

Regular Meeting – February 8, 2023

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

Mayor Brian Bieber, leaving public hearing open, called the regular meeting to order.
Attorney Kaitlin DeCrescente via virtual meeting.

Pledge

Minutes: Brian Renville moved to accept the minutes from the regular council meeting held on January 18, 2023. Betty Cherrey seconded. Motion carried. (6 Ayes– 0 Noes– 0 Absent)

Guests: Gordy Jones

Gordy Jones: Zoning Change

Mr. Jones has applied to have his property along Highway 201 changed from Residential A to General Commercial Industrial zoning. The property is also in the Coal Mine Overlay District. This means that a geotechnical survey will need to be done on the property before any buildings can be constructed.

Mr. Jones stated that he has been working on getting the Geotech survey done. He has been in contact with Bill Snoddy with the DEQ Abandoned Mine Lands Division to see how deep the survey needs to go. Mr. Snoddy informed him to follow the Town's regulations. However, the Town does not have the depth or any other specifications detailed in the regulations. Engineer Spencer VanWichen informed him that he would reach out to some of his contacts to see if he can get some information for him.

Mr. Jones has a concrete construction company and would like to keep his truck and equipment there. Mayor Bieber asked where he is currently keeping his equipment. Mr. Jones replied that he is keeping it in Watford City.

Mr. Jones also understands that he will need to get a permit from Montana Department of Transportation (MDT) to have an approach put in along the highway for access to the property if the zoning is changed due to trucks not being allowed on residential streets. Betty Cherrey asked if he had received the permit from the MDT. Mr. Jones replied that he had not but that he had spoken with them to discuss the best location for an approach. Mayor Bieber stated that it may be the Town that would approve the approach if the Fairview West Project gets completed before Mr. Jones is ready to move equipment.

Comment was made that if this is the case, then that portion of the highway becomes a residential street as well. Mayor Bieber and Brian Renville both stated that the difference on that would be that the highway portion was built to handle the heavier vehicles/loads and equipment.

Betty Cherrey ask attorney Kaitlin DeCrescente if this would be a Conditional Use permit. Kaitlin replied that it would not count on this as it is an application for zoning map/district change.

The Council stated that they feel it would be okay for Mr. Jones to continue moving forward. Kaitlin stated that a public hearing will need to be held before the zoning change can be approved.

Mayor Bieber closed the Public Hearing

Ordinance 351 – Publication and Posting of Notices – Second Reading

Kevin Dahl moved to read Ordinance 351 by title only. Betty Cherrey seconded. Motion carried.
(6 Ayes– 0 Noes– 0 Absent)

Mayor Bieber read Ordinance 351 by title only. Kevin Dahl moved to adopt Ordinance 351 amending 1.10.030 of the Fairview Town Code clarify posting of public notices. Brian Renville seconded. Motion carried.
(6 Ayes– 0 Noes– 0 Absent)

Ordinance 352 – Repealing/Replacing Chapter 13.04 – Franchise Agreements – Second Reading

Jerrold Baxter moved to read Ordinance 352 by title only. Mike Sannon seconded. Motion carried.
(6 Ayes– 0 Noes– 0 Absent)

Mayor Bieber read Ordinance 352 by title only. Jerrold Baxter moved to adopt Ordinance 352 Repealing and Replacing 13.04 as it is no longer relevant to the community as services are being terminated by Mid-Rivers and being replaced by Reservation Telephone Cooperative (RTC). Mike Sannon seconded. Motion carried. (6 Ayes– 0 Noes– 0 Absent)

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

Mayor Bieber read Ordinance 353 in its entirety. 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.*

Brian Renville moved to accept the first reading of Ordinance 353 amending section 11.02.340(6) as shown above. Jerrold Baxter seconded. Motion carried. (6 Ayes– 0 Noes– 0 Absent)

Resolution 558 – 2021-2022 Budget Amendment

Resolution 558 is to show over expenditure of Fund 7120-Firemen’s Disability. The Town of Fairview had sufficient cash revenues to cover the cost of the increased payment to the Firemen’s Retirement that was due to the increased amount received from extreme past due property taxes being paid and increasing the amount levied to the fund. The overage amount was \$116.69.

A public hearing was held February 8, 2023 prior to the regular council meeting. There were no public in attendance therefore no public comments received.

Kevin Dahl moved to read Resolution 558 by title only. Brian Renville seconded. Motion carried.

(6 Ayes– 0 Noes– 0 Absent)

Mayor Bieber read Resolution 558 by title only. Kevin Dahl moved to adopt Resolution 558 amending expenditures for Fund 7120-Firemen’s Disability for the 2021-2022 budget. Betty Cherrey seconded. Motion carried.

(6 Ayes– 0 Noes– 0 Absent)

Policy Manual Amendment – Weapons Section:

Clerk Faye Carlson stated that she had been contacted by HR Consultant Derrek Shepherd with MMIA stating that the Town needed to update the weapons section of their policy manual. The manual currently states; “prohibits employees from bringing personal firearms...”. It needs to be changed to state; “prohibits employees from bringing unauthorized personal firearms...”

Kevin Dahl moved to accept the MMIA recommendation to amend the weapon section of the Town of Fairview Personnel Policy Manual to read as stated above. Brian Renville seconded. Motion carried.

(6 Ayes– 0 Noes– 0 Absent)

UNFINISHED BUSINESS:

Spencer VanWichen – Interstate Engineering: Present via Teams meeting.

**Water System Improvement Projects:* Spencer stated that the plans are complete and ready to go. He will drop hard copies off to the office sometime after the next meeting. They are preparing for it to go out for bids. The water tank project will stay on hold until the water main project is complete.

**Sewer Investigation and Replacement Project:* Spencer stated the project is completely wrapped up. However, they are still waiting on the final report from MainSaver.

Spencer stated that the plan for several of the spots in the sewer mains that need attention will be to work it in with the water project so that the streets will not have to be dug up twice. One of the priority sections will be the 6th Street area. This area is planned for BaRSAA funded street repair so the line work needs to be done before that is done.

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

**Dry Redwater Presentation:* The public presentation has been scheduled and noticed in the paper for 6:30 p.m. on February 16, 2023 at the Senior Center. Faye will use the same notice and put it on Facebook and in the designated posting areas around town. Spencer would like to have a Water / Sewer Committee meeting on February 28th to go over the information received at the public meeting.

Mayor Bieber asked if anyone had heard any concerns with DRW coming into Fairview. Betty Cherrey stated that she had heard concerns with the stability of the service coming that far. Faye Carlson stated she had heard concerns with the water rates going up too high.

Lloyd Fugate asked how close the rates are now. Spencer replied that he will work with Jordan at Interstate Engineering to figure how the cost of DRW will trickle down to the residents. Brian Renville commented that the cost of going through the Town’s lines and equipment may be worth the extra cost. Spencer replied that it would also save on the replacement of the treatment plant.

Faye Carlson asked if the Town would lose their water rights currently in place. Spencer stated that he did not think so as the Town may be able to file something for the rights to be held on hold.

**Questions/Feedback from Council:* None

Planning Services:

Clerk Faye Carlson presented the Council with several previous claims for Joel Nelson for planning services. Faye stated that the comparisons between Joel with Geoplant and Dan Stahly showed that Geoplant would be the less expensive way to go.

Faye also informed the Council that she had just recently been informed Interstate Engineering also has a planner on staff and the Town may be able to use them for planning services. Spencer VanWichen went on to explain what they could do for Fairview. He did state that they would not be able to plan their own projects though.

Topic was tabled until Spencer can get more information and cost estimate for the Town.

DEPARTMENT REPORTS:

Dan Murphy-Public Works:

**Treatment Plant:* Dan reported that he received an updated quote from Frontier Heating for the dehumidifier for the treatment plant. The new quote is for \$57,000. There was only \$35,000 budgeted for this. Dan stated that he called Jason Elletson with the City of Sidney Water Department to see what they use. If Fairview uses the same humidifier, Dan will be able to do it for around \$5,000. The Council informed Dan to get it ordered.

**Water Tank:* Dan reported that Liquid Engineering will be coming this summer to do the water tank inspection and dive. Dan stated that the tank has two (2) or three (3) substantial leaks that will be epoxy repaired during the inspection.

The cost of the inspection has increased 25% from three (3) years ago. The estimated cost for the inspection, cleaning and repairs will be \$5,000.

Questions/Feedback from Council: Brian Renville mentioned to Dan that the ice on the street by his house and the pool was higher than the sidewalks. Dan will go over and try to do some scraping to level it out.

Betty Cherrey asked if maintenance logs were being kept on all the vehicles and equipment. Dan replied that there were some. Betty stated that all the work done on the red pickup at Cherrey's Red Top Services could have been prevented with proper regular maintenance. Kevin Dahl asked if these repairs would have been caught and less expensive had there been a six (6) month checkup done. Betty stated that they would have.

Betty informed Dan that she would be getting a vehicle maintenance check list to Dan to implement.

Police: Chief Wyatt Uecker:

Activity Report: 133 incident/calls for service/traffic reports in January. 133-Incidents to date for 2023.

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

Abandoned Vehicles: Bids have come in and will be opened on February 9th, 2023.

Crime Data Reporting: Chief Uecker is working with Motorola and Montana Board if Crime Control to be able to send in Crime Data from Department so the Fairview PD will be eligible for more State and Federal grants.

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 requested to send Officer Hergert to the SFST/Intoxilyzer training in Helena. The classes offered this year April 10th–14th or August 28th–September 1st. The class is \$400 along with \$26 per day for meals and \$20 for lodging for a total of \$610.

This will give Officer Hergert forty (40) hours of required training and is needed to operate the Intoxilyzer inside the detention center. This in turn saves time by having to take alcohol DUI's to the hospital for blood draws and waiting on medical staff.

Questions/Feedback from Council: None

Clerk Faye Carlson:

**CD Interest Rates:* Faye reported that Merchants Bank was offering a special on CD's of 4.00% and nine-teen (19) months. As of now there is only one that is ready to roll over and it will do so at 1.00% and six (6) months.

Faye asked the Council if they would like her to move forward with some of the larger ones. She stated she would keep some at the six (6) month renewal ones so that the funds would be available if something emergency wise was to come up. The council gave approval.

**Vacation:* Faye requested to take vacation days for February 13th though February 17th. Mayor Bieber and Council approved.

**March Meeting:* Faye requested to take Kevin Dahl's suggestion and move the March meeting from the 8th to the 15th due to the annual audit. Council agreed.

Questions/Feedback from Council: None

Court Report: January fines collected were \$5,965. \$1,200 written prior to 2023, \$675 from 2023, bonds \$2,585, converted bonds \$1,505 and restitution paid of \$200 making a total of \$3,180 received from the court.

COUNCIL MEMBERS:

Lloyd Fugate: Nothing

Kevin Dahl: Kevin asked if there were any updates on the Hair Force issue. Betty Cherrey replied that she had sent a conditional use permit application to someone in Shepherd, Mt. Nothing had been returned at this time.

*Kevin asked who decided what types of guns would be considered unauthorized in the new policy. It was stated that it would be the Mayor as he is the administrator.

*Kevin asked Clerk Faye Carlson what was left in the budget for Police wages and if there were enough funds to cover the requirements. Faye reported that according to the closing of January, that account would be approximately \$25,000 in the red by end of fiscal year and that she will need to watch it and move some item lines around to try and cover it.

Mayor Bieber asked Chief Uecker if he could cut back on the overtime. Chief Uecker replied that they could look at not scheduling anyone for one day and just going on call status. Sunday may be the best day as it is the slowest and has the least calls.

Mike Sannon: Nothing

Brian Renville: Nothing

Jerrold Baxter: Nothing

Betty Cherrey: Nothing

Attorney Kaitlin DeCrescente: Already covered

Mayor Brian Bieber: Mayor Bieber reported that RTC has purchased the Kringen property and will be building their shop and hub there.

*The Mayor would like to see a sidewalk put in on the west side of the park at least to the basketball court. As of now, there is a high rise/step from the lawn to the street. He feels the sidewalk would allow a safer transition and assist those in the park during festival. Spencer VanWichen stated that there may be some grants available for it.

Bills:

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

Meeting was adjourned.

Bills Listed By Check Number:

-99385 US Bank Trust	SRF Loans – Water Bond B & Sewer Bond C	54730.52
-99384 WEX Bank	Fleet Fuel Cards	2393.55
33945 MDU	Power	5810.95
33946 Mid-Rivers	Phone & Internet	511.68
33947 Aramark	Rugs	77.52
33948 Hawkins	Chemicals – Treatment Plant	859.06
33949 Energy Lab	Water Testing	710.00
33950 Verizon	Internet-Police DataMaxx	160.04
33951 Rich. Co. Treas.	Court Surcharges & Prisoner Care	345.00
33952 Utilities Underground	811 Line Locates	1.57
33953 Neff Eiken & Neff	Civil Attorney Fees – January	1610.00
33954 Herring Law Firm	Prosecuting Attorney Fees – January	142.22
33955 Horizon Resources	Supplies & Fuel – PW and Police	189.51
33956 United Heritage	Employee Group Life	59.86
33957 Neu’s Super Valu	Water Testing Supplies	19.94
33958 Petty Cash	Postage – Water Testing & Police Mailings	21.35
33959 Petty Cash-Expense	W-2 Envelopes, Clerk Institute & EMT Flowers	549.56
33960 Ferguson	Radio Reads	120.00
33961 The Roundup	Abandoned Car Auction Notice	48.00
33962 Johnson Hardware	Broom for Shop	14.99
33963 Hurley’s	Hydraulic Hose – Skidsteer	138.60
33964 Cherrey’s Red Top	Skidsteer Tires	840.00
33965 Wolfcom	Body Cam Annual Software Fee	500.00
33966 DEQ	Annual Community Connection Fee	868.00
33967 MT Rural Water	2023 Annual Membership Dues	350.00

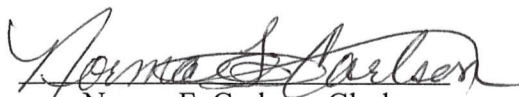
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33968	Alex Hanson	Return of Rental Deposit less City Paid MDU	397.57
33969	Jeremy Krieger	Return of Rental & Pet Deposits after purchase of Property	1250.00
33970	LYREC	Power Lagoon	105.49
33971	Interstate Eng.	Sewer Bond C – Engineering	4941.18
33972	MainSaver	Sewer Cleaning / Televising – Pay Application #3	14671.55
33973	Dept. of Revenue	Contractors Gross Receipts	148.20

PAYROLL LIABILITIES

-88956	MPERA	Employee Paid 457 Deferred Plan	122.80
-88955	MPERA	Employee Retirement	3171.36
-88954	US Treasury	Withholdings	3440.25
-88953	Dept. of Revenue	State Withholdings	823.00
-88952	Aflac	Employee Paid Short Term Disability & Other Ins.	425.04
-88951	Delta Dental	Employee Paid Dental & Vision Insurance	260.94
-88950	BCBS	Employee Health Insurance	5268.27
-88949	MPERA	Employee Paid 457 Deferred Plan	44.00
-88948	MPERA	Employee Retirement	3441.47
-88947	US Treasury	Withholdings	3930.57
-88946	Dept. of Revenue	State Withholdings	1057.00
4049	Norma Faye Carlson	Wages	1321.68
4050	Mary Norgard	Wages	1123.03
4051	Aleacia Bratten	Wages	1594.41
4052	Whitney Hergert	Wages	2132.73
4054	Wyatt Uecker	Wages	2786.28
4055	Daniel Murphy	Wages	1507.93
4056	Ole Ruud	Wages	993.18
4057	Gorm Scarpholt	Wages	1551.25
4059	Norma Faye Carlson	Wages	1266.57
4060	Mary Norgard	Wages	1175.93
4061	Aleacia Bratten	Wages	882.50
4062	Whitney Hergert	Wages	2277.11
4064	Wyatt Uecker	Wages	3629.54
4065	Daniel Murphy	Wages	1507.93
4066	Ole Ruud	Wages	993.18
4067	Gorm Scarpholt	Wages	1601.23
4068	Jerrold Baxter	Council Fee	75.00
4069	Betty Cherrey	Council Fee	75.00
4070	Kevin Dahl	Council Fee	75.00
4071	Lloyd Fugate	Council Fee	5.00
4072	Brian Renville	Council Fee	75.00
4073	Michael Sannon	Council Fee	75.00
4074	Brian Bieber	Mayor Fee	216.74
4075	Ray Trumpower	Judge Wages	724.50


Norma F. Carlson, Clerk


Brian Bieber, Mayor

