

January 10, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, January 10, 2022, with the following present: Larry Crowder, Dave Solem, Abe Rumsey, Todd Gabriel, Bob Jasper and Tiffani Jasper. Absent: Mark Nelson. Guests: Amber Fox, DeAnne Weeks, James Walling of Community News and Jeremy Fadness of WWC Engineering.

Agenda – Dave Solem made a motion to approve the agenda. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Minutes – Dave Solem made a motion to approve the December 13, 2021 Regular Meeting Minutes. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Abe Rumsey made a motion to approve the December Treasurer’s Report, GJV’s, Payroll JV 211200, UB JV’s, and December Bills. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Water Tank – Carr Coatings with fix the tank this spring.

MDT Highway 2 & Town Water Main Project – Jeremy Fadness will work on the Tier II ARPA allocation money. MDT is working on their draft plans. They plan to bid the project this fall and start construction spring 2023.

Bathroom Project – The Town was not awarded the Tourism Grant we applied for. It was noted that this is a project that would benefit the community rather than draw travelers. The Town will still look to LWCF for funding. This is a 1:1 match. It was noted that the apron around the pool is in rough shape. If grant funds are not awarded, other options to look at are creating an SID for parks, voting to issue bonds, or reduce expenses elsewhere in the budget to accommodate for this payment each year.

Sketch/Site Plans – No plans to review

Audit Review for Fiscal Year 2019-2020 – Dave Solem made a motion to approve the audit for fiscal year 2019-2020. The audit was complete by Ross R. Stalcup, CPA. There was one audit finding. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

**2020-001 Segregation of Duties**

Criteria: Segregation of duties is essential for internal control. Internal control is not optimal.

Condition: The small staff of the Town does not allow for ideal segregation of duties, although the Town makes every attempt possible.

Effect: The Town does not have ideal segregation of duties.

Cause: A small staff due to Town size.

Recommendation: Segregate duties to greatest extent possible, particularly with regard to utility billing and general ledger management.

Non-Agenda Items

- Speed Sign options were reviewed. Tiffani Jasper will get more quotes. The Town may want to look into having the 25 mph sign by the school moved further west when the Highway 2 project begins.
- Dry Prairie is increasing their water rates \$3.00 per EDU and \$0.57 per 1000 gallons. The Town will need to review our current rate structure for water.
- Dry Red has been up to look at the water treatment plant. The computer software is a problem and will not allow the plant to start.

Adjournment – Todd Gabriel made a motion to adjourn at 7:19PM. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

A regular meeting and ordinance review workshop is scheduled for February 7, 2022 at 6:30 p.m. at Townhall.

Tiffani Jasper  
Clerk

Larry Crowder  
Mayor

February 7, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, February 7, 2022, with the following present: Larry Crowder, Dave Solem, Abe Rumsey, Todd Gabriel, Mark Nelson, Bob Jasper and Tiffani Jasper. Absent: Guests: Amber Fox, Ken Forbregd, Deb Rasmussen, DeAnne Weeks, Mike Weeks, Shelby Lebsock, Cheryl Kirkaldie, Lisa Stepler, Kayla Stepler, Pam Arneson, Cheryl Arthur, Ashley Anderson, Mary Lou Weeks, Penny Anderson and Jeremy Fadness of WWC Engineering.

Agenda – Dave Solem made a motion to approve the agenda. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Minutes – Mark Nelson made a motion to approve the January 10, 2022 Regular Meeting Minutes. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Abe Rumsey made a motion to approve the January Treasurer's Report, GJV's, Payroll JV 220100, UB JV's, and January Bills. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

Water Tank – Carr Coatings with fix the tank this spring.

MDT Highway 2 & Town Water Main Project – Jeremy Fadness will work on the Tier II ARPA allocation money. MDT is working on their draft plans. They plan to bid the project this fall and start construction spring 2023.

Bathroom Project – Todd Gabriel made a motion to approve submitting the application for the LWCF Grant with a Letter of Authorization for matching funds. Dave Solem seconded the motion. No Objections. MOTION CARRIED. The grant is due to the Montana Parks on March 10<sup>th</sup> and to the National Park Service on April 10<sup>th</sup>. The Town would be able to draw from the grant as we go. Mayor Crowder reached out to Dave Geib to provide an updated quote for the project. Community members were present in support of this project moving forward. The only maintenance that has been done to the current structure is repairs to the walls, doors and paint. If we continue to wait the price will continue to go up. C&B Operations would be willing to use their community volunteer day to demolish the property. The Town may need to scale back the project and reduce the size of the storage room. It was initially that size to accommodate for the pumps for the splash pad. However, with the uncertainty of a splash pad the plumbing would not be done in the storage room. Jeremy Fadness had stated the current rate of commercial buildings is \$250-\$300 per square foot due to inflation. Council thanks Women's Club for their efforts and encouraged them to continue to fundraise for this project.

Sketch/Site Plans – No plans to review

Montana Rural Water Conference – Todd Gabriel made a motion to approve sending Russell Riegler to the conference in Great Falls March 23<sup>rd</sup>-25<sup>th</sup>. At this conference he will take the wastewater certification exam. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED.

Memberships – Abe Rumsey made a motion to table the Theodore Roosevelt Expressway Membership of \$1,250 and the Highway 2 Association of \$100. Mark Nelson seconded the motion. No Objections. MOTION CARRIED.

Adjournment – Dave Solem made a motion to adjourn at 7:28PM. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

A regular meeting and ordinance review workshop is scheduled for March 14, 2022 at 6:30 p.m. at Townhall.

Tiffani Jasper  
Clerk

Larry Crowder  
Mayor

February 7, 2022  
Council Work Session

- Council reviewed Chapters 1-10 of the code book. The changes needed to be made are to change the time of the meetings as well as establish the wards to be designated as follows: Ward 1 – West side of Broadway/Highway 16 and Ward 2 – East side of Broadway/Highway 16.
- Speed Signs – A quote for a driver feedback sign was provided from Newman Signs. The cost is \$3,212.08 plus freight for one sign. Tiffani Jasper will work on the MDT Permitting Application for the next meeting.
- Water Rates – Dry Prairie Rural Water notified the Town of a water rate increase in June 2022. The increase will be \$3.00 per EDU and \$0.57 per 1000 gallons used. The Town will likely replicate the rate increase. For a property that uses 1000 gallons of water per month the increase would be \$3.57 and for one that uses 5000 gallons of water per month would increase \$5.85. The schedule process for the Town will follow as:

PASS RESOLUTION OF INTENTION 2022	April 11, 2022
PUBLICATION DATE – FIRST NOTICE*	April 20, 2022
PUBLICATION DATE – SECOND NOTICE*	April 27, 2022
PUBLICATION DATE – THIRD NOTICE*	May 4, 2022
MAIL NOTICES TO CUSTOMERS**	April 20, 2022
PUBLIC HEARING DATE	May 9, 2022
RATES TO BE IMPLEMENTED	June 20, 2022

Tiffani Jasper  
Clerk

Larry Crowder  
Mayor

March 14, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, March 14, 2022, with the following present: Larry Crowder, Dave Solem, Abe Rumsey, Todd Gabriel, Mark Nelson, Bob Jasper and Tiffani Jasper. Guests: Amber Fox, Ken Forbregd, Gene Marchwick, Blake Overvold of Community News and Jeremy Fadness of WWC Engineering.

Agenda – Mark Nelson made a motion to approve the agenda. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Minutes – Dave Solem made a motion to approve the February 7, 2022 Regular Meeting and Work Session Minutes. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Todd Gabriel made a motion to approve the February Treasurer’s Report, GJV’s, Payroll JV 220200, UB JV’s, and February Bills. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

2075

Water Tank – Carr Coatings with fix the tank this spring.

MDT Highway 2 & Town Water Main Project – Jeremy Fadness proposed a new funding structure for the watermain project as follows:

- Town of Culbertson Minimum Allocation Grant: \$195,427.83 (100% of Minimum Allocation Grant through DNRC)
- Town of Culbertson Local Fiscal Recovery: \$50,990.73
- Roosevelt County Minimum Allocation Grant: \$13,581.44
- Total Project Cost: \$260,000
- This new funding structure would allow the Town to use \$152,389.27 of the Local Fiscal Recovery funds for future projects now that the Department of Treasury opened direct allocation ARPA funds to be used for the provision of general governmental services.

Todd Gabriel made a motion to approve the new funding structure and submit a Letter of Commitment from the Town for the allocation through DNRC. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED.

Big Sky Airport – Mark Nelson made a motion to place the Big Sky Field Airport Project: SRE Building and GA Pilots Terminal out for bid as proposed. Craig Canfield of KJL will advertise the bid. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED.

Speed Signs – Abe Rumsey made a motion to approve the MDT Permitting Application and purchase a Driver Feedback Signs. Newman Signs provided a quote of \$3,212.08 plus freight for a solar powered sign. The sign will be placed with the 25 mph speed limit sign coming into town from the west. Dave Solem seconded the motion. No Objections. MOTION CARRIED.

Bathhouse Project – Abe Rumsey made a motion approve Resolution #499 Authorizing Application for Land and Water Conservation Funds. Todd Gabriel Seconded the motion. No Objections. MOTION CARRIED. Abe Rumsey made a motion to amend the first motion to include a Letter of Commitment from the Town providing the match for the grant. Mark Nelson seconded the motion. No Objections. MOTION CARRIED.

Sketch/Site Plans – None

Memberships – Dave Solem made a motion to approve the annual membership to Great Northern Development Corporation. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

Roosevelt County Conservation District – Abe Rumsey made a motion to appoint Mark Nelson as the representative for the Town of Culbertson. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

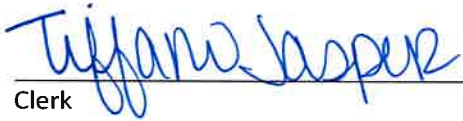
Non-Agenda Items:

- Ken Forbregd noted signs will be placed at the pond as well as plastic bags for visitors to clean up after their pets.
- Bob Jasper noted the Bathhouse had been broken into and the door will need to be replaced. There was also a four foot long crack in the diving board so a new one has been ordered.
- Gene Marchwick was present to see what progress has been made regarding a house that has significant fire damage. The property is unlocked and people have been going in and out of it as well as stray animals.

Adjournment – Mark Nelson made a motion to adjourn at 7:24 PM. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

A regular meeting and ordinance review workshop is scheduled for April 11, 2022 at 6:30 p.m. at Townhall.

2076

  
Clerk

  
Mayor

March 14, 2022  
Council Work Session

- Water Rates – Dry Prairie Rural Water notified the Town of a water rate increase in June 2022. The increase will be \$3.00 per EDU and \$0.57 per 1000 gallons used. Town Council would like to proceed forward with replicating these rates for users of the municipal water system. For a single EDU property that uses 1000 gallons of water per month the increase would be \$3.57 and for one that uses 5000 gallons of water per month would increase \$5.85. The schedule process for the Town will follow as:

PASS RESOLUTION OF INTENTION 2022	April 11, 2022
PUBLICATION DATE – FIRST NOTICE*	April 21, 2022
PUBLICATION DATE – SECOND NOTICE*	April 28, 2022
PUBLICATION DATE – THIRD NOTICE*	May 5, 2022
MAIL NOTICES TO CUSTOMERS**	April 20, 2022
PUBLIC HEARING DATE	May 9, 2022
RATES TO BE IMPLEMENTED	June 20, 2022

  
April 11, 2022

  
Mayor

The Culbertson Town Council met at Townhall in regular session on Monday, April 11, 2022, with the following present: Larry Crowder, Dave Solem, Abe Rumsey, Todd Gabriel, Mark Nelson, Bob Jasper and Tiffani Jasper. Guests: Amber Fox, Ken Forbregd, Lori Mattelin and Mike Weeks.

Agenda – Todd Gabriel made a motion to approve the agenda. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

Minutes – Dave Solem made a motion to approve the March 14, 2022 Regular Meeting and Work Session Minutes. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Mark Nelson made a motion to approve the March Treasurer's Report, GJV's, Payroll JV 220300, UB JV's, and March Bills. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Water Tank – Carr Coatings with fix the tank this spring.

MDT Highway 2 & Town Water Main Project – MDT is drafting plans. Jeremy will review the utilities and verify them with MDT. It was noted that we are unsure where mains are located on two blocks. The cathodic protection is up and working again.

Big Sky Airport – Sheridan Electric needs to fix lights.

Bathroom Project – Women's Club made another \$15,000 contribution to the project. To date they have raised \$169,665.54.

Big Sky Airport – Mark Nelson made a motion to approve the sketch plan submitted by Erica Aakre to place a modular at Wheatland Hills. The lots purchased are 516-522 Arrowleaf Street. The plan was reviewed and recommended for approval by WWC Engineering. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

Town Clean-up – Raedelle Aspenleider was present to discuss with council properties in town that are public nuisances. She has a list of properties that she would like to see something done with. In July, Roosevelt County will offer junk vehicle clean-up if the owner presents a title. Raedelle suggested forming a committee to help keep up with these properties. Town Clean-up is tentatively set for May 14<sup>th</sup>.

MMIA Library Coverage – Dave Solem made a motion approve the new MMIA Library Coverage. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED.

Resolution #500: Intent of Water Rate Increase – Mark Nelson made a motion to approve the resolution as presented. The rate will directly reflect Dry Prairie's increase to the Town. It will be \$3.00 per EDU and \$0.57 per 1,000 gallons used. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

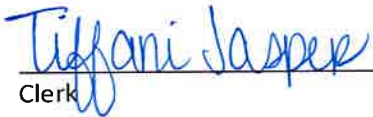
Resolution #501: Request BARSAA Distribution Allocation for FY 2022-2023 – Todd Gabriel made a motion to approve the resolution as presented. The allocation will be \$27,642.17 from the State with a 5% Local Match. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED.

Non-Agenda Items:

- A budget workshop will need to take place after the regular meeting in May.
- Quotes for new streetlight fixtures were reviewed. The 3 options reviewed were between \$1,342-\$3,957 per fixture.

Adjournment – Abe Rumsey made a motion to adjourn at 8:15 PM. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

A regular meeting and budget workshop is scheduled for May 9, 2022 at 6:30 p.m. at Townhall.

  
Clerk

  
Mayor

May 9, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, May 9, 2022, with the following present: Larry Crowder, Dave Solem, Abe Rumsey, Todd Gabriel, Mark Nelson, Bob Jasper and Tiffani Jasper. Guests: Amber Fox, Ken Forbregd, Sharon Matney, Ruth Kendig and Jeremy Fadness - Town Engineer.

Agenda – Mark Nelson made a motion to approve the agenda. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

Minutes – Todd Gabriel made a motion to approve the April 11, 2022 Regular Meeting. Dave Solem seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Mark Nelson made a motion to approve the April Treasurer's Report, GJV's, Payroll JV 220400, UB JV's, and April Bills. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Water Tank – Carr Coatings with fix the tank this spring.

MDT Highway 2 & Town Water Main Project – Jeremy updated council regarding the Utilities Meeting that took place on May 6<sup>th</sup>. There are conflicts with the stormwater drains. The Town will be responsible for engineering, and MDT will pay for the conflicts that arise due to their road construction project. The Town would like to request blue board be placed in areas where the depth of the road is reduced. Jeremy will work on the DNRC ARPA application.

Big Sky Airport – Sheridan Electric needs to fix lights. The Airport Board is going to look at holding off the SRE Building and Pilot's Lounge another year due to an increase in costs. If we wait another year, we would have another year's FAA Allocation saved to put towards the project. Four years can be accrued before the money is lost.

Bathroom Project – The State Parks will submit the grant application to the National Parks by June. The Town has had the application complete and submitted to the State since April 10<sup>th</sup>.

Ike's Pond – The Lion's Club is looking to hold a fundraiser during Frontier Days at the pond. They will serve hotdogs, chips, and kettle corn.

Water Treatment Plant – The Town received notice from Dry-Redwater Regional Water Authority that they are no longer interested in using the Town's treatment plant for their project. The notice was dated April 28, 2022.

Sketch/Site Plans – No News

Town Clean-up – Town Clean-up is scheduled for May 14<sup>th</sup> at 9 AM.

Senior/Community Center – Sharon Matney and Ruth Kendig were present to discuss purchasing new chairs and tables for the center. They will likely purchase 40 new chairs and a few round tables with donations and funds from County Aging.

Hazard Mitigation – Dave Solem made a motion to opt-in to the Regional Multi-Hazard Planning Process through the Department of Military Affairs Disaster and Emergency Services Division. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

Audit Contract – Mark Nelson made a motion to accept a 3-Year Contract from Ross Stalcup, CPA, PC. The costs associated with the contract are \$17,450 (2021-2022), \$17,800 (2022-2023), and \$18,150 (2023-2024). Abe Rumsey seconded the motion. No Objections. MOTION CARRIED.

Resignation – Mark Nelson made a motion to accept the letter of resignation from Russell Riegler dated April 26<sup>th</sup>. Dave Solem seconded the motion. No Objections. MOTION CARRIED.

Pool Staff – Dave Solem made a motion to approve hiring Tiffany Nielsen as the manager and Colby Olson, Anissa Bengochea and Kayli Olson as the WSI. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED. Abe Rumsey made a motion to approve hiring Clayton Marchwick as the assistant manager and hire the following as lifeguards- Anissa Bengochea, Colby Olson, Kayli Olson, Mckinsey Justice, Kenadee Kempton, and Samantha Palmer. Mark Nelson seconded the motion. No Objections. MOTION CARRIED. The Town will reimburse training expenses at the end of the summer to employees in good standing. The Town will also provide either a tank top or shirt as well as a pair of shorts to each employee.

Public Hearing: Resolution #502 – Increase Rates for the Users of the Municipal Water System – Todd Gabriel made a motion to approve Resolution #502. The increase will be \$3.00 per EDU and a \$0.57/1,000 gallons used. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED.

Adjournment – Dave Solem made a motion to adjourn at 7:38 PM. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

A regular meeting and budget hearing is scheduled for June 13, 2022 at 6:30 p.m. at Townhall.

Tiffani Jasper  
Clerk

Larry Crowder  
Mayor

May 9, 2022 - Budget Workshop:

Council reviewed budget requests as well as personnel wages. A Public Hearing for the 2022-2023 budget will be held June 13, 2022.

Tiffani Jasper  
Clerk

Larry Crowder  
Mayor

June 13, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, June 13, 2022, with the following present: Larry Crowder, Abe Rumsey, Todd Gabriel, Mark Nelson, Dave Solem (via Zoom), Bob Jasper and Tiffani Jasper. Guests: None

Agenda – Mark Nelson made a motion to approve the agenda. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Minutes – Abe Rumsey made a motion to approve the May 9, 2022 Regular Meeting and Budget Workshop. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Todd Gabriel made a motion to approve the May Treasurer's Report, GJV's, Payroll JV 220500, UB JV's, and May Bills. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

Water Tank – Carr Coatings indicated they are trying to get a date pinned down with the dive company.

MDT Highway 2 & Town Water Main Project – All ARPA application comments for the Town and County applications have been addressed and resubmitted. Jeremy is working with MDT to finalize plans and engineers estimate for the project. MDT's ready date is June 30<sup>th</sup>, so we must have final plans to them with the estimate by the end of the month. MDT indicates the project will bid in August. After we have submitted final plans to MDT, we will submit the plans to DEQ for the 10-day checklist review.

Big Sky Airport – The Airport Board decided to bid the SRE Building & Pilot's Lounge next year. FAA will fund 90% of the project leaving 10% to be split between the Town and County.

Bathhouse Project – The LWCF Program Manager, Sandy Crawford, provided the following preliminary comments for our grant application. The first being, the maps need to be reviewed, the Town has received two of these grants in the past, and the building is over 50 years old and needs to be evaluated for the National Register prior to demolition.

Ike's Pond – Lion's Club reported they raised \$1,250 from their Frontier Days fundraiser.



Sketch/Site Plans – No News

Swimming Pool – Dave Solem made a motion to approve Jazzmin Fugere as a lifeguard. Mark Nelson seconded the motion. No Objections. MOTION CARRIED. Todd Gabriel made a motion to approve Koree Marchwick as a lifeguard. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED. Ethan Pirkle submitted an application. No Motion was made. A request from Chase and Abby Picard was reviewed. They requested a safety mat be placed under the slide at the swimming pool. They are willing to donate it. Mark Nelson made a motion for the Town to purchase a safety mat. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED. Bob Jasper updated council regarding the broken valve to the pool he replaced before filling.

TV Station – Clayton Vine is requesting a new transmitter for the Culbertson TV Station. The used piece costs \$1,040. Council would like to table this until next month.

Resolution #503: Budget Amendment for FY 2021-2022 – Abe Rumsey made a motion to approve the resolution. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

RMC – Pool Pass Request – Abe Rumsey made a motion to donate a family pool pass for the annual event. Todd Nelson seconded the motion. No Objections. MOTION CARRIED.

Budget Hearing

Resolution #504: Set Personnel Wages for FY 2022-2023 – Dave Solem made a motion to approve the resolution. Mark Nelson seconded the motion. No Objections. MOTION CARRIED.

Resolution #505: Preliminary Budget for FY 2022-2023 – Todd Gabriel made a motion to approve the resolution. Abe Rumsey seconded the motion. No Objections. MOTION CARRIED.

Non-Agenda Items:

- Bob replaced 4 doors at the park.
- Bob is going to start fogging for mosquitos.
- There was a water break in May.

Adjournment – Dave Solem made a motion to adjourn at 7:38 PM. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

A regular meeting July 11, 2022 at 6:30 p.m. at Townhall.

  
Clerk

  
Mayor

July 11, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, July 11, 2022, with the following present: Larry Crowder, Abe Rumsey, Todd Gabriel, Dave Solem, Bob Jasper and Tiffani Jasper. Absent: Mark Nelson. Guests: Paul Finnicum, Amber Fox, DeAnne Weeks, Tori Matejovsky, and Jeremy Fadness (via Zoom).

Agenda – Todd Gabriel made a motion to approve the agenda. Dave Solem seconded the motion. No objections. MOTION CARRIED.

Minutes – Dave Solem made a motion to approve the June 13, 2022 Regular Meeting and Budget Hearing minutes. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Abe Rumsey made a motion to approve the June Treasurer's Report, GJV's, Payroll JV 220600, UB JV's, and June Bills. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Water Tank – Abe Rumsey made a motion to approve Town Attorney, Laura Christoffersen, and Town Engineer, Jeremy Fadness, send a letter to Pittsburg Tanks. The letter would notify Pittsburg Tanks that they have 30 days to finish up the water tank project or the contract will be cancelled, and the Town will keep the \$20,000 retainer to find a different company to finish the repairs. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

MDT Highway 2 & Town Water Main Project – Jeremy Fadness gave an update that the final drawings and engineer's estimate has been given to MDT. MDT will bid the project in August.

Big Sky Airport – No News.

Bathhouse Project – Jeremy updated council that he has submitted responses to the preliminary comments. SHPO is working on documentation to submit with the final application. Sandy Crawford of Montana Parks indicated they do not know when the grant will officially. Once it is open there will be 30 days to submit the grant to the National Parks.

Ike's Pond – No News.

TV Station – Todd Gabriel made a motion to purchase a used TV Transcoder from Circle TV Booster Club for \$1,040, as well as get a quote for our current transcoder to be refurbished. Dave Solem seconded the motion. No Objections. MOTION CARRIED.

Sketch/Site Plans – Todd Gabriel made a motion approve a sketch plan from David & Marci Ellingson for a fence. The plan was reviewed and recommended for approval by Jeremy Fadness of WWC Engineering. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

Wheatland Hills – Development Request – Paul Finnicum was present to request approval of the following manufactured home - 1989 14' by 70' trailer house. It has a rounded roof, which does not meet the specifications of the Town's Development Review code that was passed in 2011. He was sent a violation for the property because the Town had not received a sketch plan. Council is requesting a complete sketch plan and a public comment period would need to be advertised in the newspaper for a variance.

Library Summer Reading Program – Leona Colvin of the Culbertson Library requested swimming pool passes for summer reading prizes.

Great Northern Development Corporation – Tori Matejovsky was present to inform council of what GNDC offers. They offer environmental assessments, grants to remove toxic waste, as well as small business loans. They would like to find a community member from Culbertson to serve on their board. They meet quarterly through zoom on the 3<sup>rd</sup> Thursday of each month at 11:30 AM.

ARPA Projects – Jeremy informed council that he had been talking to Commissioner Gordon Oelkers regarding their DNRC ARPA Minimum Allocation. The county has around \$400,000 that can be used. The Town would have to match funds for the grant. If the Highway 2 Project bids come back higher, we may need to use the funds for that. If funds remain, possible projects include replacing the watermain by the school, fire hydrants and stormwater drainage at the sports complex. The application for these funds is due September 30, 2022.

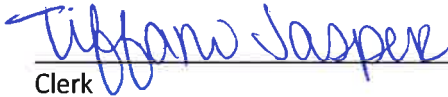
Budget Hearing Continued – No Updates.

Non-Agenda Items:

- The tiles at the lagoon have blown all over.

Adjournment – Dave Solem made a motion to adjourn at 7:56 PM. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

A regular meeting August 8, 2022 at 6:30 p.m. at Townhall.

  
Clerk

  
Mayor

August 8, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, August 8, 2022, with the following present: Larry Crowder, Dave Solem, Mark Nelson, Todd Gabriel (via Zoom), Bob Jasper and Tiffani Jasper. Absent: Abe Rumsey. Guests: Jeff Haus, Amber Fox, DeAnne Weeks, James Walling, and Jeremy Fadness (via Zoom).

Agenda – Mark Nelson made a motion to approve the agenda. Dave Solem seconded the motion. No objections. MOTION CARRIED.

Minutes – Mark Nelson made a motion to approve the July 11, 2022 Regular Meeting and Budget Hearing minutes. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Dave Solem made a motion to approve the July Treasurer's Report, GJV's, Payroll JV 220700, UB JV's, and July Bills. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

Water Tank – Jeremy Fadness updated council that the repairs on the water tank are complete. The divers were here last month. We will work on the final paperwork to close out the project and submit the final payment to Pittsburg Tanks.

MDT Highway 2 & Town Water Main Project – Jeremy Fadness gave an update that the final drawings and engineer's estimate has been given to MDT. MDT will bid the project October 15<sup>th</sup>. Construction will begin Spring 2023.

Big Sky Airport – No News.

Bathroom Project – Jeremy updated council that the grant application for this cycle has been dropped out. Sandy Crawford at the State said the National Parks Service is overwhelmed. There are no dates when the next cycle is expected to open. Council would like to consider looking at hiring an architect to design legal drawings. If this is done prior to receiving the grant, the grant would likely not reimburse these expenses. Jeremy will double check with Sandy on that.

Ike's Pond – No News.

ARPA Projects – Council discussed potential projects for water infrastructure. The County has ARPA funds the Town could use, however there would be a 25% match required. Council will plan to meet at 6 PM on September 12<sup>th</sup> for further discussion.

Sketch/Site Plans – Todd Gabriel made a motion to approve the sketch plan from Arno Pulici for a New Accessory Structure (Garage). The plan was reviewed and recommend for approval by Jeremy Fadness of WWC Engineering. Dave Solem seconded the motion. No Objections. MOTION CARRIED.

Budget Hearing Continued – Mark Nelson made a motion to approve Resolution #506 – Final Budget & Set Mill Levy. Todd Gabriel seconded the motion. NO objections. MOTION CARRIED.

Non-Agenda Items:

- The tiles at the lagoon have blown all over.

Adjournment – Dave Solem made a motion to adjourn at 7:56 PM. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

A regular meeting August 8, 2022 at 6:30 p.m. at Townhall.

Tiffany Jasper  
Clerk

Larry Crowder  
Mayor

September 12, 2022

The Culbertson Town Council met at Townhall in workshop session on Monday, September 12, 2022, with the following present: Larry Crowder, Abe Rumsey, Dave Solem, Mark Nelson, Todd Gabriel, Bob Jasper and Tiffani Jasper. Guests: Amber Fox and Jeremy Fadness (via Zoom).

Agenda – Mark Nelson made a motion to approve the agenda. Dave Solem seconded the motion. No objections. MOTION CARRIED.

Council reviewed the Capital Improvements Plan for water and wastewater projects. It was recommended that the top priority project would be to replace the watermain on the southwest corner of the Culbertson School and extend the upgrade one block each way.

The DNRC Grant application is due November 1<sup>st</sup>. Roosevelt County could pass a resolution for the Town of Culbertson to use their grant allocation. This would be a 1:1 matching grant.

Jeremy Fadness will work on a project cost estimate.

Tiffani Jasper  
Clerk

Larry Crowder  
Mayor

September 12, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, September 12, 2022, with the following present: Larry Crowder, Abe Rumsey, Dave Solem, Mark Nelson, Todd Gabriel, Bob Jasper and Tiffani Jasper. Guests: Amber Fox, Ruth Kendig, Sharon Matney, Shelby Lebsock, DeAnne Weeks, Cheryl Kirkaldie, Lanette Bidegaray, Ashley Anderson and Jeremy Fadness (via Zoom).

Agenda – Dave Solem made a motion to approve the agenda. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Minutes – Mark Nelson made a motion to approve the August 8, 2022 Regular Meeting and Budget Hearing minutes. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Todd Gabriel made a motion to approve the August Treasurer’s Report, GJV’s, Payroll JV 220800, UB JV’s, and August Bills. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

MDT Highway 2 & Town Water Main Project – Mark Nelson made a motion to approve the Floodplain Permit for Montana Department of Transportation. The application was reviewed and recommended for approval by Shawn Higley of WWC Engineering. Dave Solem seconded the motion. No Objections. MOTION CARRIED.

Big Sky Airport – The snow removal equipment will be delivered on September 15<sup>th</sup> by I State Truck Center. Sheridan Electric is scheduled to fix lights at the airport.

Bathhouse Project – Sandy Crawford of Montana Parks sent an update that the LWCF will open another cycle in December. She needs to review our application. Once reviewed she will let us know if we need anything else. This is a 1:1 matching grant. If the grant is awarded the Town will need to look at funding options for the remaining \$80,000 needed. The Town will hold off on hiring an architect. As is, our grant application does not include pre-awarded project costs to be reimbursed. If we wanted to include those costs in our application, we would likely miss the December grant cycle.

Ike’s Pond – No News.

Legion Park – Council reviewed the update sent by Town Attorney Laura Christoffersen.

Hazard Mitigation – The Town was sent a survey to fill out to collect data regarding hazards within the jurisdiction the past five years. The survey is due September 30, 2022.

ARPA Projects – If funds are available council would like to receive a cost estimate for replacing the water mains on the southwest intersection of the school and extending a block each direction. This would be a 1:1 matching grant. Roosevelt County would pass a resolution allocating their funds to the Town of Culbertson through the DNRC ARPA funds. The application would be due November 1<sup>st</sup>.

Sketch/Site Plans – Mark Nelson made a motion to approve the sketch plan submitted by Teril & Bev Raaum for an extension to their existing garage. The plan was reviewed and recommended for approval by Jeremy Fadness of WWC Engineering. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED. Dave Solem made a motion to approve the sketch plan submitted by Kara Halvorson for an accessory structure. The plan was reviewed and recommended for approval by Jeremy Fadness of WWC Engineering. Mark Nelson seconded the motion. No Objections. MOTION CARRIED.

Culbertson Senior Citizens – On behalf of the Culbertson Senior Citizens, Sharon Matney, presented a \$500 donation to the Town Council for the SMART Board.

Event Application – Dave Solem made a motion to approve the event application submitted by Culbertson School Student Council for the Homecoming Parade on September 23<sup>rd</sup>. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

Public Hearing: Paul Finnicum Variance Request – Paul Finnicum requested a variance for a manufactured home at 418 Arrowleaf Street. The home does not meet Culbertson’s code for roof pitch and material. WWC Engineering submitted a staff report for this variance that is attached “Attachment A.” Mark Nelson made a motion to deny the variance request. Motion dies due to lack of second. Mark Nelson makes a motion to conditionally approve the variance for one year. The pitch and material must be corrected by September 12, 2023. Dave Solem seconded the motion. No Objections. MOTION CARRIED.

Non-agenda Items:

- The next regular meeting will be on Tuesday, October 11<sup>th</sup> at 6:30 PM.

Adjournment – Abe Rumsey made a motion to adjourn at 7:29 PM. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

A regular meeting October 12, 2022 at 6:30 p.m. at Townhall.

  
Clerk

  
Mayor

October 11, 2022

The Culbertson Town Council met at Townhall in regular session on Tuesday, October 11, 2022, with the following present: Larry Crowder, Abe Rumsey, Dave Solem, Mark Nelson, Todd Gabriel (via Zoom), Bob Jasper and Tiffani Jasper. Guests: Amber Fox, Cheryl Kirkaldie, DeAnne Weeks, and Jeremy Fadness (via Zoom).

Agenda – Dave Solem made a motion to approve the agenda. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

Minutes – Abe Rumsey made a motion to approve the September 12, 2022 Regular Meeting and Workshop minutes. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Mark Nelson made a motion to approve the September Treasurer’s Report, GJV’s, Payroll JV 220900, UB JV’s, and September Bills. Dave Solem seconded the motion. No objections. MOTION CARRIED.

MDT Highway 2 & Town Water Main Project – The bids for the project will be opened on October 14<sup>th</sup>. Jeremy Fadness will talk to MDU regarding light poles.

Big Sky Airport – Todd Gabriel updated council on the airport building. The project will go out to bid this fall and construction will begin in the spring. The Town’s share is estimated to be around \$98,000, which is double what was anticipated.

Bathroom Project – Sandy Crawford of Montana Parks sent an update that the LWCF will not be opening up another cycle this year. They are hoping a cycle will open up in March. Montana Parks will not be opening up the March cycle to the public, it will only be for the four applicants that were not processed through in the 2022 cycle.

Ike’s Pond – No News.

ARPA Projects – Council will meet next week to discuss any additional projects after the MDT Highway 2 Project bids are opened.

Sketch/Site Plans – Abe Rumsey made a motion to conditionally approve the sketch plan submitted by Neal and Audrey Stromberg. Council does not recommend barbed wire or electric fences in town. The plan was reviewed by WWC and recommended for conditional approval. Mark Nelson seconded the motion. No Objections. MOTION CARRIED.

Wastewater Lagoon Aeration Line Maintenance – The system has had issues the last year and it was determined the aeration lines need to be cleaned. The first quote came back at \$24,315. Council would like to look at getting another quote.

Resignation – Abe Rumsey made a motion to accept the resignation from Jessica Kierstad. Mark Nelson seconded the motion. No Objections. MOTION CARRIED.

Non-agenda Items:

- There will be a special meeting to review the MDT Highway 2 Project bids next week.

Adjournment – Mark Nelson made a motion to adjourn at 7:10 PM. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

A regular meeting November 14, 2022 at 6:30 p.m. at Townhall.

Tiffani Jasper  
Clerk

Larry Crowder  
Mayor

October 24, 2022

The Culbertson Town Council met at Townhall in workshop session on Monday, October 24, 2022, with the following present: Larry Crowder, Abe Rumsey, Dave Solem, Mark Nelson, Todd Gabriel, Bob Jasper and Tiffani Jasper. Guests: Ashley Anderson and Jeremy Fadness (via Zoom).

Agenda – Dave Solem made a motion to approve the agenda. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Town Projects –

1. MDT Highway 2 Watermain Replacement

- a. The initial project estimate for the Town’s watermain replacement was \$260,00. The actual bid came in at \$529,855.33. Below is the cost breakdown for the project:

Town Project Funding Structure (50%)	
Town MAG	195,427.83
Town LFR	69,499.84
	264,927.67

**Increase from \$50,990.73 still greater than 25% of LFR**

County Project Funding Structure (50%)	
County MAG Allocated	13,581.44
County MAG Additional	251,346.23
	264,927.67

Todd Gabriel made a motion to approve the MDT Highway 2 Watermain Project Bid and Letter of Commitment. Mark Nelson seconded the motion. No Objections. MOTION CARRIED.

2. MDT Highway 2 Sidewalk

- a. The Town is responsible for contributing \$30,000 for the sidewalks. This will be paid with our Local Fiscal Recovery money.

3. Culbertson School Watermain Replacement

- a. This project is not feasible currently due to funding.

4. Swimming Pool Bathhouse

- a. The Town budgeted \$80,000 for the bathhouse expenses in the General Fund for FY 2022-2023.
- b. The cost estimate breakdown is listed below:
- i. LWCF Grant (if awarded) \$249,750
  - ii. Women's Club \$169,822.54
  - iii. Town of Culbertson General Fund \$79,927.46

5. Big Sky Airport Building

- a. The Town budgeted \$50,000 for our share of the building in the General Fund for FY 2022-2023.
- b. Project Estimate = \$851,500
- i. FAA - \$760,219
  - ii. Roos. Co. - \$45,640.50
  - iii. Town of Culbertson - \$45,640.50

6. Wastewater Lagoon Aeration

- a. We are looking to get another estimate. The initial estimate was for \$24,315.
- b. There is money in the sewer fund to pay for this maintenance.

Adjournment – Mark Nelson made a motion to adjourn at 5:26 PM. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

  
 Clerk

  
 Mayor



November 14, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, November 14, 2022, with the following present: Larry Crowder, Abe Rumsey, Dave Solem, Mark Nelson, Todd Gabriel, Bob Jasper and Tiffani Jasper. Guests: Amber Fox, Kara Halvorson, Gary Rasmussen and Jeremy Fadness (via Zoom).

Agenda – Mark Nelson made a motion to approve the agenda. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

Minutes – Todd Gabriel made a motion to approve the October 11, 2022 Regular Meeting and October 24, 2022 Workshop minutes. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Dave Solem made a motion to approve the October Treasurer's Report, GJV's, Payroll JV 221000, UB JV's, and October Bills. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

MDT Highway 2 & Town Water Main Project – Jeremy Fadness is working on the MAG Transfer for the County ARPA funds. MDT will be sending a new agreement with the updated bids cost.

Big Sky Airport – Council discussed the existing airport building. At this point it has not been decided if it will be demolished or moved to a new location. Tiffani Jasper will ask Laura Christoffersen about the current agreement with the County for the airport. Questions have come up about who owns the new snow removal equipment and the new building.

Bathhouse Project – No News.

Ike's Pond – No News.

Lagoon Aeration – A revised quote was received from Peak Water Services, LLC to provide maintenance in the first cell only. The quote was \$17,530. The original quote to provide maintenance in all three cells was \$24,315. The council would like to table this until the spring.

Sketch/Site Plans – There were no plans to review.

Kara Halvorson was present to inquire about opening a dispensary in Culbertson. Currently, she is looking at a building that is on Broadway and already zoned for commercial use. The council asked her to prepare a site plan to review at the December meeting.

Non-agenda Items:

- Gary Rasmussen was present to notify council he has had water in his basement located at 411 2nd St. W. The water caused the walls to begin to cave and his possessions to mold. He reported this to Townhall on September 6, 2022, and a week later Bob Jasper dug up the ground to try and find the source. Bob dug into the trench and at the curb stop and did not find the cause of the water. The water has been turned off at this location for six years. If this is the town's issue, he would like to be compensated for the damage to his property.
- Bob Jasper notified the council the furnace at the firehall is not working. The gas valve is now obsolete, and a new furnace will need to be installed. There was a significant propane leak at the lift station that will need to be fixed.

Adjournment – Abe Rumsey made a motion to adjourn at 7:24 PM. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

A regular meeting December 12, 2022 at 6:30 p.m. at Townhall.

  
Clerk

  
Mayor

December 12, 2022

The Culbertson Town Council met at Townhall in regular session on Monday, December 12, 2022, at 6:32 p.m., with the following present: Larry Crowder, Abe Rumsey, Dave Solem, Mark Nelson, Todd Gabriel, Bob Jasper and Tiffani Jasper. Guests: Amber Fox, Paul Finnicum, Jens Nielsen, Ken Forbregd, Jeff Haus, Laura Christoffersen – Town Attorney and Jeremy Fadness – Town Engineer (via Zoom).

Agenda – Mark Nelson made a motion to approve the agenda. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Minutes – Todd Gabriel made a motion to approve the November 14, 2022 Regular Meeting minutes. Dave Solem seconded the motion. No objections. MOTION CARRIED.

Financials and Claims – Dave Solem made a motion to approve the November Treasurer’s Report, GJV’s, Payroll JV 221100, UB JV’s, and November Bills. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

MDT Highway 2 & Town Water Main Project – Jeremy Fadness is working with MDU to coordinate light poles.

Big Sky Airport – No News.

Bathhouse Project – No News.

Ike’s Pond – Ken Forbregd presented a grant to council. It is the Transportation Alternatives Program. There is a local match required of 13.42%, that Lion’s Club will provide. Abe Rumsey made a motion to approve a letter of support. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

Lagoon Aeration – A revised quote was received from Peak Water Services, LLC to provide maintenance in the first cell only. The quote was \$15,400. Council would like to table this until next month.

Site Plan – Todd Gabriel made a motion to approve the site plan from Kara Halvorson for 12 Broadway Avenue. The site plan reviewed a change of use to add a dispensary. The property is already zoned as commercial. Dave Solem seconded the motion. Mark Nelson objected the motion. Motion passes on a 3-1 vote. MOTION CARRIED.

Event Application – Dave Solem made a motion to approve the event application from Culbertson Student Council for the Parade of Lights on December 13, 2022. Mark Nelson seconded the motion. No objections. MOTION CARRIED.

Paul Finnicum: Wheatland Hills Streetlights – Paul Finnicum was present to discuss his streetlighting tax assessment for the Wheatland Hills property. Currently, streetlights are assessed based on square footage. Currently, there are three lights at Wheatland Hills. His property tax is \$1,410.23 for streetlights. Town Attorney, Laura Christoffersen, was present to discuss options for assessing taxes for streetlights. Her letter will be attached to the minutes for reference. The council would like to review the options and place the item on the next agenda.

Lift Station: Alarm Updates – Bob Jasper would like to look at options for updating the alarm system at the lagoons. The alarms would detect low and high water at lift station and temperature of the building.

Fire Hall: Furnace Update – Mark Nelson made a motion to approve purchasing a new furnace system for the fire hall. Everyday Heating and Cooling provided an estimate of \$3,450.28. Abe Rumsey seconded the motion. No objections. MOTION CARRIED.

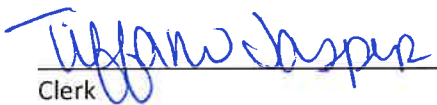
Resignation – Dave Solem made a motion to approve the resignation from Tiffani Jasper for the Clerk/Treasurer position. Her last day will be January 13, 2023. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

Non-agenda Items:

- Town Council would like to consider adding dispensaries to our ordinances. They are allowed in Roosevelt County. The council would like to allow them only in commercial and industrial zoned properties.
- Jens Nielsen was present to discuss the condition of the Christmas lights.
- Amber Fox presented the council with office hours of surrounding towns.

Adjournment – Mark Nelson made a motion to adjourn at 7:28 PM. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

A regular meeting January 9, 2023 at 6:30 p.m. at Townhall.

  
 \_\_\_\_\_  
 Clerk

  
 \_\_\_\_\_  
 Mayor

January 3, 2023

The Culbertson Town Council met at Townhall in special session on Tuesday, January 3, 2023, at 4:00 p.m., with the following present: Larry Crowder, Abe Rumsey, Dave Solem, Mark Nelson, Todd Gabriel and Amber Fox. Guests: None.

Agenda – Mark Nelson made a motion to approve the agenda. Todd Gabriel seconded the motion. No objections. MOTION CARRIED.

New Hire Applicants –

- Clerk/Treasurer: Mark Nelson made a motion to hire Connie Schultz as the Town Clerk/Treasurer pending a background check. Dave Solem seconded the motion. No Objections. MOTION CARRIED.
- Library Assistant: Abe Rumsey made a motion to hire Cassandra Lucas as the library assistant pending a background check. Todd Gabriel seconded the motion. No Objections. MOTION CARRIED.

Adjournment – Abe Rumsey made a motion to adjourn at 4:14 PM. Dave Solem seconded the motion. No objections. MOTION CARRIED.

A regular meeting January 9, 2023 at 6:30 p.m. at Townhall.

  
 \_\_\_\_\_  
 Clerk

  
 \_\_\_\_\_  
 Mayor

**CHRISTOFFERSEN & KNIERIM, P.C.**  
**Attorneys at Law**

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December 5, 2022

Larry Crowder  
Mayor  
Town Of Culbertson  
P.O. Box 351  
Culbertson, MT 59218

RE: Wheatland Hills lighting issue

Dear Mayor Crowder:

It has taken a great deal of effort on the part of Clerk Tiffani Jasper to pull all the information together regarding the Culbertson Lighting District. I had pulled this together a year ago, drafted most of this letter and then I let the matter drop. Paul Finnicum asked Tiffani a few days ago what the process would be to eliminate the lighting district at Wheatland Hills and so this surfaced on my desk again.

The problem is that while I think there may have been some intention previously to create a new lighting district when Wheatland Hills was created, that did not occur. The entirety of Culbertson is served by one single lighting district. Thus, we can't just "end the lighting district" - or no one has lights. Pursuant to that lighting district, the Town has a contract with MDU which was converted to tariffs at the Public Service Commission.

Pursuant to the lighting district ordinances, all lots within the city limits are to be charged pursuant to lot size for the lighting services provided by the Town. Interestingly, when the lighting for Wheatland Hills originated, the lighting district only incorporated the lots running along the south, east and west

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sides of the subdivision, rather than incorporating the entirety of the subdivision which is within the city limits. I am unsure that this is a correct procedure, but that is how the addition of this property to the lighting district occurred. (I also don't fundamentally understand how some parts of town could be "outside" the lighting district.)

There is one tax level for the entirety of the lighting district regardless of the location of the lights or the property. Thus, a lot in town arguably should be charged the same rate (based upon lot size) as the lots in the Wheatland Hills Subdivision. I do not believe there is any legal manner in which to reduce the costs to the lots in the Wheatland Hills Subdivision without reducing the costs as to all lots held within the very same lighting district.

There is a statutory provision that allows you to terminate the entire lighting district:

(1) If at any time after the creation of a special improvement lighting district a **petition** is presented to the city or town council, **signed by the owners or agents of more than three-fourths of the total amount of property within the district**, asking that the maintenance and operation of the special lighting system and the furnishing of electrical current in the district be discontinued, **or if a majority of the city or town council votes to discontinue a special improvement lighting district**, the city or town council shall, by resolution, provide for discontinuing the maintenance and operation of the lighting system.

(2) If the council has, prior to the presentation of a petition or by a majority vote of the council to discontinue the district, entered into any contract for the maintenance and operation of the lighting system, the maintenance and operation may not be discontinued until after the expiration of the contract.

(3) If the lighting system is maintained and operated by a public utility, the maintenance and operation must be discontinued in accordance with the public utility's applicable tariff schedule. MCA 7-12-4311.

Remember however that we can't terminate the entire lighting district as the lights at Wheatland Hills are in the same district as the entirety of town. A petition from **3/4 of the owners of property within the city limits** or **majority of city council** is required before the town can discontinue the lighting

December 5, 2022

Page 3

district. Its not something that just applies to Wheatland Hills. Also pursuant to (3), we could not discontinue the lighting district without application to the Public Service Commission and compliance with the tariff schedule filed with it by MDU. I sincerely doubt we could get either MDU or the PSC to work with us on this issue since the lights affect the entirety of town. Our MDU contract can be terminated upon 90 days notice each year - but again we still have to go through the PSC process.

There is the possibility that we could modify the lighting district. The statute for modification is as follows:

- (1) The council of any city or town is authorized to:
  - (a) modify an existing special improvement lighting district by changing the number and spacing of lights, replacing overhead transmission lines with underground lines, increasing or decreasing the level of illumination, or making other major modifications required by the public interest and convenience;
  - (b) require that all or any part of the cost of the modification be paid by the owners of the property within the district; and
  - (c) assess and collect all or any part of the cost of the modification by special assessment against the property within the district.
  
- (2) Before modifying an existing lighting district, the city council shall adopt a resolution of intention to do so, either by motion of the council or upon presentation of a petition signed by the owners or agents of at least 10% of the property within the district.
  
- (3) The provisions in 7-12-4302 through 7-12-4305 for the content of the resolution, public notice, protest, and consideration of protest that apply to the creation of a special improvement lighting district also apply to the modification of an existing special improvement lighting district authorized by this section. MCA 7-12-4351

This statute does not appear broad enough to eliminate some part of town from the lighting district. I also think that it may be a bad policy decision to carve out portions of town that are not subject to the lighting district. What would be the argument against eliminating the lighting district on Main Street or 3<sup>rd</sup> Avenue West or any other location within town?

We have failed in our obligation within the lighting district to provide adequate light for the subdivision. It appears that we

committed to put in a lot more lights than are out there.

Originally the record appears to indicate that Wheatland Hills was going to be part of a newly established Light District #2. Arguably, if that had occurred, that Light District could have had a different rate - but we did not negotiate that with MDU. Further, apparently, if we go to put in the new lights, they will be on Sheridan Electric which will require that we negotiate a new tariff/contract which may be different than the rates we have with MDU.

One solution might be to create the Light District #2 and then assess differently for the property within Light District #2. This was the original intention of the council when it negotiated with Sheridan Electric to put in the other lights that were to be installed. However, if the council were to create the new Light District #2, then it may need to install the rest of the lights and assess the property accordingly. I am not sure that such assessment would be any less than the current assessment. We would need an actual bid for installation of the lighting, the contract for provision of electricity, etc. to make a determination of whether that actually resulted in any reduction to the concerned owner. I suspect it would not. If it does not, then it makes better sense to install the lights as we committed to as part of Lighting District #1 and continue to assess as you have been doing. Of course, I am not sure what the financial costs of this might be and whether the Town could afford that cost.

Finally, I think under the statute, you could create Lighting District #2 with the provision that the only lights to be installed therein are the three lights presently there:

(2) The resolution shall designate the number of such district, describe the boundaries thereof, and state therein the general character of the improvement or improvements to be made and an approximate estimate of the cost thereof, an approximate estimate of the cost of maintaining such lights and supplying electrical current therefor for the first year, and the proportion of such cost to be assessed against the property embraced within the district. MCA §7-12-4302.

If you did this, you could assess Lighting District #2 differently than District #1. This requires compliance with the various statutory notices, etc. and is not a "quick fix". The steps are:

1. Pass a resolution of intent to create Special Lighting District #2 (carefully drafted to identify 3 lights and the

area covered by the district) pursuant to 7-12-4302(1).

2. After the resolution is passed, we must send notice to "every person, firm or corporation having property within the proposed district". The notice must be published in the paper twice and posted in three locations. The notice has to contain the date, time and place of the hearing on the resolution and a statement of the action to be taken etc.

3. Owners of property within the district are allowed to protest within 15 days from the date of the first publication.

4. If more than 50% of the owners protest, then we can't do anything for six months and would have to try again.

5. Then if everything goes well, the council passes a resolution.

Additionally, we would need to negotiate a new contract with MDU for the three lights for just this lighting district. I don't know what that would look like and how much effort that would take. What would the cost be if we did so? The statute provides:

The portion of the entire cost of erecting and maintaining the posts, wires, pipes, conduits, lamps, and other suitable or necessary appliances for the purpose of lighting said streets or public highways and of the annual cost of supplying electrical current for and maintaining the lights thereon in such districts, all or any portion as shall be determined by the city or town council, shall be borne by the property embraced within said district. 7-12-4321, MCA

The council has several different methods available to it for assessing the lighting district:

(1) The city council may assess the entire cost of the lighting improvement against the entire district, each lot or parcel of land within the district to be assessed for that part of the whole cost that its:

(a) **area bears to the area of the entire district**, exclusive of streets, avenues, alleys, and public places; or

(b) **taxable valuation, including improvements, bears to the taxable valuation of the entire district.**

(2) The city council may **assess the cost equally against each of the lots or parcels** located within the district.



(3) The council, in its discretion, may pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds available for that purpose or include the whole or any part of the costs within the amount of the assessment to be paid by the property in the district.

(4) In order to apportion the cost of any of the improvements provided in this part between the corner lot and the inside lots of a block, the council may, in the resolution creating a district, provide that whenever any of the improvements provided in this part are located along a side street or bordering or abutting upon the side of a corner lot of a block, the amount of the assessment against the property in the district to defray the cost of the improvements must be assessed so that each square foot of the land embraced within the corner lot bears double the amount of the cost of the improvement that a square foot of an inside lot bears. 7-12-4323, MCA

The council must also assess as follows:

(1) The city council shall assess the cost of the improvements against the entire district, each lot or parcel of land within the district bordering or abutting upon the streets whereon or wherein the improvement has been made to bear costs in proportion to the lineal feet abutting or bordering the streets.

(2) The council, in its discretion, may pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds in its hands available for that purpose or include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. 7-12-4324, MCA

What worries me about this is the long-term precedent. Also, what prevents us (or our constituents) from chopping up the entirety of town into different light districts with differing costs within each district? Are you creating precedent that is problematic long term?

What do you do about the other areas of town that aren't "in" a lighting district and don't get assessed? Do you create special lighting district #2 - limit it to the three lights in Wheatland Hills and then put all of the areas that aren't presently in a lighting district into that particular lighting district and thus spread the cost of the three lights over that whole area? Maybe we need to amend Lighting District #1 and bring absolutely the

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entirety of the town into it, but change how we assess so ALL property within the city limits pays something toward the lights?

Finally, in looking at this the City council does have the power to just pay the costs out of the general fund:

(2) The council, in its discretion, may pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds in its hands available for that purpose or include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. 7-12-4324, MCA

I have no idea what the current cost of the lighting is - but maybe the city just pays the costs of the entirety of the lighting out of general fund and we abolish the lighting district all together. What tax implications would that have?

In summary, I think there are options, but none of them are easy. The options are:

1. Abolish the lighting district entirely. We have to finish out our contract with MDU which requires 90 day notice to end on an annual basis. I think we would also have to work with the Public Service Commission to untangle that as well. Could the lights stay in place if we did this and the city then just absorb the cost of the lights?
2. Create a special lighting district no. 2 (procedure above)- must enter into a separate agreement with MDU, figure out how to assess and what the costs are, etc. for this new lighting district and what the boundaries are. I don't know if this would lessen Paul's costs or not? If some of what he is complaining about turns into residential lots in the future, does that require the Town to amend the lighting District #2 and re-assess? I understand that it seems unfair to impose an assessment on farmland - but this is farmland that has been subdivided and can be sold differently than acreage outside the city limits. Is that an inherent cost to owning that type of property?
3. Amend Special Lighting District #1 and put the entirety of the city limits into the lighting district and change the way we assess so that everyone pays some reasonable amount regardless of the size of the lot and whether they have lights or not. In my mind, everyone in town benefits from lights whether they live by a light or not and so maybe this is the fairest way of dealing with it? Or does that create a situation where people living in "dark areas" start


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demanding that the Town install lights?

Each option requires that we perform a great deal of analysis and think about the ramifications to each owner within the city. I tend to think that we probably could get the best result by creating a very specific Lighting District No. 2 that encompasses only these three lights, but I don't know how you would assess that fairly and I don't have the ability to do that analysis.

The answer to Paul's question about how does he terminate the light district is both simple and hard - he can't on his own terminate the lighting district because his property is part of the entire town lighting district. He could file a petition that has 3/4 of the owners of property in town on it and then as outlined above, the entire lighting district for the whole town could be abolished.

Sincerely,



LAURA CHRISTOFFERSEN

LC/kmt