

Regular Meeting – September 13, 2023

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

Mayor Brian Bieber called the meeting to order. Brian Renville was absent. Attorney Kaitlin DeCrescente and Engineer Spencer VanWichen attended via Google Meeting.

Minutes: Kevin Dahl moved to accept the minutes from the regular council meeting that was held on August 9, 2023 and the minutes from the preliminary budget hearing and special meeting for adopting budget. Both were held September 6, 2023. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Guests: Greg Hitchcock-Sidney Herald

Resolution 566 – Adopting the Final Budget for Fiscal Year 2023-2024:

Jerrold Baxter moved to read Resolution 566 – Adopting the Final Budget for Fiscal Year 2023-2024 by title only. Lloyd Fugate seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Resolution 566 by title only. Resolution 566 – Adopting the final budget that was approved and adopted at the special meeting held on September 6, 2023.

Kevin Dahl moved to adopt Resolution 566 – Adopting the Final Budget for the Town of Fairview for Fiscal Year End June 30, 2024. Jerrold Baxter seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Resolution 567 – Setting Wages for Town Employees:

Kevin Dahl moved to read Resolution 567 – Setting the Compensation for Appointed Town Officers and Employees by title only. Lloyd Fugate seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Resolution 567 by title only. Resolution 564 is to set the wages for employees for fiscal year 2023-2024.

Lloyd Fugate moved to adopt Resolution 567 – Setting the Compensation for Appointed Town Officers and Employees. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Resolution 568 – Setting Compensation for Elected Officials:

Kevin Dahl moved to read Resolution 568 – Setting the Compensation of Elected Officials by title only. Lloyd Fugate seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Resolution 568 by title only. Resolution 564 is to set the compensation for the elected officials for fiscal year 2023-2024.

Jerrold Baxter moved to adopt Resolution 568 – Setting the Compensation of Elected Officials for Fiscal Year End June 30, 2024. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Resolution 569 – Issuance of Water System Bonds 2023A and 2023B:

Kevin Dahl moved to read Resolution 569 – Issuance of Water System Bonds 2023A and 2023B by title only. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Resolution 568 by title only. Resolution 569-Relating to the issuance of revenue bonds to financing the Phase II Water Project.

Betty Cherrey moved to adopt Resolution 569 – Resolution Relating to the Issuance by the Town of Fairview of its \$1,425,000 Water System Revenue Bond (DNRC Drinking Water State Revolving Loan Program), Consisting of \$750,000 Subordinate Lien Taxable Series 2023A Bond and \$675,000 Series 2023B Bond; Authorizing the Issuance and Fixing the Terms and Conditions Thereof. Kevin Dahl seconded.

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

Resolution 570 – Intent to Cancel General Election:

Kevin Dahl moved to read Resolution 570 – Intention to Cancel 2023 General Election by title only. Lloyd Fugate seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Resolution 570 by title only. Resolution 570 is to show intention of cancelling the 2023 general election due to the number of candidates filing for election is equal or less than the number of persons to be filled. There are three (3) Candidates that have filed and three (3) Council positions open.

Kevin Dahl moved to adopt Resolution 570 – Intention to Cancel the November 7, 2023 General Election of Certain Municipal Officers. Jerrold Baxter seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Resolution 571 – Cancelling the 2023 General Election

Mike Sannon moved to read Resolution 571 – Cancelling 2023 General Election by title only. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Mayor Bieber read Resolution 571 by title only. Resolution 571 is to cancel the 2023 general election due to the number of candidates filing for election is equal or less than the number of persons to be filled.

Jerrold Baxter moved to adopt Resolution 571 – Cancelling the November 7, 2023 General Election of Certain Municipal Officers. Kevin Dahl seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

Zoning Clarification for Signs:

Zoning Administrator Betty Cherrey stated that she would like to see some type of clarification in the zoning regulations pertaining to sign permits. She feels there should be a distinction between permanent signs and business type / advertising banners stating condition of and time limitations.

Attorney Kaitlin DeCrescente will research and provide a memo of findings.

2016 Ford Expedition Police Cruiser:

Clerk Faye Carlson and Assistant Police Chief Whitney Hergert informed the Council that the 2016 Expedition Cruiser had major engine issues and that it wasn't worth fixing. Faye stated that former Chief Ty Stinson had informed her that the type of motor that was in it was not fixable as The Wick Kid wouldn't touch it and not even the Ford dealership would work on it.

Asst. Chief Hergert has removed all the police equipment and the body decals and has it ready to be sold as is. Faye stated that it will need to be declared salvage before it can be put up for bids.

It was decided to see if there could be some type of estimate or declaration of what was wrong that could be done so that the information could be passed on to the perspective bidders.

Betty Cherrey moved to declare the 2016 Ford Expedition Police Cruiser as salvage and that it will be placed up for sale by sealed bids. Kevin Dahl seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

UNFINISHED BUSINESS:

Spencer VanWichen – Interstate Engineering:

**Water System Improvement Projects:* Spencer reported that the project is going well and that Schedule I should be done next week.

**Pay Application #1:* Spencer presented the Council with Pay Application #1 to be signed by the Mayor. Kevin Dahl moved to have Mayor Bieber sign Pay Application #1. Betty Cherrey seconded.

**ARPA Budget Amendment:* There are no changes in the dollar amounts, just shifting where the funds are allocated. Due to this, ARPA needs a revised budget table. Lloyd Fugate moved to have Mayor Bieber sign the ARPA Budget Amendment. Jerrold Baxter seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

**Draw Request #1A:* State Revolving Fund Loan Forgiveness. Kevin Dahl moved to have Mayor Bieber sign Draw Request #1A-State Revolving Fund Loan Forgiveness in the amount of \$10,000.00. Betty Cherrey seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

**Draw Request #1B-* State Revolving Fund Loan (Loan B). Betty Cherrey moved to have Mayor Bieber sign Draw Request #1B- State Revolving Fund Loan (Loan B) in the amount of \$40,000.00. Lloyd Fugate seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

**Draw Request #2-* ARPA MAG + Competitive Grant. Mike Sannon moved to have Mayor Bieber sign Draw Request #2- ARPA MAG + Competitive Grant in the amount of \$362,552.70. Kevin Dahl seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

**ARPA Disbursement Assistance Letter:* This is a letter to the State requesting they submit the disbursement payment so the Town can pay the invoices. Betty Cherrey moved to have Mayor Bieber sign the ARPA Disbursement Assistance Letter. Lloyd Fugate seconded. Motion carried. (5 Ayes– 0 Noes– 1 Absent)

**Sewer:* Spencer stated that a sewer rate increase will need to be done. He stated that the costs of operation and maintenance are climbing and the current rates are not covering the expenses. Spencer also commented that the rates for the Mikesell 4-plex will need to be set at this time.

The rate increase can be set in a single resolution that states a schedule rate increase over so many years.

**Questions/Feedback from Council:* None

Complaint Policy: Attorney Kaitlin DeCrescente presented the council with a memo of options for creating a policy for complaints coming into the Town. This follows concerns and confusions that were presented when the office and the Mayor were contacted with a complaint on an employee.

These options cover internal as well as external complaints. The memo covered the steps on how to initiate an external complaint against an employee as well as a draft policy for internal employee complaints. Also attached were draft complaint forms.

The policy if adopted will have clear documentation and guidelines to investigate the complaints and to move forward with handling them properly.

DEPARTMENT REPORTS:

Dan Murphy-Public Works:

Ellery Ave Water Shut Off: There will be a scheduled water shut off for Ellery Ave so that the new water mains can be connected.

RTC: Dan stated that he has been receiving complaints from residents concerning RTC's direction drilling in the alleys. He stated that the contractor for RTC is not filling in the holes properly and using only soft dirt.

Questions/Feedback from Council: Betty Cherrey asked Dan if there was any progress with the complaints and nuisance letters going out. Asst. Chief Hergert responded that five (5) have been cited.

Regular Meeting – September 13, 2023

-3-

Police: Asst. Chief Whitney Hergert:

Activity Report: 46 incident/calls for service/traffic reports in July. 897-Incidents to date for 2023.

Police Cruisers:

*Interceptor 1: Motor has been replaced and the cruiser is currently getting the decals put on.

*2016 Ford Expedition: No longer suitable for use. Decals and equipment have been removed.

Personnel:

*Asst. Chief Hergert will be traveling to Billings on October 29th and 30th for “Montana Case Law That All Cops Need To Know” training.

*Officer Braaten has been released back to full duty.

Misc:

*The officers have been working on an evidence purge through Ally. They have firearms that have been seized or abandoned. There are some that belong to deceased owners. For these, they are working with ATF to turn them over to their agency.

*The camera systems in the cruisers are over eight (8) years old and need to be replaced. Asst. Chief Hergert is working on grants, fund raisers including some type of raffle that will assist with the cost of replacing them.

Questions/Feedback from Council: None

Clerk Faye Carlson:

*Faye stated that she is hoping to get the process started for getting the town website going.

*Faye reported that the first payment for the marijuana tax came in for \$3,966.75.

Questions/Feedback from Council: None

Court Report: August fines collected were \$2,880. \$800 written prior to 2023, \$340 from 2023, converted bonds \$1,170 making a total of \$2,310 received from the court.

COUNCIL MEMBERS:

Lloyd Fugate: Nothing

Kevin Dahl: Nothing

Mike Sannon: Nothing

Brian Renville: Absent

Jerrold Baxter: Nothing

Betty Cherrey: Nothing

Attorney Kaitlin DeCrescente: Already covered above.

Mayor Brian Bieber: Nothing

Bills:

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

Meeting was adjourned.

Bills Listed By Check Number:

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|--------|--------------------|---------------------------------------|----------|
| 34192 | MT Dept of Justice | SFST/INTOX Training – Officer Braaten | 576.00 |
| 34193 | Car Quest | Garbage Truck Parts | 89.19 |
| 34194 | Aramark | Rugs | 43.68 |
| 34195 | MMIA-Liability | Liability Assessment Program | 19174.00 |
| 34196 | Firemen’s Relief | Firemen’s Retirement | 4120.39 |
| 34197 | Whitney Hergert | Reimbursement- Training Class Fees | 433.50 |
| 34198 | Rich. Co. Treas. | Corrections on Court Surcharges | 215.00 |
| -99377 | WEX Bank | Fleet Fuel Cards | 1669.17 |
| 34199 | Mid-Rivers | Phone & Internet | 487.62 |
| 34200 | Verizon | Internet-Police DataMaxx | 160.04 |
| 34201 | LYREA | Power – Lagoon | 70.00 |
| 34202 | MDU | Power | 4853.39 |
| 34203 | Aramark | Rugs | 87.36 |

Regular Meeting – September 13, 2023

-4-

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| 34204 | Hawkins | Chemicals – Treatment Plant | 5133.85 |
| 34205 | Energy Lab | Water Testing | 53.00 |
| 34206 | Rich. Co. Treas. | Court Surcharges & Prisoner Care | 225.00 |
| 34207 | Utilities ULC | 811 Line Locates | 144.44 |
| 34208 | Neff Eiken & Neff | Civil Attorney Fees – (August) | 3045.00 |
| 34209 | Herring Law Office | Prosecuting Attorney Fees (August) | 390.16 |
| 34210 | United Heritage | Employee Group Life | 59.86 |
| 34211 | Tractor Supply | Garbage Truck Oil & Hydraulic Fluid – Lift Station Brush | 104.97 |
| 34212 | Horizon Resources | Supplies & Fuel – PW and Police | 85.28 |
| 34213 | Car Quest | Parts for Mower and Lube for Garbage Truck | 327.43 |
| 34214 | Neu’s Super Valu | Shop Supplies | 20.60 |
| 34215 | Heck Built | Remove Equip. From 2016 Expedition & Tahoe-Tahoe Camera | 1870.00 |
| 34216 | John Hutter Towing | Towing of two (2) Impound Vehicles | 180.00 |
| 34217 | Ferguson | Waer Meters | 161.37 |
| 34218 | Joe Johnson Equip. | Sweeper Parts | 80.65 |
| 34219 | MFCP | Garbage Truck Parts | 65.91 |
| 34220 | Ace Hardware | Waer Locks, Crosswalk Paint, Police Lights, Spayer, Saw Chain | 445.94 |
| 34221 | C&B Operations | Hydraulic fluid – Grader | 133.74 |
| 34222 | Wick Kid Repair | Police Interceptor Motor Replacement | 2559.87 |
| 34223 | A-Ford-Able Const. | Park Bathroom Repairs | 375.00 |
| 34224 | CW Repair | Garbage Truck Grabber Arm Repair | 835.00 |
| 34225 | MT LEA | Intoxilizer – Officer Hergert & MT Equivilency-Officer Braaten | 886.00 |
| 34226 | Dept. of Justice | CJIN Services for FY-2023-2024 | 271.04 |
| 34227 | BOSS | Envelopes | 129.10 |
| 34228 | Cherrey’s Red Top | 2011 Silverado Oil Change and Water Pump Replacement | 797.94 |
| 34229 | The Roundup | Public Hearing Notices | 420.60 |
| 24230 | Petty Cash Expense | Bieber Funeral Flowers, Microsoft 365-Police, Interceptor Tires | 1132.54 |
| 24231 | Petty Cash | Water Testing and Police Mailings | 128.75 |
| 24232 | Checkers | DOT Drug Testing – Dan Murphy | 115.00 |
| 34233 | Ray Trumpower | Travel Expenses – Fall Judge Conference | 780.10 |
| 34234 | Seader Digging | Curb Stop Replacements-Black & Logsdon | 345.00 |

PAYROLL LIABILITIES

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|--------|------------------|--|---------|
| -88872 | MPERA | Employee Paid 457 Deferred Plan | 45.24 |
| -88871 | MPERA | Employee Retirement | 1982.40 |
| -88870 | US Treasury | Withholdings | 3300.66 |
| -88869 | Dept. of Revenue | State Withholdings | 759.00 |
| -88868 | MPERA | Employee Paid 457 Deferred Plan | 44.00 |
| -88867 | MPERA | Employee Retirement | 2241.69 |
| -88866 | US Treasury | Withholdings | 2842.31 |
| -88865 | Dept. of Revenue | State Withholdings | 651.00 |
| -88864 | Aflac | Employee Paid Short Term Disability & Other Ins. | 876.57 |
| -88863 | Delta Dental | Employee Paid Dental & Vision Insurance | 175.64 |
| -88862 | BCBS | Employee Health Insurance | 3998.53 |
| -88861 | MPERA | Employee Paid 457 Deferred Plan | 49.59 |
| -88860 | MPERA | Employee Retirement | 3168.11 |
| -88859 | US Treasury | Withholdings | 4330.59 |
| -88858 | Dept. of Revenue | State Withholdings | 922.69 |

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| 4314 | Norma Faye Carlson | Wages | 1463.23 |
| 4315 | Mary Norgard | Wages | 1249.54 |
| 4316 | Aleacia Bratten | Wages | 1521.05 |
| 4317 | Whitney Hergert | Wages | 2953.55 |
| 4318 | Daniel Murphy | Wages | 1800.60 |
| 4319 | Ole Ruud | Wages | 1269.91 |
| 4320 | Gorm Scarpholt | Wages | 901.78 |
| 4321 | Carly Buxbaum | Pool Wages | 156.30 |
| 4322 | Gavin Callender | Pool Wages | 132.41 |
| 4323 | Taylor Dietrich | Pool Wages | 588.38 |
| 4324 | Tia Hallock | Pool Wages | 445.60 |
| 4325 | Katherine Hurley | Pool Wages | 1461.61 |
| 4326 | Emily Johnson | Pool Wages | 124.06 |
| 4327 | Rebekah Keen | Pool Wages | 252.55 |

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| 4328 | Morgan Mason | Pool Wages | 1862.67 |
| 4329 | Aaleah Paquin | Pool Wages | 174.90 |
| 4330 | Jordyn Rossi | Pool Wages | 164.27 |
| 4331 | Jordon Schriver | Pool Wages | 137.60 |
| 4332 | KennaDee Taylor | Pool Wages | 206.91 |
| 4333 | Teigan Taylor | Pool Wages | 90.27 |
| 4334 | Norma Faye Carlson | Wages | 1310.17 |
| 4335 | Mary Norgard | Wages | 1249.54 |
| 4336 | Aleacia Bratten | Wages | 1521.05 |
| 4337 | Whitney Hergert | Wages | 1717.57 |
| 4338 | Frances Ereth | Wages | 283.90 |
| 4339 | Daniel Murphy | Wages | 1631.81 |
| 4340 | Ole Ruud | Wages | 1078.57 |
| 4341 | Gorm Scarpholt | Wages | 816.84 |
| 4342 | Carly Buxbaum | Pool Wages | 596.85 |
| 4343 | Taylor Dietrich | Pool Wages | 464.57 |
| 4344 | Katherine Hurley | Pool Wages | 1308.91 |
| 4345 | Morgan Mason | Pool Wages | 1179.52 |
| 4346 | Jordyn Rossi | Pool Wages | 184.51 |
| 4347 | KennaDee Taylor | Pool Wages | 332.81 |
| 4348 | Norma Faye Carlson | Retro Pay | 241.47 |
| 4349 | Aleacia Bratten | Retro Pay | 220.97 |
| 4350 | Whitney Hergert | Retro Pay | 769.83 |
| 4351 | Frances Ereth | Retro Pay | 50.67 |
| 4352 | Daniel Murphy | Retro Pay | 260.16 |
| 4353 | Ole Ruud | Retro Pay | 328.73 |
| 4354 | Jerrold Baxter | Retro Pay | 18.11 |
| 4355 | Betty Cherrey | Retro Pay | 18.11 |
| 4356 | Kevin Dahl | Retro Pay | 18.11 |
| 4357 | Lloyd Fugate | Retro Pay | 18.11 |
| 4358 | Brian Renville | Retro Pay | 18.11 |
| 4359 | Michael Sannon | Retro Pay | 18.11 |
| 4360 | Norma Faye Carlson | Wages | 1475.82 |
| 4361 | Mary Norgard | Wages | 1249.54 |
| 4362 | Aleacia Bratten | Wages | 1718.35 |
| 4363 | Whitney Hergert | Wages | 2366.10 |
| 4364 | Frances Ereth | Wages | 180.70 |
| 4365 | Daniel Murphy | Wages | 1658.74 |
| 4366 | Ole Ruud | Wages | 1176.41 |
| 4367 | Gorm Scarpholt | Wages | 816.84 |
| 4368 | Jerrold Baxter | Council Fee | 100.00 |
| 4369 | Betty Cherrey | Council Fee | 100.00 |
| 4370 | Kevin Dahl | Council Fee | 100.00 |
| 4371 | Lloyd Fugate | Council Fee | 30.00 |
| 4372 | Brian Renville | Council Fee | 100.00 |
| 4373 | Michael Sannon | Council Fee | 100.00 |
| 4374 | Brian Bieber | Mayor Fee | 216.74 |
| 4375 | Ray Trumpower | Judge Wages | 724.50 |

Norma F. Carlson, Clerk

Brian Bieber, Mayor