

Regular Meeting – July 12, 2023

***The council meeting was held at the Fairview Senior Center.

Mayor Brian Bieber called the meeting to order. Mike Sannon absent. Attorney Kaitlin DeCrescente attended via Google Meeting.

Minutes: Brian Renville moved to accept the minutes from the regular council meeting that was held on June 14, 2023. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Betty Cherrey moved to accept the minutes from the Street Maintenance District 1 2023 Assessments hearing and the Gordon Jones Zoning Change Hearing. Jerrold Baxter seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Guests: Greg Hitchcock-Sidney Herald – Tyler Shaffer

Gordon Jones Zoning Change:

Kevin Dahl moved to table the decision until the August meeting so that attorney Kaitlin DeCrescente and planner Rachel LaQua could do more research on the regulations. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Resolution 560 – 2023 Street Maintenance District 1 Assessments

Jerrold Baxter moved to read Resolution 560 – 2023 Street Maintenance District 1 assessments by title only. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Resolution 560 by title only. Resolution 560 is to levy an assessment upon all of the property within Street Maintenance District No. 1 to defray the cost of maintenance for fiscal year 2024-2025. The set amount is \$50,000 to be assessed at .0064 per sq. ft.

Kevin Dahl moved to adopt Resolution 560- 2023 Street Maintenance District 1 assessments for fiscal year 2024-2025. Brian Renville seconded. Motion carried.

Resolution 561 – Calling for a Mail-In Ballot Election:

Betty moved to read Resolution 561 – Calling for a Mail-In Ballot Election by title only. Jerrold Baxter seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Resolution 561 by title only. Resolution 561 authorizing a mail-in ballot election for the 2023 General Municipal Election.

Kevin Dahl moved to adopt Resolution 561-Calling For A Mail-In Ballot Election. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Resolution 562 –Intent to Raise Water Rates:

Betty Cherrey moved to read Resolution 562 – Amending Resolution 559 of intention to increase the water rates by title only. Brian Renville seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Resolution 562 by title only. Resolution 562 is to amend Resolution 559 to correspond with the updated public hearing date and time and corresponding publication of the notice of public hearing.

Kevin Dahl moved to adopt Resolution 562 - Amending Resolution 559 of intention to raise the rates and charges for services provided by the Water System in order to collect sufficient revenues to pay bonds issued for System improvements and meet bond covenants on coverage, establish reserves and pay cost associated with the operation and maintenance of the System. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Ordinance 355 – Golf Cart Operation: (First Reading)

Ordinance 355 amends Section 10.18.010 of the Fairview Code allowing for limited and restricted use of golf carts on public roads within the boundaries of the Town of Fairview.

Town Council also recognizes the need to preserve the safety of its citizens operating golf carts on public roads and finds that it is in the best interest of the citizens of Fairview to update Ordinance 10.18.010 as follows to be in compliance with Section 61-8-391, M.C.A.

10.18.010 Operation of golf carts authorized. The operation of golf carts is authorized between sunrise and sunset on the ways of the Town of Fairview open to the public. A “golf cart” means a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than 15 miles per hour. Persons operating a golf cart as authorized herein shall obey all traffic laws enacted by the State of Montana or the Town of Fairview, including, but not limited to, holding a valid driver’s license or low-speed restricted driver’s license by the State of Montana ~~or a permit issued by the Fairview Chief of Police,~~ unless one of the exemptions contained in Section 61-5-104, Montana Code Annotated, applies.

Ordinance 355-CONT:

~~The Fairview Chief of Police is authorized to issue a permit to nonlicensed drivers in his or her discretion. As to Ellery Avenue, crossing only is authorized. All golf carts shall display the slow vehicle triangle sign on the back of the cart, as well as at least one and not more than two headlamps; at least one taillamp; at least one reflector; stop lamps; a horn; and a mirror that reflects to the driver view of the highway. A “golf cart” is a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than fifteen (15) miles per hour.~~

- a. Passengers. Pursuant to Section 61-9-420, M.C.A., each motor vehicle passenger who is under six (6) years of age and weighs less than sixty (60) pounds must be transported and properly restrained in a child safety restraint. The child safety restraint must be appropriate for the height and weight of the child as indicated by manufacturer standards.

Mayor Bieber read Ordinance 355 in its entirety. Brian Renville moved to accept the first reading of Ordinance 355 with the removal of A “golf cart” means a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than 15 miles per hour. from the second paragraph as it is a duplicate statement from the first paragraph. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Ordinance 356 – ConEx Storage Containers: (First Reading)

Ordinance 356 amends Section 11.02.410 and adding Section 11.02.410(2)(G) to the Fairview Code regulating the use of storage containers in order to preserve the aesthetic qualities of the Town of Fairview and preserve property values as follows.

11.02.410: PERMITS AND ACTIVITIES EXEMPT FROM PERMITTING:

[. . .]

2. Exemptions for ~~Development Activity.~~

[. . .]

G. Installation of shipping containers and/or storage containers (e.g. Conex containers) is allowable as an accessory use without a permit. Such containers must be located within the required setbacks, must have no signage or writing, and must be kept in good repair with no peeling or rust.

Mayor Bieber read Ordinance 356 in its entirety. Kevin moved to accept the first reading of Ordinance 356 as stated. Lloyd Fugate seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Town Website:

Betty Cherrey stated that she would like to see the Town get a website budgeted and set up this year. Betty commented that it is only about \$55 per month if using the same company that Bainville does. Clerk Faye Carlson replied that she already had it drafted in the budget and that she will get another updated quote from Municipal Impact.

Summer Park Help:

Michael Tyrell Shaffer applied for the summer park help. He was interviewed and has begun work. Brian Renville moved to hire Michael Tyrell Shaffer for the short-term summer park position at \$12 per hour. This will retro back to June 27th, 2023 the actual day of hiring. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

UNFINISHED BUSINESS:

Spencer VanWichen – Interstate Engineering:

***Water System Improvement Projects:** Spencer reported that he should be receiving the contracts shortly from Western Municipal and can be signed and ready for the Pre-Construction meeting on July 26th at the Senior Center. Spencer stated that construction should begin the second week in August.

Spencer stated that Fairview will be able to close on the loan sometime next spring. Spencer feels there is enough ARPA funds to get through this part of the construction phase.

***Sewer Investigation and Replacement Project:** Spencer reported that they are still looking through the reports and will go over them with the Council at the July meeting.

***Asphalt Patching Options:** Spencer stated that Top Gun Asphalt did a walk through for the areas needing repaired. There is approximately fifteen (15) to twenty (20) square feet of asphalt needed at a cost of around \$50,000. Spencer also commented that Franz Construction is on board with the warranty work also being done by Top Gun while they are in Fairview.

Betty moved to approve \$60,000 of the Street Maintenance District 1 (SMD1) funds to be pledged to the asphalt pathing project. Kevin Dahl seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

***Questions/Feedback from Council:** None

Zoning Setbacks for Buildings and Fences: Betty Cherrey stated that she had received the answers and clarification needed and this can be removed from the agenda.

DEPARTMENT REPORTS:

Dan Murphy-Public Works:

**Nuisance Ordinance Notifications:* Dan stated that he has sent quite a few out and that four (4) more are on Asst. Chief Hergert's desk waiting for her signature and that three (3) more came in today that need to be followed through on.

Pool: Everything is going well at the pool and there hasn't been any more complaints about the water temperature.

Festival: Dan explained how his department will be doing the traffic control for the festivities.

Questions/Feedback from Council:

*Betty Cherrey asked Dan about the trees that are hanging over the streets and crowding the alleys. Dan replied that he knows they need to be trimmed. He and Betty will work on the list of properties that will need to have notice letters sent.

*Betty then asked if he had been working on the nuisance and weed letters. Dan stated he had been working on the nuisance properties. Faye Carlson stated that the weed notices were to be done by Asst. Chief Hergert and that she had told her and taken a copy of the ordinance to her the beginning of June.

*Betty asked Dan if he had repaired the water meter at Whitney Hergert's residence. Dan replied that he had not.

Police: Asst. Chief Whitney Hergert: Not in attendance – (Information taken from printed report)

Activity Report: 184 incident/calls for service/traffic reports in June. 774-Incidents to date for 2023.

Police Cruisers:

*Interceptor 1: Still at The Wick Kid repair waiting on engine replacement. Motor has been paid for and ordered.

*The Ford F-150 is totaled and is currently stored at Hutter Towing Yard.

*The Chevy Tahoe had the fuel pump go out and repaired by Cherrey's Red Top.

Personnel:

*Asst. Chief Hergert will be out of town for vacation August 10th – August 13th. She will also be out of town for training August 28th – September 1st.

*Medical status release for Officer Aleacia Braaten will be updated on July 20, 2023.

*There are no new applications for officers.

Misc:

*Eight (8) surveillance cameras were donated by the Fairview Community Foundation. Four (4) have been installed at Sharbono park and the monitor system installed within the pool house. The other four (4) were installed at the bulk water station to compensate for lack of security for seized and impounded vehicles.

*Financial Departmental Improvement Goal / Plan was given to council members and clerk.

Questions/Feedback from Council:

Clerk Faye Carlson:

**CD Renewal:* Faye informed the Council that CD #20498 in the amount of \$111,197.77 was going to mature on August 4, 2023. If rolled over as is, it will be for a 6 month term at 1.5% interest. Faye asked the Council if they would like her to have it reinvested for a 19 month term at 4.0%.

Kevin moved to have Clerk Faye Carlson reinvest CD #20498 in a 19 month term at 4.0 % interest. Jerrald Baxter seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Questions/Feedback from Council: None

Court Report: June fines collected were \$4,755. \$2,330 written prior to 2023, \$965 from 2023, converted bonds \$990, and restitution paid \$400 making a total of \$3,615 received from the court.

COUNCIL MEMBERS:

Lloyd Fugate: Nothing

Kevin Dahl: Nothing

Mike Sannon: Absent

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Brian Renville: Brian stated that he had spoken with the pool management as well as Sue Duffey concerning the issues that were brought up at the June meeting.

One of the issues discussed was the lifeguards having to pay for their own training. Brian stated that he had told them that the Council may agree to a reimbursement of training if they worked 70% or more of the season. He has yet to receive a response.

Jerrold Baxter: Nothing

Betty Cherrey: Nothing

Attorney Kaitlin DeCrescente: Already covered above.

Mayor Brian Bieber: The Mayor brought up the use of Jake brakes in town and questioned signage. Clerk Faye Carlson replied that Fairview had put up “No Jake Brakes Within City Limits” at one time and MDT took them down. They informed Fairview that the signs could only state that they had to be muffled.

Mayor Bieber commented that there was no way for Fairview’s officers to inspect them for enforcement.

Bills:

Brian Renville moved to pay the bills. Betty Cherrey seconded. Motion carried. (5 Ayes–0 Noes– 1 Absent)

Meeting was adjourned.

Bills Listed By Check Number:

34111 WPCI	Annual Drug Testing Pool Management	100.00
-99379 WEX Bank	Fleet Fuel Cards	1450.02
34113 MDU	Power	3849.41
34114 Mid-Rivers	Phone & Internet	521.80
34115 Aramark	Rugs	82.42
34116 Hawkins	Chemicals – Treatment Plant	5811.92
34117 Energy Lab	Water Testing	231.00
34118 Verizon	Internet-Police DataMaxx	160.04
34119 Rich. Co. Treas.	Court Surcharges & Prisoner Care	185.00
34120 Utilities ULC	811 Line Locates	30.48
34121 LYREA	Power – Lagoon	208.71
34122 Neff Eiken & Neff	Civil Attorney Fees – May	2895.00
34123 Tractor Supply	DW GEN@ Brushless Blower	267.26
34124 Horizon Resources	Supplies & Fuel – PW and Police	234.32
34125 RDO	Grader Cutting Edge	214.78
34126 Johnson Hardware	Pool Supplies	60.42
34127 Neu’s Super Valu	Shop Supplies	21.12
34128 Petty Cash	Water Testing and Police Mailings	27.98
34129 Expense Account	Park Restroom Towel Dispenser and Urinal Cakes	39.49
34130 BOSS	Shop Ink Cartridges	91.98
34131 PlumbRite	Water Meter Replacement – 506 Montana	111.50
34132 BB Electric	Replace Pedestal in Park – Install No Parking Sign	798.47
34133 Franz Construction	3 rd Street Watermain Break Repair	8746.89
34134 Northwest Pipe	Sprinkler Parts, Pool Thermometer & Curb Risers	272.46
34135 The Roundup	Jones and SMD1 Public Hearing Notices	98.00
34136 Sidney Auto	Bolts for Pool	114.50
34137 Cross Petroleum	Oil, for Sewer Lagoon Sub-Station	130.18
34138 Cherrey’s Red Top	Police F-150 & Tahoe Repairs – Garbage Truck Battery	1095.51
34139 Strom & Assoc.	Final Audit Fees	1010.00
34140 TN Energy	Injector Harness – Garbage Truck	1857.88
34141 Mon-Kota	Weed Spray	91.24
34142 Joe Johnson	Sweeper Parts	270.81
34143 Ace Hardware	Sprinkler Parts, Pool Keys & Faucet Fasteners	147.89
34144 Capital One	Pool Deck Chairs (Donation Funds)	784.22
34145 Recreation Supply	Pool Supplies and Equipment	3882.62
34146 Betty Cherrey	2022-2023 Zoning Permit Fees	375.00
34147 Trish Buxbaum	Reimbursement for Water & Snacks at the Pool	135.90
34112 Post Office	Office, Court & Utility Billing Postage	863.40
34148 United Heritage	Employee Group Life	101.72
34149 Olson Plumbing	Pool Boiler Repairs	2160.85

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34150	Seader Digging	Curb Stop Repairs – Black & Skogas	535.00
34151	MMCT & FOA	Annual Clerk Membership Dues	50.00
34152	Hawkins	Pool Chemicals	98.28
34153	TN Energy	Fuel Injector – Garbage Truck	1731.58

PAYROLL LIABILITIES

-88895	MPERA	Employee Paid 457 Deferred Plan	46.68
-88894	MPERA	Employee Retirement	2323.40
-88893	Dept. of Revenue	State Withholdings	747.00
-88892	US Treasury	Withholdings	3581.18
-88891	Aflac	Employee Paid Short Term Disability & Other Ins.	425.04
-88890	Delta Dental	Employee Paid Dental & Vision Insurance	175.64
-88889	UI Division	Unemployment	407.92
-88888	BCBS	Employee Health Insurance	3112.04
-88887	MPERA	Employee Paid 457 Deferred Plan	44.00
-88886	MPERA	Employee Retirement	2432.76
-88885	US Treasury	Withholdings	4474.30
-88884	Dept. of Revenue	State Withholdings	1019.00

4207	Norma Faye Carlson	Wages	1391.74
4208	Mary Norgard	Wages	1249.54
4209	Aleacia Bratten	Wages	1886.86
4210	Whitney Hergert	Wages	1751.26
4211	Wyatt Uecker	Wages	45.52
4212	Daniel Murphy	Wages	1512.52
4213	Ole Ruud	Wages	1202.75
4214	Gorm Scarpholt	Wages	867.21
4215	Carly Buxbaum	Pool Wages	219.03
4216	Trish Buxbaum	Pool Wages	629.99
4217	Tia Hallock	Pool Wages	341.51
4218	Katherine Hurley	Pool Wages	1110.80
4219	Emily Johnson	Pool Wages	80.43
4220	Rebekah Keen	Pool Wages	294.68
4221	Morgan Mason	Pool Wages	674.95
4222	Aaleah Paquin	Pool Wages	62.72
4223	Jordyn Rossi	Pool Wages	213.71
4224	Jordon Schriver	Pool Wages	315.84
4225	KennaDee Taylor	Pool Wages	159.43
4226	Teigan Taylor	Pool Wages	116.83
4227	Beth Thompson	Pool Wages	219.03
4228	MMIA WC	Workers Comp	3028.03
4229	Norma Faye Carlson	Wages	1310.18
4230	Mary Norgard	Wages	1249.54
4231	Aleacia Bratten	Wages	1538.73
4232	Whitney Hergert	Wages	1893.06
4233	Wyatt Uecker	Wages	45.52
4234	Daniel Murphy	Wages	1608.55
4235	Ole Ruud	Wages	1127.27
4236	Gorm Scarpholt	Wages	816.84
4237	Michael Shaffer	Wages	212.10
4238	Carly Buxbaum	Pool Wages	401.19
4239	Trish Buxbaum	Pool Wages	547.95
4240	Gavin Callender	Pool Wages	189.83
4241	Taylor Dietrich	Pool Wages	668.98
4242	Tia Hallock	Pool Wages	364.75
4243	Katherine Hurley	Pool Wages	1126.27
4244	Emily Johnson	Pool Wages	299.88
4245	Rebekah Keen	Pool Wages	594.48
4246	Morgan Mason	Pool Wages	1447.78

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4247	Aaleah Paquin	Pool Wages	241.92
4248	Jordyn Rossi	Pool Wages	267.48
4249	Jordon Schriver	Pool Wages	359.91
4250	KennaDee Taylor	Pool Wages	226.30
4251	Teigan Taylor	Pool Wages	130.11
4252	Beth Thompson	Pool Wages	211.75
4253	Jerrold Baxter	Council Fee	75.00
4254	Betty Cherrey	Council Fee	75.00
4255	Kevin Dahl	Council Fee	75.00
4256	Lloyd Fugate	Council Fee	5.00
4257	Brian Renville	Council Fee	75.00
4258	Michael Sannon	Council Fee	75.00
4259	Brian Bieber	Mayor Fee	216.74
4260	Ray Trumpower	Judge Wages	724.50

Norma F. Carlson, Clerk

Brian Bieber, Mayor