

**Town of Alberton
Council Meeting Agenda
June 2, 2026
7:00 PM Council Meeting**

Call to Order

Roll Call

Pledge of Allegiance

Public Comment for Items NOT on the Agenda

Review and Motions to Approve

- Previous Meeting Minutes – May 19, 2026 and May 26, 2026
- Claims & Payroll for May 2026

Quarterly Reports

- Fire District
- Sheriff's Office
- County Planner
- County Attorney

Mayor's Report

- Mayor: Loreen M Felstet
 - Jamie Jonkel, Biologist with Montana Fish, Wildlife and Parks – Bear Activity Report

Staff Reports

- Clerk/Treasurer: Jaylyn Rowley
- Public Works Manager: Charlei Jenkins

Old Business

- Dust Abatement / Road Maintenance

New Business

- Proposed Resolution: To Accept Minutes as Written / Consent Agenda
- Proposed Resolution: To Pay Recurring Claims Out of Cycle to Prevent Late Fees & Penalties
- Proposed Ordinance: Change date of Town Council Meetings to the Second Wednesday of each Month
- Proposed Ordinance: Firearms
- Proposed Ordinance: Utility Rates, Penalties, and Fines to be set by Resolution

Public Comment

Adjournment

Welcome to Alberton Town Council Chambers

We consider it a privilege to present, and listen to, diverse views.

It is essential that we treat each other with respect. We expect that participants will:

- Engage in active listening
- Make concise statements
- Observe any applicable time limit

We further expect that participants will refrain from disrespectful displays:

- Profanity
- Personal Attacks
- Signs
- Heckling and applause

Guidelines for Public Comment

Public Comment ensures an opportunity for citizens to meaningfully participate in the decisions of its elected officials. It is one of several ways your voice is heard by your local government. During public comment we ask that all participants respect the right of others to make their comment uninterrupted.

The council's goal is to receive as much comment as time reasonably allows. All public comment should be directed to the chair (Mayor or designee). Comment made to the audience or individual council members may be ruled out of order. Public comment must remain on topic, and free from abusive language or unsupported allegations.

During any council meeting you have two opportunities to comment:

1. During the public comment period near the beginning of a meeting.
2. Before any decision-making vote of the council on an agenda item.

Comment made outside of these times may not be allowed.

Citizens wishing to speak during any public comment period should come forward and state their name and address for the record. Comment may be time limited, as determined by the chair, to allow as many people as possible to comment. Comment prior to a decision-making vote must remain on the motion before the council.

Thank you for observing these guidelines.

ENGINEER'S MEMORANDUM

June 2, 2026

TO: Alberton Town Council Meeting
FROM: Paul Montgomery, P.E. – AMCE
RE: Engineer's June 2026 Update on Water Project & Special Appropriations grant

Mayor Felstet and Council Members – I will be attending the June Council meeting and offer the following project update:

WATER PROJECT FUNDING STATUS:

- No significant change from the March – May financial status reports:
 - All spent out: ARPA MAG, ARPA Competitive, MCEP, RRGL;
 - \$28,104 left in ARPA LFR (which was paid to the Town back in 2023);
 - \$2,500 left in SRF-B Loan;
 - \$29,727 left in SRF-A Forgiven – we'll want to spend the rest of this first;
 - \$135,784 left in Alberton's local contribution (budgeted \$138,157 – we'll try not to spend this)
- There will be at least two more invoices from AMCE – likely in June and October and then the grants & loans can be closed out.

OVERALL WATER DISTRIBUTION PROJECT (2024-25) STATUS:

- Curated photos and all inspection reports provided to Charlei 6-2-26;
- All water project submittals (equipment information/warranties) provided to Charlei 6-2-26;
- One-year warranty inspection will be conducted in early September 2026 – in the meantime, we'll keep RLC on the hook for repairing sink-holes, leaks, etc.
- Spring water right – WET drafted response to DNRC deficiency letter – DNRC responded 5-28-26 saying that the application is complete. DNRC has 60 days to make a preliminary determination to grant added water right for spring source. Town initiates a 30-day public comment period then DNRC has 30 days to consider any comments received. If no adverse comments – added right is granted.

OTHER MATTERS:

- \$1M Special Appropriation grant application has been completed by AMCE, including Work Plan and project budget which make up the core of the application. I am working on the Federal Assistance forms: SF-424; SF-424A; 4700-4; 6600 and Key Contacts Form but I need Town to grant me a "role" through grants.gov. I'll have instructions for Jaylyn shortly.
- AMCE has compiled the comprehensive environmental assessment (EA) documentation from 2022 and submitted to EPA – goal is to streamline the EA process for storage tank since it was part of the previous environmental review;
- EPA's Matt Mullins asked that the Town prepare a signed letter on Town letterhead stating: "The Town is requesting procurement flexibility as outlined within the FY26 Appropriations Act and associated implementation guidance for federal competition requirements relating to our engineering contract with Anderson-Montgomery Consulting Engineers, Inc. The contract we entered into met all

state and local requirements and was entered into before January 23, 2026." Please move forward with preparation of this letter and submit electronically to Matt Mullins if not done already.

WASTEWATER/STORM WATER:

- Charlei and I toured the Town's wastewater system today so I can collect information to begin the planning process.
- I will draft an Engineering Agreement Amendment to cover planning, grant writing/administration, public involvement and preliminary design for wastewater & stormwater improvements – ready for the July Town Council Meeting.

QUESTIONS FROM THE COUNCIL or PUBLIC

RESOLUTION NO. 354

A Resolution To Authorize Out-of-Cycle Payment of Claims to Prevent Late Fees and Penalties and to Authorize Use of Town Credit Card and ACH/Online Payments

WHEREAS, the Town of Alberton Town Clerk's Office has identified instances in which recurring monthly obligations, including but not limited to utility bills, lease payments, and other scheduled monthly claims, have due dates that occur prior to a regularly scheduled Town Council meeting for claims approval; and

WHEREAS, certain Town vendors and service providers maintain Town payment information on file — including Town credit card information or bank account information for ACH/electronic payment — and may process payment on a due date or upon order fulfillment regardless of the Town Council meeting schedule; and

WHEREAS, use of the Town credit card and electronic payment methods may provide financial and administrative benefits to the Town, including but not limited to rewards, rebates, streamlined processing, and reduced administrative costs; and

WHEREAS, regularly scheduled claims are customarily paid following approval at a regularly scheduled Town Council meeting; and

WHEREAS, failure to timely pay recurring monthly obligations may result in the assessment of late fees and/or penalties; and

WHEREAS, this resolution is consistent with practices adopted by other municipalities in the State of Montana; and

WHEREAS, the Town Clerk proposes this resolution to authorize: (1) the payment of routine, recurring monthly obligations prior to a regularly scheduled Town Council meeting when due dates do not align with the meeting schedule; and (2) the use of the Town credit card, ACH transfer, or other electronic payment method for authorized purchases and obligations where payment information is maintained on file by the vendor, or when such payment method is otherwise in the Town's financial interest; and

WHEREAS, as a compensating control, all such payments made prior to Council approval — whether by check, Town credit card, ACH transfer, or other electronic means — shall be fully documented and presented on the subsequent claims report for Council review and formal approval, with such claims clearly identified as having been paid prior to approval and the method of payment noted, to ensure transparency and maintain Council oversight; and

WHEREAS, Town credit card, ACH, and other electronic payment methods shall be used solely for legitimate Town business expenses by authorized personnel, and all charges shall be subject to the same documentation and approval requirements as other claims; and

WHEREAS, this resolution supports fiscal responsibility while maintaining appropriate documentation, review, and accountability consistent with audit standards and internal control expectations;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Alberton that:

1. Regularly scheduled, recurring claims may be paid out of cycle when necessary to avoid late fees and penalties when payment due dates fall prior to a scheduled Town Council meeting; and
2. The Town credit card, ACH transfer, or other electronic payment method may be used for authorized Town business purchases and obligations, including charges initiated by vendors with Town payment information on file, when such methods are in the Town's financial or administrative interest; and
3. All out-of-cycle payments, credit card charges, ACH transfers, and other electronic payments shall be presented on the subsequent claims report for Council review and formal ratification, with the method of payment clearly noted.

PASSED AND ADOPTED by the Town Council and Mayor of the Town of Alberton, Mineral County, State of Montana the _____ (day) of _____ (month), 2026.

Approved:

Attest:

LOREEN M FELSTET
MAYOR

JAYLYN ROWLEY,
TOWN CLERK / TREASURER

RESOLUTION NO. 355

A Resolution Establishing a Consent Agenda for Regular Town Council Meetings

WHEREAS, the Town of Alberton Town Council holds regularly scheduled meetings at which routine, recurring matters including but not limited to meeting minutes, claims, and payroll are presented for Council review and approval; and

WHEREAS, the review and individual approval of each routine matter at every Council meeting consumes significant meeting time that could be better devoted to deliberation on substantive Town business; and

WHEREAS, a consent agenda allows routine, non-controversial items to be grouped together and approved in a single motion, provided that all supporting documentation is made available to Council members in advance of the meeting; and

WHEREAS, the use of a consent agenda is consistent with standard parliamentary practice and is widely used by municipalities throughout the State of Montana and across the country; and

WHEREAS, the establishment of a consent agenda in no way diminishes Council oversight, as any Council member may request that any item be removed from the consent agenda and considered separately prior to the vote; and

WHEREAS, this resolution supports efficient and effective local government while maintaining full transparency and accountability;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Alberton that:

1. A consent agenda shall be established for regularly scheduled Town Council meetings, which may include but is not limited to the following routine items:
 - o Approval of meeting minutes
 - o Approval of claims
 - o Approval of payroll
 - o Other routine items as determined by the Council
2. All consent agenda items and supporting documentation shall be made available to Council members prior to the meeting, in accordance with the Town's standard agenda distribution practices;
3. At the beginning of each meeting, the presiding officer shall ask whether any Council member wishes to remove any item from the consent agenda for separate consideration. Any Council member may request removal of any item without

stating a reason, and such item shall be considered separately during the regular order of business; and

4. If no items are removed, the consent agenda shall be approved in its entirety by a single motion, second, and majority vote.

PASSED AND ADOPTED by the Town Council and Mayor of the Town of Alberton, Mineral County, State of Montana the _____ (day) of _____ (month), 2026.

Approved:

Attest:

LOREEN M FELSTET
MAYOR

JAYLYN ROWLEY,
TOWN CLERK / TREASURER

ORDINANCE NO. 2026-06-01

An Ordinance Amending Sections 1-6-1 and 1-6-3 of Chapter 1-6 of Title 1 of the Alberton Town Code to Remove the Specific Date and Time of Regular Town Council Meetings from Ordinance Text, Authorize the Town Council to Establish and Amend the Regular Meeting Schedule by Resolution, and Correct the Special Meetings Provision to Conform with Montana Law

WHEREAS, Section 1-6-1 of the Alberton Town Code currently provides that the Town Council shall hold regular meetings on the first Tuesday of each month, and Section 1-6-3 currently provides that meetings shall convene at 7:00 p.m.; and

WHEREAS, embedding the specific day and time of regular meetings within ordinance text requires the Town Council to undertake the full two-reading ordinance adoption process, which takes a minimum of twelve (12) days under Montana law, each time an adjustment to the meeting schedule is needed; and

WHEREAS, the Town Council finds it more practical and efficient to establish and adjust the regular meeting schedule — including day, time, and location — by resolution, which takes effect immediately upon adoption; and

WHEREAS, Section 1-6-1 currently provides that special meetings may be called by the Mayor or at the written request of three (3) members of the Council, but Montana Code Annotated §§ 7-5-4102(1)(c) and 7-5-4122 vest the authority to call a special meeting solely in the Mayor, and the council-member request language is therefore in conflict with state law and must be removed; and

WHEREAS, the Town Council finds that these amendments serve the efficient and lawful conduct of Town government;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Alberton, Montana, as follows:

Section 1. Amendment of Section 1-6-1 (Meetings).

Section 1-6-1 of Chapter 1-6 of Title 1 of the Alberton Town Code is hereby amended to read as follows:

"1-6-1 Meetings. The Town Council shall hold regular meetings for the transaction of municipal business at such day, time, and location as shall be established from time to time by resolution of the Town Council. The current regular meeting schedule shall be maintained on file with the Town Clerk and shall be posted at Town Hall and such other public locations as required by Section 1-2-2 of this Code. The Council may also hold such

other meetings to which the Council, by order, may adjourn, or which may be otherwise called.

Special meetings may be called only by the Mayor. The Mayor shall state by written message to the Town Clerk the object of the special meeting, and the business of any special meeting shall be restricted to the object stated, consistent with Montana Code Annotated §§ 7-5-4102(1)(c) and 7-5-4122."

Section 2. Amendment of Section 1-6-3 (Proceedings of Meeting).

Section 1-6-3 of Chapter 1-6 of Title 1 of the Alberton Town Code is hereby amended to read as follows:

"1-6-3 Proceedings of Meeting. The Town Council shall convene and be called to order by the Mayor, or in his/her absence by the President of the Council, at the day and time established by resolution of the Town Council pursuant to Section 1-6-1, and the Town Clerk shall proceed to call the roll, and record in the minutes the names of all members present, and note the absentees, and announce whether or not a quorum is present. All meetings shall be held at the location established by resolution of the Town Council pursuant to Section 1-6-1, unless otherwise ordered."

Section 3. Repeal of Conflicting Provisions.

All prior ordinances, resolutions, or motions of the Town Council establishing the regular meeting date, time, or location that are inconsistent with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Savings Clause.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance and the application of its provisions to other persons or circumstances shall not be affected.

Section 5. Effective Date.

This Ordinance shall take effect thirty (30) days after final passage on second reading, as required by Montana Code Annotated § 7-5-105. The Town Clerk is directed to provide public notice of this Ordinance in accordance with Section 1-2-2 of the Alberton Town Code following first reading and provisional adoption.

PASSED AND ADOPTED by the Town Council and Mayor of the Town of Alberton, Mineral County, State of Montana the _____ (day) of _____ (month), 2026.

Approved:

Attest:

LOREEN M FELSTET
MAYOR

JAYLYN ROWLEY,
TOWN CLERK / TREASURER

ORDINANCE NO. 2026-06-02

An Ordinance of the Town of Alberton, Montana, Regulating the Discharge of Firearms Within Town Limits and the Carrying of Firearms in Publicly Owned and Occupied Town Buildings, Consistent with Montana Code Annotated § 45-8-351

WHEREAS, the Town of Alberton is an incorporated municipality in Mineral County, Montana, governed by a mayor and town council under the commission-executive form of government; and

WHEREAS, the nearest law enforcement office is located at a significant distance from the Town, and the Town has no municipal police force, creating a practical need for residents and visitors to be able to carry firearms for personal protection while on town property; and

WHEREAS, the Montana Constitution, Article II, Section 12, recognizes the right of any person to keep or bear arms in defense of home, person, and property; and

WHEREAS, Montana Code Annotated § 45-8-351(1) provides that a local government unit may not prohibit, register, tax, license, or regulate the purchase, sale, transfer, ownership, possession, transportation, use, or unconcealed carrying of any weapon, except as specifically provided in § 45-8-351(2); and

WHEREAS, Montana Code Annotated § 45-8-351(2)(a) expressly authorizes a city or town to regulate the discharge of firearms within town limits for public safety purposes, and authorizes a local government unit to prevent and suppress the carrying of unpermitted concealed weapons or the carrying of unconcealed weapons to a publicly owned and occupied building under its jurisdiction; and

WHEREAS, Montana Code Annotated § 45-8-329 provides that a concealed weapon permit from another state is valid in Montana if the permit holder has the permit in immediate possession, carries official photo identification, and the issuing state requires a criminal records background check prior to issuance; and

WHEREAS, the Town Council finds that persons holding a valid Montana Concealed Weapon Permit issued under MCA §§ 45-8-321 through 45-8-324, or a concealed weapon permit from another state recognized under MCA § 45-8-329, have undergone criminal background screening and represent a class of carry-qualified persons the Town has no basis to exclude from town buildings; and

WHEREAS, the Town Council finds that the regulations set forth in this Ordinance serve public safety while respecting the constitutional and statutory rights of residents and visitors;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Alberton, Montana, as follows:

Section 1. Title.

This Ordinance shall be known and may be cited as the "Town of Alberton Firearms Regulation Ordinance."

Section 2. Definitions.

For purposes of this Ordinance, the following definitions apply:

(a) Firearm means any weapon designed or adapted to expel a projectile by the action of an explosive.

(b) Unconcealed firearm means a firearm carried on the person in a manner that is visible to others and not concealed or covered by clothing or another object.

(c) Concealed firearm means a firearm carried on the person that is wholly or partially covered by clothing or another object so as not to be visible to others.

(d) Valid permit means a Montana Concealed Weapon Permit issued pursuant to MCA §§ 45-8-321 through 45-8-324, or a concealed weapon permit issued by another state that is recognized as valid in Montana under MCA § 45-8-329, carried in immediate possession together with official photo identification.

(e) Publicly owned and occupied building means any building or structure owned or leased by the Town of Alberton and regularly occupied by town employees or officials in the conduct of town business, including Town Hall and the Alberton Community Center when in use for official town functions.

(f) Peace officer has the meaning provided in MCA § 46-1-202.

Section 3. Discharge of Firearms Prohibited.

(a) Except as provided in subsection (b), it is unlawful for any person to discharge a firearm within the corporate limits of the Town of Alberton.

(b) The prohibition in subsection (a) does not apply to:

(1) A person acting in lawful self-defense or defense of another as authorized under Montana law;

(2) A peace officer acting in the lawful performance of official duties;

(3) Discharge at a shooting range or facility expressly authorized by resolution of the Town Council.

Section 4. Carrying of Firearms in Publicly Owned and Occupied Town Buildings.

(a) General rule. Except as provided in subsection (b), a person may not carry or possess a firearm, whether concealed or unconcealed, in any publicly owned and occupied building of the Town of Alberton.

(b) Exceptions. The prohibition in subsection (a) does not apply to:

- (1) A peace officer acting in the performance of official duties;
- (2) A person holding a valid permit as defined in Section 2(d) of this Ordinance, who carries the permit and required photo identification in immediate possession;
- (3) Any other person expressly authorized by state or federal law to carry a firearm in such locations.

(c) Notice. The Town Clerk-Treasurer shall cause signage to be posted at the public entrance of each publicly owned and occupied building subject to this section, stating that unauthorized carrying of firearms is prohibited but that valid permit holders are welcome to carry consistent with this Ordinance.

Section 5. Scope and Limitations.

(a) Nothing in this Ordinance shall be construed to regulate, restrict, or prohibit the open carry of firearms on public streets, sidewalks, parks, or other public property of the Town of Alberton, except as expressly authorized by MCA § 45-8-351.

(b) Nothing in this Ordinance shall be construed to regulate the purchase, sale, transfer, ownership, transportation, or possession of firearms beyond what is expressly authorized by MCA § 45-8-351.

(c) Nothing in this Ordinance shall be construed to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others, or to prohibit the legitimate transportation of firearms through the Town, consistent with MCA § 45-8-351(2)(b).

(d) Nothing in this Ordinance shall be construed to permit any conduct prohibited by state or federal law.

Section 6. Penalties.

Any person who violates Section 3 or Section 4(a) of this Ordinance is guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the county jail not to exceed six (6) months, or both, consistent with MCA §§ 7-5-109 and 7-5-4207.

Section 7. Repeal of Conflicting Provisions.

All prior ordinances, resolutions, or motions of the Town Council inconsistent with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. Savings Clause.

If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the Ordinance and the application of its provisions to other persons or circumstances shall not be affected.

Section 9. Conformity with State Law.

This Ordinance is enacted in reliance upon the authority granted to the Town by Montana Code Annotated § 45-8-351 as it exists at the time of adoption, and is intended to operate only to the extent permitted by controlling Montana law as it may be amended from time to time. If any provision of this Ordinance is or becomes inconsistent with, unauthorized by, or preempted by any amendment to Montana law, that provision shall automatically be deemed suspended and unenforceable to the extent of such inconsistency or preemption, without affecting the remainder of the Ordinance. The Town Council shall review and, if necessary, amend this Ordinance following any legislative amendment to MCA § 45-8-351 or other applicable state law.

Section 10. Effective Date.

This Ordinance shall take effect thirty (30) days after final passage on second reading, as required by Montana Code Annotated § 7-5-105. The Town Clerk-Treasurer is directed to cause this Ordinance to be posted in accordance with Section 1-2-2 of the Alberton Town Code following first reading and provisional adoption.

PASSED AND ADOPTED by the Town Council and Mayor of the Town of Alberton, Mineral County, State of Montana the _____ (day) of _____ (month), 2026.

Approved:

Attest:

LOREEN M FELSTET
MAYOR

JAYLYN ROWLEY,
TOWN CLERK / TREASURER

ORDINANCE NO. 2026-06-03

An Ordinance Amending Chapters 4-2 and 4-4 of Title 4 of the Alberton Town Code to Remove Specific Dollar Amounts from Ordinance Text and Authorize the Town Council to Establish and Amend Utility Rates, Fees, and Penalties by Resolution

WHEREAS, the Town of Alberton currently maintains specific dollar amounts for water and sewer utility rates, fees, and penalties within the text of Title 4 of the Alberton Town Code, including but not limited to reconnection fees, late payment penalties, service deposit amounts, hookup fees, and misdemeanor fine minimums; and

WHEREAS, the Town of Alberton also maintains a specific disconnection notice schedule within the text of Section 4-2-5(1) of the Alberton Town Code, setting forth the timing and sequence of notices required prior to disconnection of water service for nonpayment; and

WHEREAS, embedding specific dollar amounts and procedural schedules within ordinance text requires the Town Council to undertake the full two-reading ordinance adoption process, which takes a minimum of twelve (12) days under Montana law, each time rates, fees, penalties, or notice procedures require adjustment; and

WHEREAS, the operational and financial needs of the Town's water and sewer systems require the ability to adjust rates, fees, penalties, and administrative procedures in a timely manner in response to annual budget requirements, infrastructure costs, grant conditions, inflationary pressures, banking and collection costs, and other factors affecting municipal utility operations; and

WHEREAS, Montana Code Annotated § 69-7-101 authorizes the Town to regulate, establish, and change, as it considers proper, rates, charges, and classifications imposed for utility services to its inhabitants and other persons served by the municipal systems, provided that rates, charges, and classifications are reasonable and just; and

WHEREAS, Montana Code Annotated § 69-7-111 requires the Town Council to order a public hearing before regulating, establishing, or changing rates, charges, or classifications imposed on utility customers, with notice published and mailed as required by that section; and

WHEREAS, the disconnection notice schedule is a procedural administrative matter and not a rate, charge, or classification subject to the public hearing requirement of § 69-7-111, and may therefore be established and amended by resolution of the Town Council without a public hearing; and

WHEREAS, several provisions of Title 4 already contemplate rate-setting by resolution of the Town Council following public hearing, and this Ordinance extends that mechanism uniformly to all utility rates, fees, and penalties currently hardcoded in ordinance text; and

WHEREAS, the Town Council finds that authorizing the establishment and adjustment of utility rates, fees, penalties, and the disconnection notice schedule by resolution is in the best interest of the Town of Alberton and its residents;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Alberton, Montana, as follows:

Section 1. Amendment of Section 4-2-5 (Penalties — Water Service Lines).

Section 4-2-5(1) of Chapter 4-2 of Title 4 of the Alberton Town Code is hereby amended to read as follows:

"4-2-5 Penalties.

1) Each and every violation of the rules and regulations established by this Ordinance will constitute a misdemeanor, and the offending party shall be subject to a fine as established by resolution of the Town Council, not to exceed the maximum permitted by Montana law. When the offense is one relating to plumbing, leakage, or other illegal use or waste of water, the registrar may stop the supply of water to the offender. When water has been turned off for violation of these rules and regulations, the water registrar may withhold the water until all dues and penalties have been paid in full, plus a reconnection fee as established by resolution of the Town Council. The notice and disconnection schedule applicable to delinquent accounts shall be as established by resolution of the Town Council pursuant to Section 3A of Ordinance No. 2026-06-03."

Section 2. Amendment of Section 4-2-4 (General Rules and Regulations — Reconnection Fee).

The paragraph of Section 4-2-4 of Chapter 4-2 entitled "Shut off-Turn on – Fee" is hereby amended to read as follows:

"Shut off/Turn on Fee. When the water has been shut off at the curb box it shall not be turned on by any person except an employee of the water/sewer department. If the water is turned on by anyone other than an employee of the Town water/sewer department the water shall be immediately shut off and the property owner must pay a reconnection fee as established by resolution of the Town Council before the water shall again be turned on. In addition the party turning the water on shall be in violation of this ordinance and may be punished as provided in this chapter."

Section 3. Amendment of Section 4-2-4 (General Rules and Regulations — Paragraph 10, Reconnection for Non-Payment).

The provision in Section 4-2-4, Paragraph 10, relating to reconnection charges for non-payment is hereby amended to read as follows:

"There will be a reconnection fee as established by resolution of the Town Council to have water reconnected for any service that was turned off for non-payment of services."

Section 3A. Amendment of Section 4-2-5(1) — Disconnection Notice Schedule.

The specific disconnection notice schedule currently set forth in Section 4-2-5(1) of Chapter 4-2 of Title 4 of the Alberton Town Code — providing that a late notice shall be sent in the first week of the month following a delinquency, a disconnect notice in the second week, and a 24-hour disconnect notice in the third week — is hereby removed from the ordinance text and replaced with the following:

"The schedule of notices, timing, and steps required prior to disconnection of water service for nonpayment, including but not limited to the issuance of late notices, disconnect notices, and final 24-hour disconnect notices, shall be established and amended from time to time by resolution of the Town Council. The current Notice and Disconnection Schedule shall be maintained on file with the Town Clerk-Treasurer, shall be posted at Town Hall in a publicly accessible location, and shall be made available to utility customers upon request. No disconnection of service for nonpayment shall occur without notice to the property owner in accordance with the then-current adopted schedule and all applicable Montana law."

Section 4. Amendment of Section 4-4-2 (Equitable Rates — Sewer System).

Section 4-4-2 of Chapter 4-4 of Title 4 of the Alberton Town Code is hereby amended to read as follows:

"4-4-2 Equitable Rates. Rates for sewer service shall be set from time to time by resolution of the Town Council, following public notice and a public hearing as required by Montana Code Annotated § 69-7-111. A schedule of current rates shall be maintained on file with the Town Clerk-Treasurer and shall be available to the public upon request."

Section 5. Amendment of Section 4-4-10 (Water/Sewer Hook-Up Formula).

Section 4-4-10 of Chapter 4-4 of Title 4 of the Alberton Town Code is hereby amended to read as follows:

"4-4-10 Water/Sewer Hook-Up Fees. Water and sewer hook-up (connection) fees shall be established and adjusted from time to time by resolution of the Town Council, following

public notice and a public hearing as required by Montana Code Annotated § 69-7-111. All fees for water hook-up must be paid in full before the water connection can occur. All fees for sewer hook-up must be paid in full before the sewer connection can occur. A schedule of current hook-up fees shall be maintained on file with the Town Clerk-Treasurer and shall be available to the public upon request."

Section 6. General Rate and Fee Schedule.

The Town Council shall, by resolution following required public notice and hearing as provided in Montana Code Annotated § 69-7-111, adopt and maintain a current Schedule of Utility Rates, Fees, and Penalties ("Rate Schedule") that establishes specific dollar amounts for all of the following, at minimum:

- (a) Monthly water base rate (metered and unmetered);
- (b) Monthly sewer service rate;
- (c) Water service deposit;
- (d) Water and sewer hook-up (connection) fees;
- (e) Disconnection fee — the administrative fee charged when service is disconnected for nonpayment or violation;
- (f) Reconnection fee — the fee charged to restore service following disconnection for nonpayment, violation, or unauthorized shut-off;
- (g) Account transfer fee — the fee charged when responsibility for a utility account is transferred from one party to another, including but not limited to: transfer to a new tenant upon move-in; transfer back to the property owner upon a tenant vacating; and transfer upon change of property ownership;
- (h) Meter testing fee — charged when a meter is tested at a customer's request and found to be functioning correctly;
- (i) Unauthorized reconnection penalty fee — charged when service has been restored by any person other than an authorized Town employee;
- (j) Late payment fee — a flat fee charged when a utility bill is not paid by the due date;
- (k) Interest on delinquent accounts — the rate of interest charged on unpaid balances, expressed as a monthly or annual percentage rate;
- (l) NSF fee — the fee charged when a payment is returned for insufficient funds or against a closed account;
- (m) Lien filing fee — the administrative cost charged to a delinquent account when the Town is required to file or record a lien against real property for unpaid utility charges pursuant to the authority established in Section 4-4-4 of the Alberton Town Code;
- (n) Notice and collection fee — the administrative cost charged to a delinquent account when Town staff is required to post physical notices at a property, including door notices

and posted disconnect warnings, in connection with the collection and disconnection process;

(o) Any other utility fee or penalty currently established or hereafter authorized by ordinance.

The Rate Schedule shall be maintained on file with the Town Clerk-Treasurer, shall be posted in a publicly accessible location at Town Hall, and shall be made available to utility customers upon request. Any adjustment to the Rate Schedule shall be made by resolution of the Town Council after public notice and a public hearing as required by Montana Code Annotated § 69-7-111.

The Town Council shall also adopt and may amend a Notice and Disconnection Schedule by resolution, as provided in Section 3A of this Ordinance. The Notice and Disconnection Schedule is a procedural administrative matter and is not a rate, charge, or classification subject to the public hearing requirement of Montana Code Annotated § 69-7-111; it may therefore be established and amended by resolution of the Town Council without a public hearing, except as otherwise required by Montana law.

Section 7. Existing Resolutions Preserved.

All resolutions previously adopted by the Town Council establishing utility rates, fees, or penalties, including but not limited to Resolution No. 336, Resolution No. 338, Resolution No. 343, and any subsequent rate resolutions, remain in full force and effect until amended or superseded by subsequent resolution of the Town Council.

Section 8. Repeal of Conflicting Provisions.

All prior ordinances, resolutions, or motions of the Town Council that embed specific dollar amounts for utility rates, fees, or penalties, or that set a specific disconnection notice schedule, within the text of Title 4 of the Alberton Town Code, and that are inconsistent with the delegation of authority established by this Ordinance, are hereby repealed to the extent of such conflict.

Section 9. Savings Clause.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance and the application of its provisions to other persons or circumstances shall not be affected.

Section 10. Effective Date.

This Ordinance shall take effect thirty (30) days after final passage on second reading, as required by Montana Code Annotated § 7-5-105. The Town Clerk-Treasurer is directed to

cause this Ordinance to be posted in accordance with Section 1-2-2 of the Alberton Town Code following first reading and provisional adoption.

PASSED AND ADOPTED by the Town Council and Mayor of the Town of Alberton, Mineral County, State of Montana the _____ (day) of _____ (month), 2026.

Approved:

Attest:

LOREEN M FELSTET
MAYOR

JAYLYN ROWLEY,
TOWN CLERK / TREASURER