

Regular Meeting – May 17, 2023

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

Mayor Brian Bieber called the meeting to order. All were present. Attorney Kaitlin DeCrescente attended via Google Meeting.

Pledge

Minutes: Kevin Dahl moved to accept the minutes from the regular council meeting that was held on April 12, 2023. Brian Renville seconded. Motion carried. (6 Ayes– 0 Noes– 0 Absent)

Guests: Greg Hitchcock – Sidney Herald ~ Rachel Laqua – Interstate Engineering

Street Maintenance District 1-2023 Projects and Assessments.

There will a public hearing held on June 14, 2023 at 7:00 pm to receive public comments regarding proposed projects and 2023 assessments.

Con-X Storage Containers:

Mayor Bieber stated that he feels the town should have an ordinance banning con-x storage containers within city limits. The Mayor commented that the containers are ugly and that a lot of them have China on them. Kevin Dahl stated that he saw no reason against them just because they had China on them.

Faye Carlson (as a resident) commented that she would not want one near her and that she agrees they are ugly and make the neighborhood look bad. Brian Renville stated that the Town had other issues more important to deal with.

Rachel Laqua the town planner stated that it would be better to start policies on this now before they do become an issue. Rachel stated that Williston, ND is dealing with this now and after the fact so it has been harder for them to get zoning regulations in place.

Brian Renville asked if there was a way to add it to the current zoning regulations for the town. Some of the suggestions for regulating them were; must be finished on the outside-match aesthetics of the home-legit roof and time limit allowed.

Kevin Dahl and Brian Renville stated that they would like to see examples of what other towns have done. Attorney Kaitlin DeCrescente replied that she would see what Sidney and Williston have done.

Maximum Allowed Cannabis Dispensaries:

Clerk Faye Carlson stated that she has received several phone calls from residents concerning the dispensaries coming into town. They expressed concerns that there were going to be too many for our small town. Kevin Dahl replied that zoning geography already limited the location availability.

Brian Renville stated that the town should be careful on what they limit as it could cause further issues in the future. Attorney Kaitlin DeCrescente stated that she had checked with some other towns and found limitations that they cannot be within five-hundred (500) feet of another dispensary or the amount of product that can be stored. Kaitlin commented that these are things that the town should get up front on and not try to go back and set. No Action Taken

Police Commission Appointments:

Clerk Faye Carlson reported that Kevin Dahl's term ends this month. Faye also stated that Lloyd Fugate's term was reappointed for the wrong expiration year. He was reappointed in May 2022 for a two (2) year term and it should have been for a three (3) year term. Lloyd is willing to serve the extra year. However, it will need to be done my motion.

Brian Renville moved to reappoint Kevin Dahl for another three (3) year term on the Police Commission running from June 2023 to May 2026 and to extend Lloyd Fugate's term from June 2024 to June 2025. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Abstain – (Lloyd Fugate) - 0 Absent)

Part Time / Short Term Police Officer:

The Police Commission reported that an interview with Michael Crutchley had been held and they recommended that the council offer him the position. Kevin Dahl moved to offer Michael Crutchley the position of short term officer at the rate of \$20.00 per hour with a raise to \$23.50 once he completed the Montana reciprocity course. Betty Cherrey seconded. Motion carried. (6 Ayes– 0 Noes– 0 Absent)

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Pool Help:

Brian Renville moved to hire the following applicants for the pool:

Manager: Katy Hurly - \$16.00 per hour	Asst. Manager: Morgan Mason - \$15.00 per hour
Co-Asst. Manager: Trish Buxbaum - \$15.00 per hour	Lifeguard: Carly Buxbaum - \$11.50 per hour
Lifeguard: KennaDee Taylor - \$10.50 per hour	Lifeguard: Lawrence Keen - \$10.50 per hour
Lifeguard: Taylor Dietrich - \$11.50 per hour	

Kevin Dahl seconded. Motion carried. (6 Ayes– 0 Noes– 0 Absent)

Sharbono Memorial Trees/Stumps:

Clerk Faye Carlson reported that she had been contacted by Graycie Sharbono concerning the Orville Sharbono memorial in the park. The town had removed the dying trees but left the stumps. Graycie and husband Kenny would like to see the stumps ground out and new trees planted.

The Council asked if they had any tree type preference. Faye will contact Sharbono's and ask.

Alley Clean Up:

Clerk Faye Carlson reported that the office has been getting quite a few call concerning the community clean up and the city alley clean up. Faye spoke with Public Works Director Dan Murphy and his crew is planning on doing the alley clean ups sometime before festival.

Mayor Bieber will check with the Community Foundation to see if they are doing the community wide clean up this year.

2023-2024 Employee Health Insurance:

Betty Cherrey explained that the Personnel Committee had reviewed the options available for employee health insurance and recommends the Blue Cross Blue Shield (BCBS) Silver 122 Health Plan. She also stated that the Committee recommends paying one-hundred percent (100%) of the employee premium only and no dependents.

Clerk Faye Carlson explained that the dependents could still be covered on the plan but their premiums would be paid solely by the employee. Faye also explained that the new premiums would be age based.

Jerrold Baxter moved to go with the Blue Cross Blue Shield Silver 122 Health Plan with age based premiums and that the town will pay one-hundred percent (100%) of the employee premium only with all dependent premiums to be paid by the employee. Betty Cherrey seconded. Motion carried.

(6 Ayes– 0 Noes– 0 Absent)

Golf Carts:

Kevin Dahl stated that when the ordinance was originally put into place, he believed it meant that the driver of a golf cart had to have a drivers license or be old enough to drive.

Asst. Chief Hergert replied that there are not that many kids that are driving golf carts. She did state that she had issued a permit to one young girl as she had been told by former Chief's Stinson and Seadeek that she was okay to operate her golf cart. She did however have the girl go through an online ATV course prior to issuing the permit.

Asst. Chief Hergert also stated that there is a low speed drivers license issued by the state that can be used for the operation of golf carts and that she does recommend this option. Any further permits issued by the police department would be done on a case by case basis.

Attorney Kaitlin DeCrescente stated that the ordinance could be updated stating actual legal age for driving them adding that they could only have one (1) passenger if under the age of eight-teen (18).

Mike Sannon stated that he had been called by an angry resident and questioned why an adult was pulled over for having a child in their golf cart. Asst. Chief Hergert replied that any child under the age of six (6) or under sixty (60) pounds could not be in the golf cart. Mike continued to adamantly challenge this as these particular regulations were not listed in the ordinance documents in their packet.

Clerk Faye Carlson stated that she believed it was an MCA code but she did not print it for the meeting as she had believed they were discussing the ordinance pertaining to older kids driving them.

UNFINISHED BUSINESS:

Spencer VanWichen – Interstate Engineering:

***Planner:** Spencer introduced Rachel LaQua. Rachel explained that she is also the planner for Richland County and that they are working on doing jurisdictional mapping – GIS.

***Water System Improvement Projects:** The bid opening is scheduled for May 18, 2023 at 3:00 pm at the Interstate Engineering office in Sidney, MT. There were four (4) bids received for the project; Bek Consulting LLC, Strata Corporation, Western Municipal Construction Inc and COP Construction LLC.

Spencer VanWichen – Interstate Engineering: CONT:

***Sewer Investigation and Replacement Project:** Spencer reported that all the reports are in and have been updated and that he will get Dan Murphy the pipe sizes etc.

Spencer stated that at the next committee meeting he would like to discuss using the remainder of the sewer designated ARPA funds for maintenance of the manholes and lamp holes.

Spencer recommended that the planned sewer rate increase be done at the same time as the water rate increase. This would save time and get the raise in place for the SRF loan.

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

***Master Service Agreement (MSA):** Spencer reported that attorney Kaitlin DeCrescente sent her comments back to Interstate Engineering and they are looking them over and will get back to her. The final draft should be ready for the June meeting.

***Dry Redwater Presentation:** Spencer reported that DRW was preparing a response to Fairview's letter of concerns. Once the Town receives it, there will be another Town Hall meeting to go over it and the new numbers that Spencer has prepared.

Mayor Bieber asked why they were pushing this so hard prior but are slow to respond. Spencer replied that DRW has hit some delays on their end causing the response delays.

***Sharbono Park Sidewalks:** Spencer stated that there will be more funding information available the end of 2024 for the 2025 grant cycle. Fairview will need 13.42% matching funds and can not use ARPA money. Spencer recommended that the town reach out for donations.

Mayor Bieber asked what the projected cost for the sidewalk would be. Spencer replied that it would be approximately \$300,000 just for the construction. This does not include the planning or design costs.

Comment was made that someone should check with Montana DOT to see what went wrong with the sidewalks along Ellery Ave to ensure that it doesn't happen again.

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

Gordy Jones – Zoning Change: Public Hearing will be set for June 14, 2023 prior to the regular meeting. Attorney Kaitlin DeCrescente will send letters to the adjacent property owners.

DEPARTMENT REPORTS:

Dan Murphy-Public Works: Unable to attend – Printed report

Mikesell 4-Plex: The project has been completed to the Town's sewer main. The actual hook up to the building is still ongoing.

Safflower Tech. Manhole: With the help of Sidney Public Works, this manhole has been located and exposed. They were able to add riser parts and raise the manhole closer to the surface.

Park Restrooms: Dan is hoping to have the restrooms open by the end of this week.

Pool: The clean out of the pool will start the week of May 22nd. Dan is hoping to have it painted and ready to open on June 1st as usual.

Questions/Feedback from Council: None

*Two applications have been received for the open full time public works position. Interviews will be scheduled for the last part of May.

Police: Asst. Chief Whitney Hergert:

Activity Report: 102 incident/calls for service/traffic reports in April. 425-Incidents to date for 2023.

Police Cruisers: Interceptor 1: Still at The Wick Kid repair waiting on engine replacement. MMIA has approved payment on the engine and it has been ordered.

Personnel: Asst. Chief Hergert stated that the department is transitioning and hasn't been very busy.

Questions/Feedback from Council: None

Clerk Faye Carlson:

***Council Election:** Faye reminded Lloyd Fugate, Jerrold Baxter and Brian Renville that their terms were up on December 31, 2023 and deadline to file is June 19, 2023.

***Pet Licensing:** Faye proposed a raise in the licensing for both dogs and cats. Faye stated that she would like to do a one day licensing clinic.

Betty Cherrey asked what the reason for licensing was. Faye replied to help enforce dogs at large. Brian Renville commented that the town had more pressing issues to deal with right now. No Action Taken

Questions/Feedback from Council:

Court Report: April fines collected were \$2,620. \$585 written prior to 2023, \$310 from 2023, converted bonds \$1,070 making a total of \$1,965 received from the court.

COUNCIL MEMBERS:

Lloyd Fugate: Nothing

Kevin Dahl: Nothing

Mike Sannon: Nothing

Brian Renville: Brian stated that the nuisance ordinance process needed more enforcement. He reported that the house behind the bank needs to be dealt with.

Jerrold Baxter: Nothing

Betty Cherrey: Betty asked if the weed notices started over each year. She stated concerns with the Kleeger property as it was never taken care of last year. Faye replied that they do and that she is going to help Asst. Chief Hergert to get them done.

*Betty asked if Brent Kohlman had removed the trailer purchased from the town. Mayor Bieber replied that Kohlman's old trailer has been moved and they are getting the pillars poured. Mr. Kohlman did express concerns about getting the other one moved off of Krieger's property by May 31st, but they are actively working on it.

Attorney Kaitlin DeCrescente: Nothing

Mayor Brian Bieber: Already covered.

Bills:

Betty Cherrey moved to pay the bills. Brian Renville seconded. Motion carried. (6 Ayes–0 Noes– 0 Absent)

Meeting was adjourned.

Bills Listed By Check Number:

34033	Car Quest	Auto Parts – Public Works	131.17
34034	Interstate Eng.	General Services	1027.00
34035	Interstate Eng.	Final Richardson Retracement	4500.00
-99381	WEX Bank	Fleet Fuel Cards	1987.99
34036	MDU	Power	3450.78
34037	Mid-Rivers	Phone & Internet	509.16
34038	Aramark	Rugs	77.52
34039	Hawkins	Chemicals – Treatment Plant	11898.87
34040	Energy Lab	Water Testing	53.00
34041	Verizon	Internet-Police DataMaxx	160.04
34042	Rich. Co. Treas.	Court Surcharges & Prisoner Care	420.00
34043	Utilities ULC	811 Line Locates	18.84
34044	LYREC	Power Lagoon	225.64
34045	Neff Eiken & Neff	Civil Attorney Fees – January	490.00
34046	Herring Law Firm	Prosecuting Attorney Fees – January	80.20
34047	Tractor Supply	Funnel – Shop	9.99
34048	Car Quest	Sweeper Parts	32.54
34049	Horizon Resources	Supplies & Fuel – PW and Police	13.16
34050	United Heritage	Employee Group Life	50.86
34051	Johnson Hardware	Grinder Disc – Shop	12.99
34052	Neu's Super Valu	Water Testing Supplies	8.29
34053	Post Office	Postage – Utility Billing and Office	153.60
34054	Petty Cash	Water Testing and Police Mailings	37.05
34055	Expense Account	Clerk Institute Rooms, Office Supplies & SD Cards for PD	763.76
34056	SEW	Patches – Police Uniforms	40.00
34057	Galls	Police Uniforms	302.07
34058	Northwest Pipe	Flanged Gate Valve – Bulk Water Station	1033.30
34059	MFCP Inc.	Sweeper Parts	88.39
34060	The Roundup	Weed Notice & Call for Bids -Water Project Notice	208.00
34061	Seader Digging	Replace Curb Stops – Ben Bird & Travis Emly	495.00

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34062	Cherrey's Red Top	Police F-150 – Check Tire Sensors	63.50
34063	Safe Life Defense	Police Safety Vest – Aleacia Braaten	620.10
34064	American Welding	Shop Supplies	21.59
34065	MT Magistrates	Annual Magistrates Association Dues 2023/2024	300.00
34066	Joe Johnson Equip.	Sweeper Blower Motor	609.65
34067	Tractor & Equip.	Loader and Grader Parts	1000.97
34068	Hurley Enterprises	Bolts for Grader & Vac. Truck Services-Safflower Manhole	2012.75
34069	BB Electric	Electrical Work _ Lagoon Pump Station	2352.15
34070	C&B Operations	Oil for Grader & Grass Mulch Kit	596.71
34071	DEQ	Water/Wastewater Certification Renewals- Full Department	210.00
34072	High Plains Vet	Impound Fees	30.00
34073	Interstate Eng.	Sewer Investigation, Streets & Water Projects	14541.50
34074	Interstate Eng.	Water Main Replacement Project	47231.50

PAYROLL LIABILITIES

-88918	MPERA	Employee Paid 457 Deferred Plan	45.03
-88917	MPERA	Employee Retirement	2327.53
-88916	US Treasury	Withholdings	2631.27
-88915	Dept. of Revenue	State Withholdings	527.00
-88914	Aflac	Employee Paid Short Term Disability & Other Ins.	425.04
-88913	Delta Dental	Employee Paid Dental & Vision Insurance	43.86
-88912	Delta Dental	Employee Paid Dental & Vision Insurance	46.48
-88911	BCBS	Employee Health Insurance	2151.83
-88910	MPERA	Employee Paid 457 Deferred Plan	51.01
-88909	MPERA	Employee Retirement	2652.39
-88908	US Treasury	Withholdings	3167.65
-88907	Dept. of Revenue	State Withholdings	711.00
4158	Norma Faye Carlson	Wages	1301.51
4159	Mary Norgard	Wages	1190.93
4160	Aleacia Bratten	Wages	2014.08
4161	Whitney Hergert	Wages	1751.26
4162	Daniel Murphy	Wages	1507.93
4163	Ole Ruud	Wages	1068.67
4164	Gorm Scarpholt	Wages	867.21
4165	Norma Faye Carlson	Wages	1480.56
4166	Mary Norgard	Wages	1190.93
4167	Aleacia Bratten	Wages	2016.24
4168	Whitney Hergert	Wages	2145.64
4169	Daniel Murphy	Wages	1507.93
4170	Ole Ruud	Wages	1068.67
4171	Gorm Scarpholt	Wages	919.58
4172	Jerrold Baxter	Council Fee	75.00
4173	Betty Cherrey	Council Fee	75.00
4174	Kevin Dahl	Council Fee	75.00
4175	Lloyd Fugate	Council Fee	5.00
4176	Brian Renville	Council Fee	75.00
4177	Michael Sannon	Council Fee	75.00
4178	Brian Bieber	Mayor Fee	216.74
4179	Ray Trumpower	Judge Wages	724.50

Norma F. Carlson, Clerk

Brian Bieber, Mayor