

Regular Meeting – March 15, 2023

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

Mayor Brian Bieber called the meeting to order. Mike Sannon and attorney Kaitlin DeCrescente were absent.

Pledge

Minutes: Brian Renville moved to accept the minutes from the budget amendment public hearing and the regular council meeting that were both held on February 8, 2023. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Guests: None

Ordinance 353 – Amending Section 11.02.340(6)-Home Occupation Businesses – Second Reading

Kevin Dahl moved to read Ordinance 353 by title only. Brian Renville seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Ordinance 353 by title. Ordinance 353 will amend Section 11.02.340(6) removing the term medical. *6. Businesses established for the purpose of providing, purveying, selling, growing, manufacturing, or otherwise dealing in the procurement, production, and sale of ~~medical~~ marijuana shall not be permitted as home occupations.*

Kevin Dahl moved to adopt Ordinance 353 amending section 11.02.340(6) as shown above. Jerrold Baxter seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Ordinance 354 – Adding Section 10.02.040 – Vehicles Approaching Yield Sign.

Currently there is no ordinance for failure to yield in the Fairview code. By adding Section 10.02.040 to the Fairview Code this will govern the right of way violations for failure to yield.

Mayor Bieber read Ordinance 354 in its entirety. Brian Renville moved to accept the first reading of Ordinance 354 – Adding Section 10.02.040 – Vehicles Approaching Yield Sign. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Sick Leave Donation Waiver:

Clerk Faye Carlson asked the council for a onetime waiver of employee-to-employee sick leave donations. Faye stated that the Fairview Personnel Policy states that an employee may donate a portion of their accrued sick leave to another employee. The donating employee must keep a minimum of forty (40) hours.

With Wyatt Uecker changing his status from full time to short term, he will no longer accrue sick or vacation hours and must be paid out for what he currently has. Wyatt had 51.66 accrued sick hours and wanted to donate it all to Ole Ruud who needed them following his surgery. In order to do this, the council will need to approve this and waive the policy limitation for this case.

Betty Cherrey moved to waive the policy limitation for this particular status change case and allow Wyatt Uecker to donate all of his accrued sick time of 51.66 hours. Lloyd Fugate seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Police Chief Positions:

At a meeting held with the Mayor, the Clerk and the Police Officers, Wyatt Uecker agreed to stay on as Police Chief at a wage of \$23.50 per hour in Short Term status until another fulltime chief is hired. Officer Hergert would be promoted to Assistant Police Chief with a trial/training period of six (6) months at a wage of \$24.25 per hour. She stated she is considering applying for the Chief position as well.

Lloyd Fugate moved to accept Chief Ueckers status change and wage of \$23.50 per hour as well as Officer Hergert's change to Assistant Chief at \$24.25 per hour. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Police Residency Policy Changes:

With the status changes and shortness of police officers and their availability, some changes are needed in the police policy manual. The current manual does not have a rank for Assistant Chief with supervisory guides. The manual also states that Officers of the Fairview Police Department must reside within a reasonable distance from the Town which would enable a response, ready for duty, within one quarter (1/4) of an hour. It is preferred that officers reside within the city limits if possible.

Clerk Faye Carlson worked with MMIA's HR specialist Derrek Shepherd to write the needed policy changes. Once they were drafted, she sent them to Personnel Committee Jerrold Baxter and Betty Cherrey for approval.

Police Residency Policy Changes: CONT:

The following Police Manual changes are recommended for Council approval:

Section 4.1.00 ORDER OF RANK

4.1.1- Add rank of Assistant Police Chief

Section 4.3.00 ADMINISTRATIVE SUPERVISORY RANKS

4.3.1 – Add Assistant Chief in front of Lieutenant

Remove Lieutenant from second and third sentences

Add If there is no Assistant Chief in the department, the Lieutenant may serve in this capacity.

Remove This is an AND add Both are to fifth sentence.

5.1.00 RESIDENCY REQUIREMENTS

5.1.1- Remove Officers and Add The Police Chief and Assistant Police Chief

Jerrold Baxter moved to adopt the above changes to the Fairview Police Department Policy Manual. Lloyd Fugate seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

1984 Fire Truck – Declaring Salvage

Fire Chief Ryan Taylor contacted City Hall and asked if the 1984 Fire Truck could be sold. It is no longer needed by the fire department.

Kevin Dahl moved to declare the 1984 Ford Fire Truck, VIN# 1FDPF70K1EVA30847 as salvage. Jerrold Baxter seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Clerk Faye Carlson will put it on the list serve as well as post it for sealed bids.

Appointment of Don Iversen to Conservation Board:

Mayor Bieber read the letter from Richland County Conservation District stating that Don Iversen's term as urban supervisor for the Town of Fairview expired on December 31, 2022.

Faye Carlson stated that she had spoken with Don and he is willing to do another term. Kevin Dahl moved to re-appoint Don Iversen for another three (3) year term. Lloyd Fugate seconded. Motion carried.

(5 Ayes– 0 Noes– 1 Absent)

Engineering Master Service Agreement:

Engineer Spencer VanWichen informed the Council that the Master Service Agreement (MSA) had expired and presented them with a draft of the revised five (5) year agreement as well as a three (3) month extension to the original one. The extension will give the Town attorney and the Council time to review the new MSA and make any needed revisions.

Jerrold Baxter moved to accept and sign the three (3) month extension to the original Master Service Agreement. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

UNFINISHED BUSINESS:

Spencer VanWichen – Interstate Engineering:

***Water System Improvement Projects:** Spencer stated that the Categorical Exclusion (CATEX) for the project has been approved by DEQ and will be publicly published.

Spencer presented the Contract Amendment No. one (1) for Task Order No. Thirteen (13) for (Phase II Water Replacement; Cast Iron Mains) Bidding + Construction modified by adding Task 5 for Bidding or Negotiation Services, SRF Loan Acquisition and Administration, Coordination w/Bond Counsel as outlined in Appendix A. Adding Task 6 for Construction Management, Resident Project Representative Services, and Record Drawings as outlined in Appendix A.

Brian Renville moved to accept and sign Amendment No. One (1) for Task Order No. Thirteen (13) for (Phase II Water Replacement; Cast Iron Mains) Bidding + Construction as modified above. Kevin Dahl seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

***Sewer Investigation and Replacement Project:** Spencer stated that the project should come in under budget for our sewer investigation project and could look to reallocate the Local Fiscal Recovery funds set aside for the sewer infrastructure. Some of the options for reallocation could include locating and replacing existing lamp holes or replacing existing deteriorated manholes. The water and sewer committee will discuss options and utilization of the remaining funds.

***Street Work:** Spencer stated that there are no updates at this time.

***Dry Redwater Presentation:** The initial public presentation was held as scheduled on February 16, 2023 at the Senior Center. The presentation went over the options and estimate of rates with switching to their water service and closing Fairview's treatment plant.

One of the concerns with the switch is that Fairview will need to purchase water from DRW to maintain the parks, pool, fire protection and bulk water sales. This would be an increased expense for the Town.

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***Dry Redwater Presentation: CONT:**

Another concern stated was if Fairview were to choose DRW and Fairview's aging treatment plant was to fail before the service was connected, the Town would still need to invest funds into a treatment plant in order to provide potable water to the Town.

Spencer stated that he would like to run the proposed rate numbers himself now that Fairview has the estimated rates from DRW. Spencer is also going to get quotes on the replacement of the treatment plant so that Fairview will have numbers for both options. Once he has these numbers, he feels Fairview should hold another public meeting and invite DRW to answer newest questions and concerns received from the residents.

Spencer stated that if the Town were to go with DRW there may be a possibility of refurbishing the treatment plant to handle the parks, pool, fire protection and still have a bulk water station.

Spencer also stated that there may be a chance that DRW would assist in the replacement of Fairview's end of life water storage tank.

***Questions/Feedback from Council:** Brian Renville asked about funding from the TAP Program for additional park sidewalks. Spencer replied that he would need to sit down with the Park Committee to go over the funding and any available matching funds that Fairview could do.

Planning Services:

Spencer called Rachel Laqua (Speaker phone) who is the planner for Interstate Engineering. She is also representing Richland County as their planner. She is willing to serve as the planner for the Town of Fairview under the current contract agreement in place with Interstate Engineering. Her rates would be billed only as needed and used.

Brian Renville moved to use Interstate Engineering Planner Rachel Laqua as the planner for the Town of Fairview on a one (1) year trial basis. Lloyd Fugate seconded.

***Further Discussion: Kevin Dahl asked what was budgeted for the planner. Clerk Faye Carlson replied that there is a \$3,000 annual budget for planning. No further discussion.

Motion carried. (5 Ayes– 0 Noes– 1 Absent)

DEPARTMENT REPORTS:

Dan Murphy-Public Works: Unable to attend the meeting.

Questions/Feedback from Council:

*Faye reported that Gorm Scarpholt has informed Dan and the Mayor that he is going to part time.

*Concerns with air brakes being used in town and signage for them were discussed. Faye commented that Fairview had put up no air brake signs along Highways 200 and 201 around 2012 and the Town was informed they had to be removed. Montana DOT does not allow this regulation. The town then installed signs that stated that the air brakes had to be muffled. These signs were not reinstalled when the Ellery project was done. The State will be contacted to see if the signs can be installed again.

*Brian Renville expressed concerns with the snow plowing of the streets and how it is being done. He wants to see it plowed closer to the curb so that the cars are not having to park so far out.

Police: Asst. Chief Whitney Hergert:

Activity Report: 98 incident/calls for service/traffic reports in February. 231-Incidents to date for 2023.

Police Cruisers: Interceptor 1: Still at The Wick Kid repair waiting on engine replacement.

Abandoned Vehicles: All vehicles were sold for a total of \$3,537.95

Crime Data Reporting: Chief Uecker has submitted all reports from 2018 through February 2023 to the Montana Board of Crime Control Department. Fairview PD is now be eligible for State and Federal grants.

On Call: "On Call" days are now Sunday and Monday. Officers will not be out unless called out by dispatch.

Personnel: Job postings for two (2) part time officers have been posted at job service, city hall and Facebook. To date, no applications have come in.

*Chief Uecker has resigned as full-time status. His last day will be March 11, 2023. He is requesting to go back to short-term status with old pay rate of \$23.50 per hour. If Council approved, he will remain as Chief until the position is filled, helping with administration duties.

*Officer Hergert was promoted to Assistant Chief on March 10, 2023 and will oversee the department in Chief Uecker's absence.

***Scheduling:** Asst. Chief Hergert reported that with Chief Uecker going short term and no other applicants at this time, the department will be shorthanded and that there will be about a week in April that will have no coverage except by phone. Officer Braaten will be at the academy and she will be out of state. Richland County Sheriff's Department will respond if a life-or-death situation.

Clerk Faye Carlson stated that Officer Braaten had informed the Mayor and Chief that she could stay in town when she gets back whenever Whitney was gone so that she could help with better coverage. Asst. Chief Hergert replied that she had informed Officer Braaten that she would have to clock in for twenty-four hours as it would be an inconvenience. Faye replied that the Town could not afford to be doing that.

Questions/Feedback from Council: None

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Clerk Faye Carlson:

***CD Term Change:** Faye reported that Merchants Bank was still offering the special on CD’s of 4.00% and nine-teen (19) months. Faye feels the three (3) largest CDs would be the better ones to do this with. They will take a total forfeiture loss of \$1,993.17 for cashing in early but will still receive a much larger interest revenue in the end.

The CDs Faye would like to do this with are; #20384-\$258,830.25, #20731-\$212,365.62 and #20539-\$197,155.56. This will still leave six (6) smaller ones with a total of \$413,057.78 on the six (6) month terms available for easier liquidation if needed.

Brian Renville moved to allow Clerk Faye Carlson to cash in and reinvest the above listed CDs into a nine-teen (19) month term at 4% interest. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

***Council Terms Ending:** Faye informed the Council that term were ending for Brian Renville, Lloyd Fugate and Jerrold Baxter December 31, 2023. Election filing will open April 20, 2023 and close June 19, 2023.

***Audit:** Audit is complete and all went well. There were several findings but none were major. One was there was too much cash reserves in the lighting funds and an entry on the Annual Financial Report was done incorrectly due to mis-information received from Local Government Services.

Questions/Feedback from Council: None

Court Report: February fines collected were \$6,635. \$2,910 written prior to 2023, \$665 from 2023, converted bonds \$1,675 and restitution paid of \$1,000 making a total of \$4,250 received from the court.

COUNCIL MEMBERS:

Lloyd Fugate: Nothing

Kevin Dahl: Nothing

Mike Sannon: Absent

Brian Renville: Nothing

Jerrold Baxter: Nothing

Betty Cherrey: Betty asked if there was an ordinance and who was responsible for snow removal on the sidewalks along Ellery Ave. She stated that Loaf ‘n Jug had not done it all winter. A letter with the ordinance will be resent to them in the fall.

Attorney Kaitlin DeCrescente: Absent

Mayor Brian Bieber: Mayor Bieber reported that the power box at the lagoon was needing replaced. He will be working with REA to get this done.

*The Mayor stated that he had contacted Marthea Johnson concerning the easement to cross her property to gain access to the Towns property uses as a police shooting range. She will find the document and get copies for the Town.

*Mayor Bieber presented a quote of \$8,640 from Melby’s for a new roof on the park gazebo. It was decided to wait. No action taken.

Bills:

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

Meeting was adjourned.

Bills Listed By Check Number:

-99383 WEX Bank	Fleet Fuel Cards	2074.03
33974 MDU	Power	4495.71
33946 Mid-Rivers	Phone & Internet	514.79
33947 Aramark	Rugs	77.52
33948 Hawkins	Chemicals – Treatment Plant	490.03
33949 Energy Lab	Water Testing	53.00
33950 Verizon	Internet-Police DataMaxx	160.04
33951 Rich. Co. Treas.	Court Surcharges & Prisoner Care	675.00

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33951	Rich. Co. Treas.	Court Surcharges & Prisoner Care	675.00
33970	LYREC	Power Lagoon	99.94
33953	Neff Eiken & Neff	Civil Attorney Fees – January	1435.00
33954	Herring Law Firm	Prosecuting Attorney Fees – January	50.00
33955	Horizon Resources	Supplies & Fuel – PW and Police	7.96
33956	United Heritage	Employee Group Life	59.86
33986	Johnson Hardware	Huron Roof Brush	7.69
33957	Neu’s Super Valu	Water Testing Supplies	13.44
33988	Post Office	Postage – Utility Billing and Office	333.00
33960	Ferguson	Water Meters	811.40
33990	Northwest Pipe	Curb Stop Risers	497.22
33961	The Roundup	Budget Amendment Public Hearing Notice	26.00
33964	Cherrey’s Red Top	Repairs – Red Public Works Pickup	3434.04
33993	Strom & Assoc.	Annual Audit for Fiscal Year 2022	12000.00
33994	MT Supreme Court	Spring Judge Conference	300.00
33995	Hurley’s	Vac Truc Repairs	643.79
33996	BB Electric	Repair Lights in Office Vault	75.60
33997	Blue Butte Aggreg.	Washed sand for Streets	177.80
33998	PlumbRite	Fix Leaks and Heat Tape-608 S Central Rental	400.00
33999	Javier’s Lawn Serv.	Remove Tree in park and Grind Stump	1450.00
34000	Mary Norgard	Reimburse for Replacement of Court Phones	55.97
34001	Rocky Mountain	Claim Checks	295.00

PAYROLL LIABILITIES

-88945	MPERA	Employee Paid 457 Deferred Plan	46.27
-88944	MPERA	Employee Retirement	2962.97
-88943	US Treasury	Withholdings	3171.77
-88942	Dept. of Revenue	State Withholdings	788.00
-88941	Aflac	Employee Paid Short Term Disability & Other Ins.	637.56
-88940	Delta Dental	Employee Paid Dental & Vision Insurance	260.94
-88939	BCBS	Employee Health Insurance	5268.27
-88938	MPERA	Employee Paid 457 Deferred Plan	44.00
-88937	MPERA	Employee Retirement	2918.70
-88936	US Treasury	Withholdings	3139.92
-88935	Dept. of Revenue	State Withholdings	747.00
-88934	MPERA	Employee Paid 457 Deferred Plan	44.41
-88933	MPERA	Employee Retirement	3557.80
-88932	US Treasury	Withholdings	4187.99
-88931	Dept. of Revenue	State Withholdings	1092.10

4100	Norma Faye Carlson	Wages	1341.84
4101	Mary Norgard	Wages	1190.93
4102	Aleacia Bratten	Wages	1152.37
4103	Whitney Hergert	Wages	1948.16
4104	Wyatt Uecker	Wages	2469.37
4105	Daniel Murphy	Wages	1507.93
4106	Ole Ruud	Wages	993.18
4107	Gorm Scarpholt	Wages	1601.23
4108	Norma Faye Carlson	Wages	1266.57
4109	Mary Norgard	Wages	1190.93
4110	Aleacia Bratten	Wages	1521.05
4111	Whitney Hergert	Wages	1748.95
4112	Wyatt Uecker	Wages	2228.07
4113	Daniel Murphy	Wages	1507.93
4114	Ole Ruud	Wages	993.18
4115	Gorm Scarpholt	Wages	1601.23
4116	Norma Faye Carlson	Wages	1280.35
4117	Mary Norgard	Wages	1190.93
4118	Aleacia Bratten	Wages	1069.61
4119	Whitney Hergert	Wages	1948.16
4120	Wyatt Uecker	~~~VOIDED~~~ Made out for wrong amount	.00

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4121	Daniel Murphy	Wages	1507.93
4122	Ole Ruud	Wages	1030.42
4123	Gorm Scarpholt	Wages	1576.75
4124	Jerrold Baxter	Council Fee	75.00
4125	Betty Cherrey	Council Fee	75.00
4126	Kevin Dahl	Council Fee	75.00
4127	Lloyd Fugate	Council Fee	5.00
4128	Brian Renville	Council Fee	75.00
4129	Michael Sannon	Council Fee	75.00
4130	Brian Bieber	Mayor Fee	216.74
4131	Ray Trumpower	Judge Wages	724.50
4132	Wyatt Uecker	Wages	3049.27
4133	Wyatt Uecker	Compensated Absences Payout	1468.34

Norma F. Carlson, Clerk

Brian Bieber, Mayor