

Regular Meeting – December 20, 2023

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

Mayor Brian Bieber called the meeting to order. Attorney Kaitlin DeCrescente was available by phone if needed.

Minutes: Brian Renville moved to accept the minutes from the regular council meeting that was held on November 8, 2023. Betty Cherrey seconded. Motion carried. (6 Ayes– 0 Noes– 0 Absent)

Guests: Mark and Patty Rose

Council Oaths of Office:

Mayor Bieber informed the Council that newly elected Jerry Andreasen had resigned as he was moving into North Dakota and was no longer eligible to serve and that Jerrold Baxter has offered to fill the position until the Council was able to find someone to fill the vacancy for the entire term.

Betty Cherrey moved to appoint Jerrold Baxter to fill the vacancy created by Jerry Andreasen's resignation. Kevin Dahl seconded. Motion carried. (5 Ayes– 0 Noes– 1 Abstain (Jerrold Baxter))

Mayor Bieber swore in re-elected Brian Renville as well as newly elected Patricia Rose and appointee Jerrold Baxter as council persons. Brian and Patricia's terms are for four (4) years beginning January 1, 2024 and ending December 31, 2027. Per MCA 7-4-4112, the appointed term for Jerrold will expire in two (2) years (December 31, 2025). The final two (2) years of the term will need to be on the municipal ballot in 2025 for a term beginning January 1, 2026 and expiring December 31, 2027. This will put this position back to regular rotation.

Planning Board Appointments:

Clerk Faye Carlson stated that she had spoken with Ray Trumpower and Missy Smies concerning their expiring terms. Both Ray and Missy have agreed to another term on the Fairview Planning Board.

Brian Renville moved to appoint Ray Trumpower and Missy Smies to serve another term on the Fairview Planning Board. Betty Cherrey seconded. Motion carried. (6 Ayes– 0 Noes– 0 Absent)

UNFINISHED BUSINESS:

Spencer VanWichen – Interstate Engineering:

***Water System Improvement Projects:** No further updates at this time. The next drawdown for the project will be in January 2024.

***Sewer:** Spencer stated there is nothing to report on this and that it can be removed from the agenda.

***HB-355~ Department of Commerce Grant:** Spencer reported that he had met with the different Council Committees to get project ideas. Some of these ideas are listed below.

***Water:** Part of the Phase II water project – New tank design – Lead service lines – Treatment plant media replacement

***Sewer:** Continued maintenance– Sewer main replacement: Montana Ave, 6th and Western– Rob Taylors service line- Insulation of car wash main on Ashland Ave–Pump and controls for lift station– Manholes

***Streets:** Annual asphalt patching – Repairs- 7th Street by apartments, 2nd/3rd & Interstate Ave – Curb & gutter - 5th & 6th Streets as priorities – Valley gutter at 6th and Pleasant.

***Parks and Pool:** Sharbono Park sidewalk – Bathhouse walls – Pool parking lot

***Other Options:** New furnace for city hall.

***Safe Streets and Roads for All (SS4A) Grant Program:** As a direct result from the “Infrastructure Investment and Jobs Act (IIJA)”, U.S. Senator Jon Tester secured \$142,662 in Safe Streets for All funding for Richland County to improve street safety. Fairview will be involved in the development of a comprehensive safety plan with Richland County as part of this grant.

The grant funding is for the development of the safety plan and project identification that can then let the Town apply for future grants for the construction of the identified projects. This would be step one (1) of the process. No money right now is available for the construction side.

Spencer will continue to follow this and collect more information on the grant.

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

Signage Regulation Updating:

Kevin moved to table this until the January meeting so that more information can be gathered from attorney Kaitlin DeCrescente. Jerrold seconded. Motion carried. (6 Ayes– 0 Noes– 0 Absent)

DEPARTMENT REPORTS:

Dan Murphy-Public Works:

RTC Items: Dan reported that the directional drilling should be completed for this year on December 21, 2023. Dan again stated that if the Council or anyone else sees any issues from the project in the alleys or other places to let him know and he will take care of it.

Betty Cherrey stated that there was a large hole near their shop. Dan informed her he would see to it.

Recertifications: Dan stated that he and Ole Ruud would need recertification classes this coming year. He was able to find classes offered either in Sidney or via webinars and at no cost or traveling.

Questions/Feedback from Council:

Kevin Dahl asked if RTC would be continuing the construction on the building through the winter. Dan replied that he would need to check with them and see what their plans are. Kevin also stated that he had concerns with them parking the trucks too far into Western Ave.

Betty Cherrey asked Dan if he was sending letters out to the residents concerning the lead lines. Dan replied that he wasn't and that he had been knocking on doors asking to inspect the lines coming into the homes. Some residents have been sending in pictures of their meters and the lines. Betty asked if he was tracking this on a map. Dan replied that he was tracking it by addresses.

Betty stated that she would like to see it on the Facebook page and the new website. Faye will work on getting it posted.

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

Activity Report: 62 incident/calls for service/traffic reports in November. 1143-Incidents to date for 2023.

Police Cruisers:

* Interceptor 1 is back at Wick Kid Repair. Engine is misfiring at high speeds.

*Tahoe radar part has been installed by Heck Built but is still not working properly. This means that there is no working radar or dash camera in this cruiser so it cannot be used for traffic stops until these issues have been fixed.

Training:

*Officer Hergert is now a certified Taser Instructor and will be training Officer Atkins on December 21, 2023.

*Officer Atkins will be attending the Law Enforcement Academy in January.

**Officer Atkins arrived later and went over other police items and answered questions from Council.

*Officer Atkins reported that the department had received a grant from the Mason Moore Foundation in the amount of \$2,450 for the purchase of new police radios.

*New laptop stands will need to be purchased for the patrol cruisers. The ones they have are not compatible with the new Dell laptops. Officer Atkins was able to find some for \$533.07 each. Clerk Faye Carlson stated that they have been budgeted for and can be ordered. Officer Atkins stated that he will check with Heck to see if they would buy the old stands.

*Firearms: Mayor Bieber approved the trade with High Caliber Sports of our older Smith and Wesson's for two (2) new Glock 17's. The Glocks are lighter and easier to carry.

*Interceptor 1: Officer Atkins stated that they do not feel that the correct interceptor motor was installed as it misfires at high rates of speed nearing one hundred mph. Officer Atkins stated that Wayne Wick (Wick Kid Repair) stated that Ford may need to do a Flashing in it to stop this issue.

Jerrold Baxter replied that he had spoken with Wayne and that it was a true interceptor motor and that the issue may be able to be fixed with a flash being done. If the problem continues, then it may be a timing issue and that is not covered under warranty. Both options are being researched.

Jerrold then asked how often the car had to go over one hundred mph. Officer Atkins replied that it would depend on the situation.

Brian Renville and Betty Cherrey both expressed concerns that officers would need to be able to respond at a high rate of speed if the emergency called for it.

Questions/Feedback from Council: Covered in above discussion with Officer Atkins.

Clerk Faye Carlson:

***Codification:** Faye reported that she had submitted another form to American Publishing concerning the codes. They will be changing all the codes to a new format. Once the codification process is complete, the officers will need to learn the new coding and court assistant Mary Norgard will need to submit all the new codes to Full Court in Helena and have them changed in the State court system.

***Rugs:** Faye stated that the Quote from Village Laundry in Williston, ND came back higher than Aramark and that she was still waiting for the quote from KP Bubbles in Sidney.

Questions/Feedback from Council:

Betty asked about the website. Faye replied that she is still working converting and uploading documents.

Betty asked if the bid notice for fire truck and Expedition had been placed. Faye replied that she hadn't had time and that there were issues with the Expedition that Jerrold Baxter would be going over.

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Court Report: November fines collected were \$2,613.89. \$810 written prior to 2023, \$198.89 from 2023, converted bonds \$1,225 making a total of \$2,613.89 received from the court.

COUNCIL MEMBERS:

Lloyd Fugate: Nothing

Jerrold Baxter: Jerrold stated that there was either major miscommunication or outright lies concerning the issues with the Expedition motor. The Triton motor is a well made motor with parts readily available. Jerrold also stated that contrary to what the Council had been told, the cruiser had never been to Ford or to The Wick Kid for repairs.

Jerrold also stated that they had put it on the rack and check it over and found only minor issues that need repaired. He also stated that he had done a Kelly Blue Book estimate on it and found that it could book for close to \$16,000. Clerk Faye Carlson commented that she also had done a check and received a value of \$8,895-\$11,242. Lloyd Fugate stated that he didn't feel that the Town would get \$16,000 for it though.

Comment was made that maybe the Expedition should be put back into service. Faye Carlson stated that the vehicle had been stripped of all police equipment. Kevin Dahl asked where the equipment was. Faye replied that she wasn't sure but she had been told that it had been given/traded to Heck built for other parts. Kevin asked if there was a paper trail for this. Faye responded that she did not know and that the vehicle had been stripped before anyone on the council knew what was being done. Faye stated that they would have to ask Whitney. Betty messaged Whitney and was told that the parts are here and stored in the shop.

Jerrold stated that if the Town was to continue to move forward selling the Expedition, he feels that a reserve of \$8,500 should be set.

Mike Sannon: Nothing

Kevin Dahl: Nothing

Betty Cherrey: Nothing

Brian Renville: Nothing

Attorney Kaitlin DeCrescente: Nothing

Mayor Brian Bieber: Nothing

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:

34305	Horizon Resources	Supplies & Fuel	99.96
34306	Interstate Eng.	Water Main Project-Phase II (Corrected Claim)	47344.03
34307	Western Municipal	Water Main Project-Phase II – Payment #2	477299.05
34308	High Caliber Sports	Ammo for Glocks	242.91
-99372	WEX Bank	Fleet Fuel Cards	1866.89
34309	MDU	Power	3535.85
34310	Mid-Rivers	Phone & Internet	494.92
34311	Verizon	Internet-Police DataMaxx	160.04
34312	LYREA	Power – Lagoon	162.24
34313	Aramark	Rugs	98.72
34314	Hawkins	Chemicals – Treatment Plant	1273.09
34315	Energy Lab	Water Testing	53.00
34316	Rich. Co. Treas.	Court Surcharges-Prisoner Care-Dispatch	5250.00
34317	Utilities ULC	811 Line Locates	95.77
34318	United Heritage	Employee Group Life	50.86
34319	Neff Eiken & Neff	Civil Attorney Fees – (November)	1067.50
34320	Herring Law Office	Prosecuting Attorney Fees (November)	561.16
34321	Horizon Resources	Supplies & Fuel	111.29
34322	Tractor Supply	Tools	116.92
34323	Ace Hardware	Snow Shovel & Light Bulbs	73.98
34324	Car Quest	Loader, Red Pick Up Parts & Sea Foam	40.54

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34325	Northwest Pipe	Valve Box Risers – Curb Stops - Saddles	562.92
34326	Doorbust'n	Clark's Sewer Repairs – Western Ave	1869.87
37327	Neu's Super Valu	Meat & Cheese Trays for Fugate Family (EMT'S)	159.98
34328	Ferguson	Meters	1441.84
34329	Blue Butte Aggreg.	Washed Sand for Streets	1113.76
34330	Pump Systems	Replacement Floats – Lift Station	1343.04
34331	Cherrey's Propane	Repairs – Shop Heater	492.60
34332	BB Electric	Replaced Fans – 608 Central Ave Rental	738.23
34333	Interstate Eng.	General Planning Services	5585.52
34334	Yellowstone Chiro	Police Physical-Officer Atkins	90.00
34335	MT Dept PHHS	2024 Pool License	200.00
34336	Legends Offroad	Interceptor 2 Headlight Restoration	243.60
34337	Curtis Blue Line	police Holsters with Lights	642.99
34338	Motorola	Ally Police Reporting Software 2023-2024	1477.20
34339	Galls	Police Uniforms- Officer Atkins	109.35
34340	Heck Built	Tahoe – Interior Door Panel	283.00
34341	SEW	Uniform Alterations	40.00
34342	Axon Enterprises	Annual Taser Plan Payment	1089.00
34343	Advanced Comm.	Reprogram Police Radios	1368.45
34344	BOSS	Toner Cartridge Refills	291.83
34345	Balco	Police Uniforms-Atkins	102.81
34346	Reynolds Market	Flowers for Fugate Family (EMT's)	100.00
24347	Petty Cash Expense	Police Body Cam Clips, Shop Gloves, Fugate Family Plant	337.89
37348	Petty Cash	Police and Water Testing Mailings-UB Postage	79.78
37349	Post Office	Postage – Utility Billing, Office & Court	1441.20

PAYROLL LIABILITIES

-88835	MPERA	Employee Paid 457 Deferred Plan	45.60
-88834	MPERA	Employee Retirement	2250.99
-88833	US Treasury	Withholdings	2808.35
-88832	Dept. of Revenue	State Withholdings	749.00
-88831	MPERA	Employee Paid 457 Deferred Plan	46.46
-88830	MPERA	Employee Retirement	1989.11
-88829	US Treasury	Withholdings	2355.17
-88828	Dept. of Revenue	State Withholdings	580.00
-88827	BCBS	Employee Health Insurance	3998.53
-88826	Aflac	Employee Paid Short Term Disability & Other Ins.	533.14
-88825	Delta Dental	Employee Paid Dental & Vision Insurance	175.64
-88824	MPERA	Employee Paid 457 Deferred Plan	45.60
-88823	MPERA	Employee Retirement	2642.72
-88822	US Treasury	Withholdings	3061.52
-88821	Dept. of Revenue	State Withholdings	859.00

4424	Norma Faye Carlson	Wages	1385.64
4425	Mary Norgard	Wages	1249.54
4426	Whitney Hergert	Wages	1810.71
4427	Daniel Murphy	Wages	1658.74
4428	Ole Ruud	Wages	1152.73
4429	Gorm Scarpholt	Wages	954.14
4430	Norma Faye Carlson	Wages	1360.88
4431	Mary Norgard	Wages	1249.54
4432	Jacob Atkins	Wages	1637.82
4433	Whitney Hergert	Wages	2327.13
4434	Daniel Murphy	Wages	1658.74
4435	Ole Ruud	Wages	1152.73
4436	Gorm Scarpholt	Wages	954.14
4437	Jerrold Baxter	Council Fee	100.00
4438	Betty Cherrey	Council Fee	100.00
4439	Kevin Dahl	Council Fee & Police Commission	100.00
4440	Lloyd Fugate	Council Fee & Police Commission	30.00
4441	Brian Renville	Council Fee	100.00
4442	Michael Sannon	Council Fee	100.00
4443	Brian Bieber	Mayor Fee	216.74
4444	Ray Trumpower	Judge Wages	724.50

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4430	Norma Faye Carlson	Wages	1360.88
4431	Mary Norgard	Wages	1249.54
4432	Jacob Atkins	Wages	1657.72
4433	Whitney Hergert	Wages	2098.99
4434	Daniel Murphy	Wages	1658.74
4435	Ole Ruud	Wages	1152.73
4436	Gorm Scarpholt	Wages	816.84
4430	Norma Faye Carlson	Christmas Bonus	300.00
4431	Mary Norgard	Christmas Bonus	300.00
4432	Jacob Atkins	Christmas Bonus	25.00
4433	Whitney Hergert	Christmas Bonus	300.00
4434	Daniel Murphy	Christmas Bonus	300.00
4435	Ole Ruud	Christmas Bonus	300.00
4436	Gorm Scarpholt	Christmas Bonus	150.00

Norma F. Carlson, Clerk

Brian Bieber, Mayor