

Regular Meeting – November 8, 2023

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

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

Minutes: Brian Renville moved to accept the minutes from the regular council meeting that was held on October 11, 2023. Jerrold Baxter seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Guests: None

HB-355-Department of Commerce Grant:

Engineer Spencer VanWichen explained that the funding from HB-355 is only available to cities and towns. Counties do not qualify.

This is not a competitive grant. The money has been allocated to each city and town based on the gas tax distribution criteria (roads, population, etc). If Fairview submits for an eligible project, they will get \$90,000.

Priority is given to projects that maintain or repair publicly owned drinking water systems and wastewater treatment systems. Other eligible projects include maintenance or repair of existing streets, roads, bridges, landfills, street lights, airports, and public grounds and buildings. They are emphasizing maintenance and repair of public buildings because this is not an activity where grant money is usually available.

Each municipality must make a local cash match equal to no less than 25% of the total project cost. It may not include in-kind contributions of goods or in-kind services, and it may not include any state or federal grants or loans. It must be from local sources, and it must be for the total project cost. Spencer did state that the SRF loan funds could be used towards the 25% match if project is in construction or under contract prior to December 31, 2023.

A list of potential projects must be created by December 31, 2023. A hearing will need to be held to receive public input and application in by March 31, 2024. The chosen project will need to be under contract by the end of 2024 and have all the funds spent by the end of 2027.

Spencer will meet with the different infrastructure committees to discuss options for qualifying projects.

Signage Ordinance Draft:

Discussion was held on the zoning regulations for signage. Due to MDT issue with Armadillo Buds signage, there have been some concerns that clarification of permanent and temporary store front signs needs to be made.

EX: Are banners considered permanent signs? If not, what is considered permanent? Should there be a time limit for businesses to get a permanent sign? Does the sign permit fee need to be updated?

Jerrold Baxter commented that the Council needs to figure out what they want before moving forward with a draft ordinance on this issue.

There was no further discussion or action taken.

Resolution 572-Declaring Property as Surplus

Resolution 572 is to declare the 2014 Ford Expedition police cruiser and the 1984 F708 Fire Truck as surplus and approving them to be sold.

Kevin Dahl moved to read Resolution 572 by title only. Brian Renville seconded. Motion carried.

(5 Ayes–0 Noes– 1 Absent)

Mayor Bieber read Resolution 572 by title only.

Kevin Dahl moved to adopt Resolution 572, Declaring Certain Town Property as Surplus And Authorizing Its Disposal. Pertaining to: 2014 Ford Expedition police cruiser and the 1984 F708 Fire Truck. Betty Cherrey seconded. Motion carried. (5 Ayes–0 Noes– 1 Absent)

Planning Board Appointees:

Two of the appointee's terms, Ray Trumpower and Missy Smies are up on January 1, 2024. The Town will need to fill these positions by the January 12, 2024 Planning Board meeting.

Clerk Faye Carlson will check with Ray and Missy to see if they are willing to serve again.

Office Closure-November 24, 2023:

Clerk Faye Carlson asked if she could close the office on Friday after Thanksgiving. She and Mary would use vacation time for the day. The public works employees would have the option to take the day and use vacation as well.

Jerrold Baxter moved to allow Faye to close the office on Friday November 24th, 2023 and an optional day for the public works employees if they choose. All employees will need to use vacation time. Betty Cherrey seconded. Motion carried. (5 Ayes–0 Noes– 1 Absent)

UNFINISHED BUSINESS:

Spencer VanWichen – Interstate Engineering:

**Water System Improvement Projects:* No further updates at this time.

**GIS:* Spencer stated that he had spoken with Denver Fraser with DEQ and found that Fairview can use some of the SRF funds for the GIS project. He will discuss this with the Water / Sewer Committee when they meet.

**Sewer:* Spencer stated that there are a few ARPA funds left from the sewer project.

PACE has been scheduled to come out in the Spring to do an intrusive cleaning of the mains and Western Municipal is lined up for insulating the line by the car wash. Spencer stated that there may be some ARPA funds for that as well.

Spencer stated that a sewer rate increase will need to be done to cover Operation and Maintenance as well as repairs for the lines going under the railroad tracks.

**Questions/Feedback from Council:* Mayor Bieber stated concerns with the trenches from the water project. He stated that they are rough and need more filling. PW Director Dan Murphy stated that he would take the skid steer out with some of the back stocked millings and fill the worst ones.

DEPARTMENT REPORTS:

Dan Murphy-Public Works:

RTC Items: Montana Dakota Utilities (MDU) will be trenching near Pleasant Ave and 10th Street to install the lines to the RT Data Center. Dan stated that the water and sewer tap ins have been completed as well.

Dan discussed the pot holes, boards, etc. from the work RTC has done in the alleys. Dan stated that if Council or others see bad areas, to contact him and he will contact Josh with RTC to handle them.

Questions/Feedback from Council:

Betty Cherrey asked Dan if there had been any progress with the cars and lawnmower mess north of Lloyd Fugate's. Dan replied that it has been taken care of.

Police: Asst. Chief Whitney Hergert: Unable to attend. Information taken from written report.

Activity Report: 69 incident/calls for service/traffic reports in October. 1081-Incidents to date for 2023.

Police Cruisers:

*Interceptor 1 is back at Wick Kid Repair. Engine is misfiring but under warranty.

*Tahoe needs radar part installed once Heck Built has time to get it in.

Training:

*Asst. Chief Hergert will be attending Taser Instructor training on December 4th, 2023 in Havre.

Personnel:

*Officer Jacob Atkins was offered the full time position and will be sworn in by Mayor Bieber on November 20th, 2023. He has been placed on the list for the next Montana Law Enforcement Academy session. Kevin commented that Jacob had done a great interview.

Questions/Feedback from Council: None

Clerk Faye Carlson:

*Faye went over an email she received from Kelly Lynch with MT. League of Cities and Towns concerning the Oil and Gas tax shares.

The Board of Oil and Gas has announced their intention to reduce their share of the privilege and license tax by over 10% for administration of the Board. This means that cities and towns will receive a greater share of the privilege and license producer tax than they have since 2020.

The League negotiated this fix to the P&L tax distribution in the 2019 legislative session, ensuring not only that future gaps between the .03% tax and the amount for Board administration would flow back to local governments as it had previously, but also that counties no longer receive this allocation – it all goes to cities and towns. The new rule is proposed to go into effect beginning April 2024.

*Aramark-Faye reported that the delivery driver for Aramark had asked her to sign a new contract with them. Faye told them that it had to go before the Council. The Council feels the Town should stay on a month to month basis at this time. Faye will research other companies and see if there is better pricing out there.

Questions/Feedback from Council:

Betty asked about the website. Faye replied that it is up and running. It is a project in the works and will take a while to get it better personalized and documents uploaded to it.

In order to upload the documents, they need to be converted from Word to PDF. They can't be scanned as a PDF and uploaded as they are not ADA readable. So any document that is currently a PDF scan will either need to be left off or retyped as a WORD document and then converted.

Court Report: October fines collected were \$1,450. \$305 written prior to 2023, \$350 from 2023, converted bonds \$450 making a total of \$1,105 received from the court.

COUNCIL MEMBERS:

Lloyd Fugate: Nothing

Jerrold Baxter: Nothing

Mike Sannon: Absent

Kevin Dahl: Nothing

Betty Cherrey: Nothing

Brian Renville: Brian asked about the letters that were sent to the Ellery Ave business owners concerning snow removal on the sidewalks. The letters had a copy of the ordinance attached stating what the law was and the time line for removing the snow. Brian asked if the officers were actually going to enforce this.

Brian then asked Dan Murphy if the water project sign in the park had been approved. Dan relied that it had been. Spencer VanWichen stated that it was mandatory due to the ARPA Federal funds Fairview received for the project.

Attorney Kaitlin DeCrescente: Covered above.

Mayor Brian Bieber: Nothing

***December Meeting:** Spencer VanWichen asked if the December meeting could be moved to December 20th, instead of the 13th. He is going to be out of town that week and has items for the meeting that he needs to be present for. Council and Mayor agreed to the change.

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:

34269	Knife River	Recycled Asphalt	2857.80
34270	Western Municipal	Water Main Project-Phase II – Payment #1	408427.17
-99374	Dept. of Revenue	Contractors Gross Receipts – Payment #1	4125.53
-99375	WEX Bank	Fleet Fuel Cards	1627.27
34271	Interstate Eng.	Water Main Project-Phase II	71070.86
34272	MDU	Power	2999.52
34173	Mid-Rivers	Phone & Internet	494.28
34274	LYREA	Power – Lagoon	70.00
34275	Verizon	Internet-Police DataMaxx	160.04
34276	Aramark	Rugs	98.72
34277	Neff Eiken & Neff	Civil Attorney Fees – (October)	367.50
34278	Herring Law Office	Prosecuting Attorney Fees (October)	466.16
34279	Rich. Co. Treas.	Court Surcharges-Landfill & Irrigation Fees-Prisoner Care	1103.20
34280	Utilities ULC	811 Line Locates	180.55
34281	United Heritage	Employee Group Life	41.86
34282	Energy Lab	Water Testing	53.00
34283	Hawkins	Chemicals – Treatment Plant	70.00
34284	Tractor Supply	Garbage Truck Oil & Hydraulic Fluid	49.99
34285	Ace Hardware	Police Cruiser Mirror-Pool Parts-Park Restrooms Antifreeze	5706
34286	BB Electric	Electrical Work – Lift Station	110.68
34287	Western Tire	Police Interceptor 2 Oil Change and Battery	242.56
34288	Eagle Ford	Police Interceptor 1 Remote Control	66.50
34289	Cherrey’s Red Top	Tires for Flat Bed Trailer	600.00
34290	Yellowstone Turf	Blow out and Winterize Park Sprinklers and Pool Toys	402.00
34291	Ferguson	Rubber Meter Gaskets	8.15
34292	MFCP	Bulk Water Hose Clamp	175.52
34293	Northwest Pipe	Valve Box Riser (4)	274.72
34294	Applied Concepts	Stalker Speed Module for Police Tahoe	195.00
34295	Immense Impact	Website Setup and Subscription	1004.00
34296	Tank Holding Corp	New Garbage Cans	10139.03
34297	A & I Distributors	Hydraulic Fluid for Grader	75.90

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37298 Powder Keg	EMT's Pizza for Firemen	252.00
37299 Nortana Grain	Salt Mix with Sand for Streets	2580.00
37300 Car Quest	Snow Plow Shoe Assembly	155.52
37301 Neu's Super Valu	Water Testing Supplies	11.50
37302 WPCI	Random Drug Testing Pool Management	133.00
24303 Petty Cash Expense	Police Hotel, W-2's, Paper Towels, Domain Registration, Misc.	1032.32
37304 Petty Cash	Police and Water Testing Mailings	44.72

PAYROLL LIABILITIES

-88847 MPERA	Employee Paid 457 Deferred Plan	45.60
-88846 MPERA	Employee Retirement	2565.50
-88845 US Treasury	Withholdings	3084.80
-88844 Dept. of Revenue	State Withholdings	719.00
-88843 Aflac	Employee Paid Short Term Disability & Other Ins.	584.38
-88842 MPERA	Employee Paid 457 Deferred Plan	45.60
-88841 MPERA	Employee Retirement	2189.00
-88840 US Treasury	Withholdings	2639.95
-88839 Dept. of Revenue	State Withholdings	650.00
-88838 BCBS	Employee Health Insurance	3998.53
-88837 Delta Dental	Employee Paid Dental & Vision Insurance	175.64
-88836 Aflac	Balancing Payroll Clearance Fund	.00
4401 Norma Faye Carlson	Wages	1360.88
4402 Mary Norgard	Wages	1249.54
4403 Aleacia Bratten	Wages – Court Appearance	46.17
4404 Whitney Hergert	Wages	2713.82
4405 Frances Ereth	Wages	243.19
4406 Daniel Murphy	Wages	1658.74
4407 Ole Ruud	Wages	1152.73
4408 Gorm Scarpholt	Wages	867.21
4409 Norma Faye Carlson	Wages	1360.88
4410 Mary Norgard	Wages	1249.54
4411 Whitney Hergert	Wages	2279.39
4412 Daniel Murphy	Wages	1658.74
4413 Ole Ruud	Wages	1193.77
4414 Gorm Scarpholt	Wages	849.42
4415 Jerrold Baxter	Council Fee	100.00
4416 Betty Cherrey	Council Fee	100.00
4417 Kevin Dahl	Council Fee & Police Commission	109.23
4418 Lloyd Fugate	Council Fee & Police Commission	39.23
4419 Brian Renville	Council Fee	100.00
4420 Michael Sannon	Council Fee	100.00
4421 Brian Bieber	Mayor Fee	216.74
4422 Ray Trumpower	Judge Wages	724.50
4423 Mark Carlson	Police Commission	9.23

Norma F. Carlson, Clerk

Brian Bieber, Mayor