee were told they couldn't change it, so he was for the \$10.00 & \$5.00 but didn't want anyone to think the committee had anything to do with that. Dave Schneider advised he was on the committee as well. The committee requested that the council review the rate structure every 5 years. Danell moved to accept the committee's recommendations incorporating them in the Resolution. Betty seconded the motion, which passed 2-1. The clerk advised that she needed direction from the council on those who had curb stops installed prior, but not utilizing them. She wanted to know if they could be

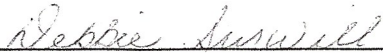
grandfathered in on the size of their property at time of installation, pay a non-active turn on fee and pay the monthly basic rate instead of the \$25.00 per 7,000 sq. ft. Council chose "grandfathered in" therefore the clerk will include that in the Resolution and write the landowner a letter advising them they have a choice.

Council member Jenkins stated that there should be a full quorum before a decision is made. The clerk advised that there was a quorum. He responded that he wanted a full quorum as Paul wasn't there. The Mayor explained that the motion was made to include items in the Resolution and Paul should be present next month to see if the Resolution passes. Harold replied that he understood now.

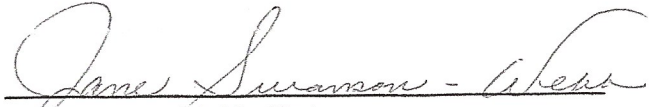
There was no new business.

Under clerk's items (1) the clerk advised that she had sent Mike Majerus a letter of apology as she had misspoken when she said all Bearcreek tax notices showed the same percent of taxes paid. The Treasurer's office outsources the notices, therefore although the mill levy is the same for all, the computation includes fees, so that distorts the percentage that the Town receives. She included the attorney's findings that Loni could sit on the committee. The clerk had also advised Mike that if he chooses to opt out of the garbage service to notify her in May or June as the Town contract runs from July-June. She will retrieve the canister to return so Republic Services doesn't continue to charge the Town and the charge will not be placed on his 2023 tax notice. (2) The county offered a grant for \$102,700.00 of ARPA MAG money to the Town. They had been going to use it for the 2 Mile Bridge project, but FEMA dollars will cover that project therefore they had contacted our engineer at Interstate to see if the Town could utilize it. The engineers advised that the criteria would be a good fit for the Meeteetse Trail where our water line is in jeopardy every year. It would be in coordination with the County, as well as it is a county road. The Town will have to have a match. It will require state approval before anything may be granted. (3) The clerk asked the council if she had their permission to tell the Belfry FFA to choose a spot for the Veteran crosses and dog tags and advise the Council so they could approve or disapprove if it was in the Town's limits. Harold had suggested previously that the Park would be a good location. Permission was granted.

With no further business Harold moved to adjourn the meeting. The motion seconded by Danell passed unanimously.



Debbie Surwill, Mayor



Jane Swanson-Webb, Clerk

MINUTES OF THE TOWN OF BEARCREEK COUNCIL'S WORK SESSION ON WATER RATE INCREASE/STRUCTURE CHANGE

The work session was called to order by Mayor Surwill at 7:00 p.m. in the Town Hall on Oct. 20th. All council members were present as were Dean Webb, Public Works Supt. and Juliane Lore, Attorney for the Town. Audience present were Rob Surwill, Dick DeVille, LuDon DeVille, Cy Murfitt and Mike Majerus.

The Pledge of Allegiance was recited.

Under input from the public hearing the clerk responded to several of the questions and comments that had been brought up clarifying them for those in attendance. A discussion between the clerk and Mike Majerus ensued over the amount of taxes that goes to the Town of Bearcreek. The clerk explained that the Soil & Water that shows on your taxes is a county district used for citizens to conserve soil, water, and other renewable natural resources. It helps support the Bridger Plant Materials. None of the money comes to the Town. What the Town is trying to do by assessing lots not currently connected to the water system (non-active users) is not illegal as addressed in MCA 7-13-201. Assessing out of town water users an increased fee was termed illegal by Rural Development's terms and conditions of the loan agreement as all user fees must be charged equal.

The Mayor advised the audience of the rules of participation before allowing public comment. There was no public comment brought forth at that time.

In discussing the goals of the committee Paul said an assessment of the lots needed to be done for readily accessible. The clerk asked for clarification on "readily accessible" if he was talking water/sewer or roads. Dean advised all lots were accessible by travel, most access shown on the map. It just depended on how deep the pockets were to get that road there. Attorney Lore said the main goal was to evaluate fairly the lots by identifying lots with exceptions. A walk survey of the lots needed to be done to be able to categorize them. Dean readily agreed. 2-3 categories could be made.

Council member Hogan moved to appoint Dean as Chairman with the role of breaking ties, not a voting member. Council member Jenkins seconded the motion, which carried 4-0.

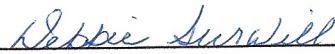
Council member Hogan moved to appoint 5 members to the committee. The motion seconded by Council member Jenkins passed unanimously.

There were 7 letters of interest received to serve on the committee. The clerk read all the letters to the council after passing out the ballot sheets. A vote was taken and counted by the clerk and attorney. Those chosen were LuDon DeVille, Loni Hanson, Cy Murfitt, Jack Owens, and Dave Schneider.

The first meeting of the committee was scheduled for Thursday, Oct. 27th at 3:00 p.m. to do a walk around of the lots. Members will meet at the Town Hall and proceed from there. It had been discussed to have the workshop following the walk around, but the attorney advised later that it would be better to schedule another meeting and let the members think on it before making a decision.

Council member Hogan asked permission to leave the state and the country being absent for the November meeting. Council member Boos-Bader moved to grant Paul permission. Motion seconded by Council member Cristan passed 4-0.

Council member Hogan moved to adjourn the meeting. The motion passed unanimously after being seconded by Council member Jenkins.


Debbie Surwill, Mayor


Jane Swanson-Webb, Clerk

PUBLIC HEARING ON WATER RATES INCREASE & STRUCTURE CHANGE
THE REGULAR TOWN OF BEARCREEK OCTOBER 6, 2022 COUNCIL MEETING

Mayor Debbie Surwill called the public hearing to order at 7:00 p.m., Oct. 6, 2022 in the Town Hall. The purpose of the public hearing was in accordance with 69-7-11, a Municipality Changing Rates, Fees and Charges per the Water and Wastewater Authority Act.

All council members (Danell Boos-Bader on speaker phone); Loni Hanson, Zoning Administrator; Rob Surwill, Animal Control Officer; Juliane Lore, the Town Attorney; and Dean Webb, Public Works Director were present. The audience sign in sheet is attached to the minutes.

The Pledge of Allegiance was recited.

The Mayor introduced Bobbi Shuyler, circuit rider of the Montana Rural Water System, who had helped develop the formula used by the council to arrive at the fee structure per MCA 7-13-2301 (2) (a). Bobby explained that the water system must be sustainable for its own expenses for operation & maintenance of the facilities, payment of principal and interest on any bonded or other indebtedness of the system; establishment and maintenance of any required reserves needed for expenditures for depreciation and replacement of facilities. No money from the general fund may be used for the water or sewer systems, they must support their own expenses by rates charged. Bobby presented the formula spreadsheet to those present, so that they may understand how the fee structure for the non-active lots was formulated to be fair and equitable. She reminded the audience that inflation costs have risen plus the EPA is making new rules about asbestos and other chemicals. She explained the reserve account, which is a fancy name for a savings account, to fund replacement of lines, etc. If you have money in savings and you have a breakage it saves you from having taking out a loan out and pay interest rates, which doesn't help anyone. She entertained questions next. Steve Repac asked about the number of current water customers (68) and the clarification of the existing loans. The clerk explained they were for the line relocation when the highway was done between Bearcreek, and Scotch Coulee and the water tank done in 2010. The existing loan will be done in 2032 at an interest rate of 2%. Bobby explained there were no frills in the spreadsheet, just the expenses of prior years. Even if you took out the savings account and the forecasted new debt, the rate would be \$56.00. The people must remember that other towns may have a lower rate, but they have a bigger base than 68, but that doesn't help when you go get a loan or supplies. They don't care if you have a small base, the costs are still the same for everyone. The clerk asked Bobby to explain how the vacant lots came into the scenario. She explained to the audience that when the improvements were done to the system all the burden was placed on the existing water users. All the landowners within the boundaries of the water system will benefit when those lots are developed. A good water system makes the value of those lots worth more. Skip voiced a concern about the availability of water. Bobby advised if those lots are within our system boundary, we are obligated to provide water. Skip questioned whether it is fair to charge the lots that he isn't sure can get water. Mike Majerus voiced concern that an impact fee, etc. was charged when one hooked to the water. Bobby explained that she couldn't address that as each system has their own policy concerning that. Kristi Dennis questioned Bobby how she had come up with the formula. She asked if she had gone to an engineering firm to come up with them. Bobby explained again that the clerk had provided operational cost reports, for the 2021-2022 year for the water system taking out any one-time items that may inflate the costs for the water system, and that was the figures she used. Dave Schneider voiced his concern that assessing the vacant lots may cause the Town to be sued, Bobby explained that the customers were footing the whole bill, when the MCA states that all fees and rates are equitable, therefore the reasoning for vacant lots being assessed as their peripheral benefit and the water users are supplementing their fees. Steve Repac questioned how the tracts would be assessed. John McCampbell questioned the date for the lead and asbestos lines removal and the money available. Bobby reiterated there was no date deadline for the replacement, but there is a deadline for the inventory of those service lines. Steve Repac questioned how many more public hearings will be held. The clerk responded that this is the only public hearing required. He asked when the council will vote. She responded that it won't be tonight, they will have work sessions to consider all the remarks. He asked if they were questions that weren't resolved tonight, how would that be handled? The Mayor responded they will take all the comments into consideration and go forward. She advised that they were listening to the audience. Colleen Capps stated that she had owned her lots since '96 and been paying her taxes and so she has been paying for the water infrastructure through her taxes. She was advised once again

that the general fund, where the taxes are derived from can't go to the water system expenses. The water system must sustain itself through fees charged. She continued that \$300 is unfair. She is on a fixed income and the 3 months to pay the bill places a burden on many. Dixie McCampbell questioned what it meant for the main accessible and how would she know if it is accessible. The clerk advised that her lots on First St. had the main available. Bobby reminded the audience if you don't have a viable water system available you don't have a viable lot for sale. Jack Owen expressed his thoughts that the Town should provide the main to the curb stop for all lots. Cy Murfitt commented he didn't have a problem with the water system or the rates but did have a concern over the vacant lot charge. They have 2 lots and are going to add 3 that they pay taxes on, and this will add even more. Steve Repac questioned what if someone has one lot and can't build on it as it's not accessible, how does parity come into play? The question was answered that it will be prorated as it states in the proposal. Steve replied that isn't something that is clear cut to get parity. Earl Craig stated that he had 4 lots in the creek that he can't build on and he will be charged. Bobby said that this is something your board will take into consideration. Mike Majerus said he had his tax bill, and he paid the Town taxes of 68%, so this is an insult. If he combines his lots together, that saves the number of hookups and saves the system. He questioned whether this would be done by a Resolution or Ordinance. The clerk responded it was a Resolution. Mike suggested it be petitioned to be on the ballot. The clerk advised that wouldn't be fair as many of the vacant lot owners were not voters in our Town. Skip questioned if he had the water turned on what he calls the South Forty, which is a tract of 28,000 sq. ft, would it cover the whole tract. The clerk responded, "yes" as he was grandfathered in on that tract when the water system was put in and it shows the tract as one parcel on his tax notice. John McCampbell told about wanting to purchase lots and the main needed to be extended, but the guy didn't know how much it would cost him. John had a positive thought that if the town had 68 present water users and added 20 more that would bring in lots more revenue. Dave Schneider remarked he was a water user and vacant lot owner and felt the water bill going up \$2.00 a month was a "so what", but the charge to the vacant lot owner is what he questioned and didn't want the Town to be sued as he couldn't see the benefit to the vacant lot owner. The clerk advised that they had some complain about the \$2.00 increase. The Mayor remarked that they were moving on and would hear the written comments. The clerk read the letter received from Marjorie Nelson and the one from Carol Christensen, Beverly Murfitt, Dick DeVille, and Jerry DeVille. Both opposed the vacant lot charges and DeVille, Murfitt, and Christensen questioned why the monthly base rate went up and the base amount of usage went down. Colleen Capps asked about being grandfathered in as \$300.00 is too much. The Mayor responded that they were listening to all the comments. Jack Owens questioned if the system could handle another 30-40 homes. Dean replied, yes at the present, but no one can tell how long that will last, but we don't know how long the system will last either. It could break down next month or last another 50 years. Jack said that he thought the Town should extend the mains for all lots. Dean explained that the lot owners had a chance to have the main brought to their lot at their cost when the system went in, but Rural Development wouldn't allow the Town to extend mains to vacant lots. Skip thought a rate study should be done as First Street had run out of water before the meters went in. John Repac questioned the rate increase for the water users. The clerk answered 5%. He asked if there could be a 5% rate increase for the non-active users. Rob Surwill commented that he was under the impression that Bearcreek has never charged the vacant lots for a water fee, but other towns in the county have, so it's not like they are being picked on. The clerk assured him that he was correct. She had checked with all the Towns in the County and the Roberts Water District and all of them charge vacant lots, except for Joliet, which doesn't have any vacant lots. Steve Repac suggested the Town hire grant writers and apply for grants and government money at a low rate to extend services in the Town. Loni reminded Steve that your system must be charging a target rate before you can be eligible for grants. Steve questioned if anyone knew what that target rate would be. The clerk responded she had contacted the engineers and it would be around \$100.00 a month. You must have match dollars when applying for grants. Mike Majerus questioned the disparity in residential and commercial rates. The clerk responded that was the way it was set up by the engineering firm when the rate change was made in 2009, and she couldn't confirm the reasoning behind their thoughts. Skip suggested that a CPA check the clerk's work. When he was advised it was done every year, he said he meant every month before it goes out in the mail. The clerk advised that the software program figures the bill when the usage is put into the system. He wasn't happy with that, so he was asked if he would like to pay for the CPA, to which he responded, "no". Jan Oestreich questioned if it was set in stone. The Mayor responded, "no" there would be more discussion before a vote was taken. Mike Majerus thanked Dean as he knows he does a lot of work for Bearcreek. He remarked laughingly he knew those sitting up front always got lots of praise and remarked that it was the most civil public hearing that he had attended in Bearcreek. He felt the plan was ill fated but knew the council would come to the right decision. He wanted to remind the council that it hits the elderly and those on a fixed income the hardest. Earl Craig interrupted that it would take half his income for the month. Council member Hogan thanked the audience for

coming and having a good turnout. He remarked that this is what the council needs for the townspeople to give their input. The problem the council is facing is your typical household finance. We only have so much money, so how are we going to get it done. It feels like it takes all of us to figure out what the recipe is. All the comments given were fabulous and it gives the council the information back from the public to maybe make a better solution. There's a lot of math involved in this as it is a small community and the cost of water to maintain it is still the same whether we have 100 or 50 users. Paul advised that is important to have feed back and the council isn't there to get in everyone's pockets. We know a lot of people are on fixed incomes. The council isn't going to just do this wily nily, but other options are going to be tough as well. Paul can understand the vacant lot owners who must extend the main line as it is a bunch of money to have that done and that \$300.00 is taking away from that. Contractors don't get cheaper every year. To maintain our water system doesn't get cheaper every year, either. All input will be taken into consideration. Not charging vacant lots and charging just water users \$100.00 a month, that would create a full room. Paul again reiterated the council is just trying to find a good solution. The Mayor closed the public hearing. Skip asked if written comments could still be submitted. The Mayor replied, "yes" they can be mailed to the Clerk at the Bearcreek address. Paul advised he would take written comments at any time on any subject. You have a concern write it in a letter and the council can review it. Bobbie thanked the clerk for calling her and allowing her to meet and help come up with a solution.

The Mayor called the regular meeting to order following the public hearing. We had lost our connection with Danell, therefore council members present were Paul Hogan, Harold Jenkins, and Betty Cristan. Atty. Lore, Zoning Administrator Hanson, Animal Control Officer Surwill and Public Works Director Webb were in attendance. Public who stayed was Earl Craig.

The Pledge of Allegiance had been recited so the Mayor called for a motion to approve the minutes, financial report, and budget vs. actual report. Harold so moved with Betty seconding said motion. Motion passed 3-0.

There were no correspondence or public comments.

Rob started Dept. Head reports. He reported that there had been a racoon problem, so he had gone around talking to individuals and most wanted to handle it themselves. He had set 3 live traps at one residence for a week. One raccoon was caught and removed. He had a call about stray dogs running around town, and he got that handled. Loni had nothing to report for zoning. Dean reported that water usage was down some; he had gotten his computer board installed; and the project on 3rd Ave by 6th St. was done except for some cleanup. The temporary water they had used for 2 weeks had been disconnected and back to regular service. The Mayor questioned if the street was open again. Dean replied, yes. Loni remarked they had done an awesome job and were quiet, also.

There were no council concerns.

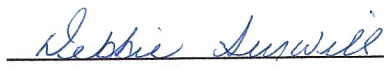
Under unfinished business Paul said he wanted to absorb the comments they received. Loni said that she felt it would be unfair if the vacant lots got away from paying anything. The Attorney advised that she thought the speaker did an awesome job of telling the audience that what the Town is doing was lawful and that they were trying to restructure the fees. There is no way it can go up for a vote as the problem with that is the Town must be sure that they are in compliance with the MCAs and parity. If they get a chance to vote on it, then the Town might as well disincorporate as there is no law. Dealing with parity is difficult and here she thought there was some historical entitlement and she had never seen a Town with as many vacant lots and there has been a free ride with no parity which encourages decay. There is always a period of pain when you bring everything into parity, but she is certain that we are creating value in these lots and what we always want to encourage in a community is the land needs to be used. Ultimately people need to pull their weight to create parity. She felt it may be examined and do some structuring differently. There were valid points brought forth that could be considered, ultimately it is not the Town's duty to carry historical decay. If the people feel it is unfair to establish parity, then they should be encouraged to sell that land for a profit which would then bring the tax base up which the Town would benefit from. So, in the big picture she doesn't want anyone to look at their personal interests. The Town needs to encourage good land use and not encourage decay. She felt there was more

work to be done on the proposal and more work at a town meeting, but felt it was important to talk about that transition and the benefit by getting some of these empty lots into use. If the current owner can't afford that then selling at a significant value to someone with a deep pocket and developing the land benefits the Town not the empty pocket with historical non-parity. At the next meeting she would like to counter with some of the Town's responsibilities. There were valid points brought up to have the council consider a slightly different proposal, but the proposal that is out there is under state law and will have to adhere to. To have public acceptance you need to have further discussion. The Town is certainly on the right track and needs to be make everyone aware that it is certainly lawful. She wanted to make sure everyone was aware that it can't go to a vote. As far as rate studies are concerned, she has seen them done and they cost a lot of money and Jane can do the same thing and call every town and ask them what they charge. She thought it was interesting that one gentleman thought a CPA should check the clerk's math when this is done yearly. She felt another educational meeting may be helpful. The clerk mentioned that the threat of "I am going to have to sell" was heard at the Public Hearing for the Street SID and also when the Weed Ordinance was enacted. There wasn't one person who sold. The Attorney commented that would be good as we are in a profitable economy. It isn't the Town's role to encourage decay but to promote land use. The clerk requested a committee be appointed to help with determining if lots are buildable, etc. It shouldn't be her and Dean making this determination. The Attorney agreed and said it may entail a few more work sessions, but well worth the time. Paul thought Dean should chair the committee as he is the one with all the expertise. Atty. Lore thought that expertise is as important as residential concern. She volunteered to be a part of that. She can't sit on the committee but would be willing to research, guide and do some facilitating. The clerk will post signs in the post office and the town hall window asking for letters of interest from anyone wishing to sit on the committee. The Attorney will prepare some suggestions for the Committee's goals. They will be seated at the Council work session of October 20th at 7:00 p.m.

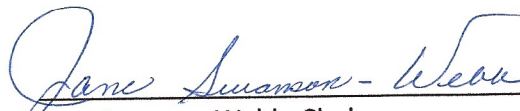
There was no new business.

Under Clerk's items the clerk advised the council that the Belfry FFA contacted her. They are sponsoring the Salute to Veterans project. They would like the Council to pick a level location in the Town of Bearcreek to place crosses and dog tags for those who had lived in Bearcreek. They bury buckets filled with cement with a rod buried in the cement. The State requires that they bury the buckets 10 feet from the edge of the highway and 1 ft underground so that the mowing machine will not hit them. The FFA would also appreciate any old t-shirts and sheets as that is what they cover the crosses and dog tags with for storage. Harold suggested the park in Town. Another suggestion was coming out of Town toward Red Lodge on the right-hand side of the highway by the property of Steve White and Leah Hannah. Both will be checked for levelness and the council can decide at their regular Nov. council meeting.

Harold moved to adjourn the meeting. Betty seconded the motion, which passed unanimously.



Debbie Surwill, Mayor


Jane Swanson-Webb, Clerk

MINUTES OF THE SEPT. 1, 2022 MEETING OF THE BEARCREEK COUNCIL

Mayor Surwill called the Bearcreek council meeting to order at 7:30 p.m. Sept 1, 2022 in the Town Hall. Council members Cristan, Boos-Bader, and Jenkins were present. Rob Surwill, Animal Control Officer; Dean Webb, Public Works Director and Juliane Lore, Town attorney were in attendance.

The Pledge of Allegiance was recited.

Council member Jenkins moved to accept the minutes, financial reports, and budget vs actual reports as presented. Council member Cristan seconded the motion which carried 3-0.

There was no correspondence.

There were no public comments.

The clerk started Dept. head reports by giving the zoning report for Loni. Loni hadn't had any zoning action since the last council meeting. Dean reported that all was going well with the water and sewer. Rob advised the council he was still pursuing one of the animal licensing violations. He also had some complaints concerning the chickens that were running around town and creating noise of 2 owners on First St and one on Printz. He has made the owners aware of the animal ordinance that addresses poultry.


There were no council concerns.

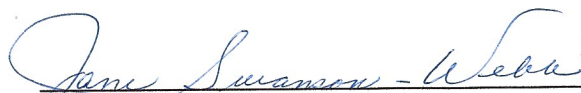
Under unfinished business (1) the BARS Resolution for 2022 to repair 3rd Ave east of Sixth Street after the water repairs are completed in the street was presented. Harold moved to accept the Resolution with Danell seconding said motion. Motion passed 3-0. (2) The clerk had given the Mayor and council the cleaning bid that had been received. Harold moved to accept the bid of Marli McCampbell. Betty seconded the motion, which passed unanimously. (3) The Resolution of Intent to Increase the Water Rates and Change Fees had been given to each council member along with a variation of fees to be charged for vacant lots for their review. The fees were based on 7,000 sq. feet, which is the average of 2 lots needed to build a home. The fee schedule showed lots with access to the main at one charge and those who will need to have the main extended to build a different fee. A discussion ensued on the fees and the amount of time for the owners to pay the bill which will be mailed directly to them. Danell moved to charge \$25.00 per month per 7,000 sq. ft accessible to the main and \$10.00 per month per 7,000 sq. ft where the main must be extended. Both to be prorated for owners with less than 7,000 sq. ft. The time allowance to pay before delinquency is charged will be 90 days. Harold seconded the motion which passed 3-0. Harold moved to accept the Resolution of Intent outlining the fee and rate increases. Danell seconded the motion, which passed 3-0. The public hearing will be held on Oct. 6th at 7:00 p.m.

There was no new business.

Under clerk's items (1) the clerk advised the council she had checked with several companies that set up websites and feels that the firm who is the Town's IT will do the best job for the dollars involved. It is in the dollar ballpark with all the other companies, but he had advised with the security of payments being made online the cost would increase considerably. This is true with all companies. The clerk suggested we set up the basics and see how that goes and then the payment part maybe added later. (2) The clerk reported that the Annual Report had been done by Olness & Associates Auditing firm and she had submitted it to the State. (3) The clerk had completed the water report for Rural Development and the Budget Document for the State, and both have been submitted. (4) The FWP had used the Town Hall Sept. 28th for a meeting with the ranch free of charge. (5) The clerk questioned the council if they felt comfortable with their decision on the water rate increase or if they would like an additional work meeting with Bobbie Shular of the Montana Rural Water System. They didn't think it was necessary to have another work meeting so Jane will contact her regarding the council's decision.

With no further business Harold moved to adjourn the meeting. The motion seconded by Danell passed unanimously.


Debbie Surwill, Mayor


Jane Swanson-Webb, Clerk