



FORT SMITH WATER & SEWER DISTRICT
Special Board Meeting Minutes-Friday, August 23, 2024

-OPENING – ROLL CALL- Alan Shaw called the meeting to order @ 9:00 AM on August 23, 2024. The meeting was held in person and via phone conference; call in number was 1-408-650-3123, Access Code: 798-713-981; Board members attending: Alan Shaw, Katie Steele, Steve Saville, and Jim Hyde; Employees attending: Sandy Kust and Josh McCraw; public attending: Richard & Beth Allgood, Bonnie & Dave Evans, Susan & William Burgan, Roy Bellew, and Eric Anderson

-REVIEW ANNEXATION REQUEST- Dr. Shaw reviewed the application and petition for annexation letter that was mailed to all property owners in the district which states the FSWSB voted to acknowledge and accept an application and petition submitted by Richard and Beth Allgood and Steve and JJ Hilbers (owners of the parcel) requesting annexation of this entire 22.891-acre parcel into the district as a single, residential, non-subdivided lot. the application and petition (required by the MCA code and the district's policies and procedures) were deemed complete. the board's action does not grant approval of the annexation request. it simply allows the procedures for this annexation request to proceed.

The District has concluded by consultation with our engineers that an adequate water supply exists to meet the needs of these applicants for this one, single-family residence.

the applicants will be fully responsible for the costs of the following:

1. all materials and labor for obtaining a service tap onto the water main.
2. all materials and labor for providing service to the residential structure including the meter pit, meter, and piping from the meter to the residence.
3. a one-time fee of \$4005.00 which is the water impact fee.
4. an annual assessment for the sewer special assessment charged to each lot within the district. (approximately \$600.00 annually).
5. a monthly fee for water usage (base rate and any overage from allotted gallons).
6. a district-wide election if this is required.

The board has agreed to waive the requirement for sewer service to be present at this residence. The Allgood residence is on a septic system and so long as that system remains in good working order, the sewer requirement is waived. however, if their septic system is compromised or failing, the water service will be immediately terminated until their residence is connected to the FSWSB sewer system and is deemed to be in good working order. The installation and connection of sewer service shall be at the sole expense of the owner.

In the future, the applicants wish to subdivide the property, water and sewer service will not be provided until applicants submit a plat that has been officially approved by the appropriate county subdivision process, if and when this county-certified plat is accepted, evaluated, and approved by the FSWSB, then water and sewer services can be provided to each lot. The applicants will be fully responsible for any and all costs related to obtaining these services as well as water and sewer special assessments for each lot.

Public Comments Regarding Annexation Request- Susan Burgan read 3 emails that she had sent to Dr. Shaw regarding the Allgoods and Hilbers Petition, email 1: We are William and Susan Burgan. We own three lots in Ft. Smith on the corner of 3rd Street and Bozeman Trail. We have owned this property for 50 plus years. We are not against the annexation of the one single lot that presently has one single-family residence on it. However, we are AGAINST the future subdivision of the greater land area of said property. These owners should not be allowed to subdivide said property we request they sign a 10-year moratorium stating such. If owners do not agree to this moratorium, we request the Ft. Smith Water and Sewer District deny this annexation request that will be discussed at their meeting on August 23, 2024.

Email 2: Recently 21 lots in Ft. Smith, Montana adjoining the Baptist Church were approved for sewer and water hookups by the District. Based upon the square footage of these 21 lots, if the Allgoods and Hilbers petition is approved to include all of their property square footage in the future, how many new lots would this entail? If District approves annexation of their property without a moratorium on subdividing, the number of subdivided lots needs to be made public to the District and all members of the District. This matter should be discussed at your District meeting to be held on August 23, 2024. P.S. The Bighorn River is going to be loved to death!

Email 3: Many of the new owners of property in Ft. Smith, Montana are commercial investors who have bought properties and have turned them into Air Bed and Breakfast rentals. These are not single-family sewer and water hookups. They are commercial hookups. They should be taxed at commercial rates, so single-family property owners are not subsidizing commercial entities.

Dr. Shaw stated the annexation is for the one lot and if the remaining property is to be subdivided then property owners would have to reapply for annexation of remaining lots. Also, no new hookups could happen until the sewer system was built.

Mr. Saville stated the District's only duty is to provide water & sewer service, the District has no legal basis to deny water and sewer services if available and the County determines the subdivision of land.

Dave Evan stated the need to organize some level of government community council so entities have a say in what goes on and could also get roads upgraded.

William Burgan stated the community could lobby against this annexation until they subdivide house lot from remaining property.

Richard Allgood stated all he and Beth want is water as they currently haul water and they have no plans for development and have not talked with an engineer and if the remaining property were to be subdivided it would be a maximum of 8 lots. Beth Allgood stated they could not apply for annexation until both water & sewer were brought up to date.

Roy Bellew stated they would be a part of the sewer assessment but not the water assessment and must have both water and sewer services and what about people that water their lawns, the District charges every gallon of water used and charges the sewer usage rate based on the water usage and Allgoods should have to pay the same rate as everyone else.

Dr. Shaw stated the sewer base rate will be waived until septic system fails and the septic system must be inspected annually at owners expense. The Allgoods would pay the water base rate and usage, impact fee, and sewer assessment.

Dr. Shaw stated the board will discuss the sewer fee for the Allgoods during the board meeting.

Public meeting adjourned at 10:04am

