

MAY 2023 TOWN OF BEARCREEK COUNCIL MEETING

Mayor Surwill called the Bearcreek council meeting to order at 7:30 p.m. May 4, 2023, in the Town Hall. Council members Cristan, Jenkins and Hogan were present. Danell Boos-Bader was absent. Rob Surwill, Animal Control Officer; Loni Hanson, Zoning Administrator; and Dean Webb, Public Works Director were in attendance. Audience present were Tim Ryan, Red Lodge Fire Dept.; Karl Hanson; and Lowell Cutshaw of Interstate Engineering.

The Pledge of Allegiance was recited.

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

The correspondence referred to an item under new business, so it was read at that time.

There were no public comments.

Dept. Head reports was started with Rob who reported that the reminder letter had gone out allowing the animal owners to apply for licenses until May 15. There were approximately 8 people who still hadn't complied. If those 8 aren't in compliance by the 15th, he advised he will be giving out citations. He needs to contact the attorney and see what court date the judge has available if it comes to that. Loni remarked that there had been zoning action with Mark Bridges bringing in his home; Skip's modular had also come in; and Mike Horton had poured concrete for his building. Dean advised that he still hadn't found the leak, but when Duane from High Country comes over to put the service in at Bearcreek Alley they will pothole and see if they can find it. Everything else was doing fine. Dean turned the report over to Lowell Cutshaw of Interstate Engineering so he could apprise the council on the Meeteetse water line relocation. This was the grant that the county had turned back allowing Bearcreek to utilize. Lowell outlined the project saying he had visited with Trevor Herman of True Directional concerning the cost of boring under the existing road. Trevor had said just for budgetary numbers depending on the rock it could cost between \$30.00 - \$140.00 a foot. Lowell remarked that even at 500' x \$140.000 coming to \$70,000 that was still well within the budget. That was exclusive of his move-in costs, which include bonds, insurance, 1% gross receipts tax, etc. Lowell commented he couldn't see it costing more than \$5,000 - \$10,00. Lowell advised if the project is \$80,000 or under you can solicit quotes and don't need to go out for bid, which saves considerable dollars and streamlines the project. His firm would solicit quotes from contractors. The project still needs to be turned into the DEQ although Lowell had questioned it being a maintenance project. The representative from DEQ said with the length of the project it needed to be reviewed and approval. Dean commented that he felt boring was the way to go as he questioned the engineer about the steepness of the project. Dean felt it would be good for a year if they dug it, but then it would be constant maintenance from washouts where if it was bored, it would be basically maintenance free, costing the Town less. If it is bored under the road, then the County must maintain the road and not the Town. Lowell concurred. He stated that the agreement with Interstate stated it would be mutually agreed upon to use the best avenue of repair whether it be boring or open cut. Lowell said that they had a Geo tech listed in the proposal but maybe potholing would be the best way to go. Paul moved to accept the agreement but wanted the engineers to make sure the costs were as low as possible. He thought the range of \$30.00-\$140.00 was scary. The Town doesn't have big pockets. The motion was seconded by Betty and passed unanimously. Lowell mentioned that Interstate was behind on the Preliminary Engineering, but their intent was to have a draft to the Town by July and then attend the August meeting to do a presentation of the Preliminary Engineering report.

There were no council concerns.

There was no unfinished business.

New business was started by Tim Ryan of the Red Lodge Fire Dept. advising that the Red Lodge/Roberts Ambulance District (which Bearcreek is a part of) is billed at \$69.00 a year to each residential household on their property taxes. The district is falling behind on financing therefore they are asking that the \$69.00 fee be changed to 22 mills on all property except for ag land having an area greater than 10 acres. They are asking that the Commissioners submit the question to the voters, probably by a mail ballot. Tim explained that businesses are charged \$69.00 such as Red Lodge Mtn. and they have many more calls than the average residence, therefore the 22 mills is a more fair and equitable way of charging. He demonstrated how his taxes on his home would drop, which is the general concurrence of residential properties in Bearcreek. His business would increase due to the taxable valuation of the property. Under the new assessment vacant lots would be charged, but a minimal fee of approximately \$6.00 a year, depending on their valuation. Paul moved to accept the Resolution asking the Commissioners to update the financing of the Red Lodge/Roberts Ambulance District from a flat fee of \$69.00 to an assessed fee of 22 mills on all property except ag land

having an area greater than 10 acres by submitting the question to the voters. Harold seconded the motion. Motion passed 3-0.

Karl Hanson advised the council that he owns the lots below Kim and Danell Bader, which he wants to build on. He will need to extend the water and sewer mains, which Brent at Interstate Engineering had estimated the cost to be around \$60,000.00. Karl said he wanted to build on his lots but said that \$60,000.00 was a major hit on his budget. He thought there may be an alternative way to go since he has heard the infrastructure has issues. He wondered if a cistern could be the way to go and whether the council would allow that. Dean asked if he had the sewer and the water engineered yet, but Karl responded that Interstate couldn't do it as it was a conflict of interest. He will need to get another engineer to work with him, and he was working on that. Dean expressed his thoughts on the situation. Karl should get the sewer engineered and installed. Dean remarked he isn't keen on the cistern as it can cause cross contamination in the Town's system, which would shut the water system down. Besides it would set a precedent. After completing the sewer installation, Karl could go into the water main and hook on to it with a ¾" line and sign a contract with the Town that within 5 years he would extend the main. Dean also said that an SID may work as well, but that would entail having Margie Nelson and Steve White agree as they own the lots that would be affected. Karl kept going back to the cistern scenario and how the infrastructure is in need of repair and a cistern would lessen the impact on it. Karl then had questions about a service line. Lowell questioned the number of lots that would be in the SID if it was formed. He remarked that it would be 15 years for the people to pay for it plus the Town gets an administrative fee for managing it. Karl remarked he knew he hadn't gone through the process as timely as he should have, but he would like to start work on his property as the window for construction is short. The council decided to allow him to pay the \$5,000.00 hookup fee, as stated in the ordinance, so he can complete his zoning application and if it is approved, he may start work. When he extends the lines that money will be refunded to him. There will be no cistern allowed.

The clerk read the letter requesting the Town's support of the Big Sky Passenger Rail Authority's efforts to renew passenger rail service across southern Montana and beyond. Paul moved to support the Authority by donating \$75 one time. Harold seconded the motion, which passed unanimously.

The clerk presented the BARSAA Resolution applying for the money allocated by the Dept. of Transportation for street, alleys, and bridge work. An application is submitted each year to take advantage of the funds. Harold moved to accept the Resolution. The motion seconded by Betty passed 3-0.

The clerk requested the deadline for the mowing and or spraying of weeds be changed from July 15th to June 30 as the date isn't outlined in the ordinance. Harold moved to approve the deadline change with Betty seconding said motion. Motion carried 3-0.

The council reviewed the upcoming '23-24 fiscal year budget. The clerk had provided them with the cost of living and a scenario of pay increase cost to the Town. More discussion about the upcoming budget will be held at the next meeting.

Under clerks items (1) The weed letters will be mailed May 5th. (2) The clerk informed the council that the members' terms on the Board of Adjustments had expired, and some members had passed. She questioned if they shouldn't form another board with so much proposed construction happening. If someone needs a variance it must go to the Board of Adjustments. The council was in agreement that we need to get the board reinstated. The clerk will ask prior members and then post an ad asking for members. (3) The clerk advised she will put non active water delinquent bills in with the weed letters that are going out. (4) The clerk stated that the auditors are working on the financial report as they had requested some more information be sent. (5) The clerk asked the council if they were happy with the additions and corrections to the ordinances they had worked on or if they wanted to review them again. The consensus was that everyone was happy with them so the changes could be submitted to the attorney for review and then on to the Codification company. (6) The clerk mentioned that Dean had attended the Lead and Copper training in Billings, so she turned it over to Dean to talk more about the training. He advised he will be going around this summer and checking out all the houses to take an inventory. There will be money available to help with the inventory and replacement if we should have lead pipes, whether it be a homeowner or the Town. Dean assured the council that he was sure the system had no lead pipes, but the homeowners were different. If there was a galvanized line and it has a lead gooseneck the lead could get back into the line, so that too would need to be replaced. October, 2024 is the deadline.

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



Debbie Surwill, Mayor



Jane Swanson-Webb, Clerk