

Regular Meeting – January 18, 2023

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

Mayor Brian Bieber called the meeting to order. Lloyd Fugate and Brian Renville were absent. Attorney Kaitlin DeCrescente via virtual meeting.

Pledge

Minutes: Kevin Dahl moved to accept the minutes from the regular council meeting held on December 14, 2022. Betty Cherrey seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

Guests: None

Planning Services:

Clerk Faye Carlson reported that Joel Nelson had left Land Solutions and started his own company Geoplant LLC. He is willing to continue as the Town Planner at the same rates as Land Solutions set as:

\$96 per hour for normal planning services - \$38 per hour for travel plus state rate for mileage. All expenses would be billed at cost.

Faye stated that she had also contacted several others to get quotes so the Council had other options to consider. One was Dan Stahly, PLS and the other was Forrest Sanderson with KLJ.

Forrest was unable to take on any new clients as they are shorthanded in their office. Dan Stahly sent back quotes as: \$300 Land Survey Review - \$300 Criteria Review - \$1,200 Preliminary Plat Submittal + \$100 for each lot over three - \$300 Final Plat Submittal + \$100 for each lot over three. The rates would be approximately double for a Major Subdivision or Planned Unit Development.

Faye recommended going with Geoplant due to the difference in rates. Kevin Dahl commented that it would be nice to have prior statements to compare rates with. Kevin Dahl moved to table hiring a planner until the February meeting giving Faye a chance to prepare comparable documents for the Council. Jerrold Baxter seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

420 S Ellery Ave- Cannabis Sales:

Attorney Kaitlin DeCrescente reported that she had sent the required letter to Department of Revenue stating that this location was in sync with Fairview City Codes.

Jerrold Baxter inquired about the 3% taxation of cannabis sales. Kaitlin replied that the tax revenue will be for all dispensaries in Richland County. Distribution will be population based and distributed by the County.

Kevin Dahl asked if the County will be sending Fairview's portion for the current sales to date. Kaitlin replied that it is done quarterly with the first payment around March 1, 2023.

Planning Board Appointees:

Dan Murphy stated that he is willing to serve another term. Brian Renville was absent but had stated at last meeting that he would serve if no one else was able or until the town found a replacement for him.

Kevin Dahl moved to appoint Dan Murphy for another term. Betty Cherrey seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

Jerrold Baxter moved to appoint Brian Renville for another term or until the Town is able to find someone to take it over for him. Betty Cherrey seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

Ordinance 351 – Publication and Posting of Notices – First Reading

Ordinance 351 amends 1.10.030 adding The RoundUp to newspapers used and listing the physical posting places for all public notices.

Mayor Bieber read the ordinance in its entirety. Kevin Dahl moved to accept the first reading of Ordinance 351 amending 1.10.030 of the Fairview Town Code clarify posting of public notices. Mike Sannon seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

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

Ordinance 352 repeals and replaces chapter 13.04 due to Mid-Rivers terminating their cable TV services to Fairview in December 2023.

Mayor Bieber read the ordinance in its entirety. Jerrold Baxter moved to accept the first reading of 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).

Further Discussion: Kevin Dahl asked how this would affect Mid-Rivers Internet service. Attorney Kaitlin DeCrescente stated that it wouldn't as the franchise agreement with them only covered cable TV services. No further discussion. Betty Cherrey seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

UNFINISHED BUSINESS:

Spencer VanWichen – Interstate Engineering: Present via Teams meeting.

**Water System Improvement Projects:* Interstate Engineering is still processing the plans for submittal to DEQ.

**Sewer Investigation and Replacement Project:* Spencer stated they are still working on the investigation final report.

Spencer presented Change Order #1 for approval. The project came in under budget so a change order is needed to decrease the contract amount by \$12,761.40. Mike Sannon moved to approve Change Order #1. Kevin Dahl seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

Spencer presented Pay Application #3 (Final) in the amount of \$17,421.75 and Draw Request #4 (Final) in the amount of \$17,422 for approval. Kevin Dahl moved to approve Pay Application #3-Final. Mike Sannon seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

Jerrold Baxter moved to approve Draw Request #4 – Final. Betty Cherrey seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

**Street Work:* Spencer stated that there are no updates at this time. Spencer would like to schedule a Street Committee meeting for March to go over the areas needing asphalt patching as well as the available funds using the SMD1 assessments.

Spencer stated that the final year for reserving the BaRSAA will be either 2024 or 2025. These funds are being held in reserve for the 6th Street project. Spencer would like to start moving forward and have Franz Construction on the schedule. Also, using SMD1 funds the Town should have a geotech analysis done. Spencer commented that he would like to get the geotech to encompass with the water tank project as well.

Kevin Dahl asked if the geotech would show a closer to actual cost for what is needed to replace 6th street properly. Spencer replied that it would help.

**Dry Redwater Presentation:* Spencer stated that the presentation may be moved to February 15th or 16th instead of the 22nd.

**Questions/Feedback from Council:* None

RTC Franchise Agreement:

Attorney Kaitlin DeCrescente stated that this is covered above in the first reading of Ordinance 352.

DEPARTMENT REPORTS:

Dan Murphy-Public Works:

**Pool:* Dan asked when the Town planned on advertising for a pool manager as Faith Oakland was not coming back this year. Faye Carlson replied that Trish Buxbaum is interested in the position and that Faith had submitted a recommendation letter for her.

Faye also stated that she would be getting the advertisement for pool help ready and posted in March.

**Mobile Home Park:* Dan reported that the leak in the park had been repaired today by Agri-Industries. Attorney Kaitlin DeCrescente had written them a letter stating it had to be fixed by February 1st or the water to the park would be shut off until leak was repaired.

**Garbage Truck:* Dan stated that he is looking into replacing the garbage truck as it already has 80,000 miles on it. Betty Cherrey asked what was wrong with it. Dan replied realistically nothing.

Dan went on to say that that Solid Waste had sold out to Joe Johnson so the parts were getting harder to get quickly. Dan also stated that he is concerned with the mileage and getting a lesser trade in value.

Questions/Feedback from Council: Betty Cherrey asked Dan why they are not plowing the cul-de-sac in Johnson Subdivision. Dan stated that they do. Betty replied that they had not done it or other streets in that area during the last plowing. Dan informed Betty to have those residents call him and will go up there and plow.

Police: Chief Wyatt Uecker:

Activity Report: 137 incident/calls for service/traffic reports in December. 1,087-Incidents to date for 2022 . Chief Uecker informed the Council that an end of the year statistic report is available upon request.

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

Abandoned Vehicles: Notice for sealed bids has been posted and will be opened on February 9th, 2023.

Personnel: Officer Jennifer Hurley resigned as of December 29, 2022.

Job postings for two (2) part time officers have been posted at job service, city hall and Facebook.

Questions/Feedback from Council: None

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Clerk Faye Carlson:

**Annual Financial Report:* Faye reported that the AFR was complete and has been submitted to the State Local Government Services.

**2022 Audit:* Audit for fiscal year ending June 30, 2022 has been schedule with Strom & Associates for the week of March 6th, 2023. Faye stated that this is also the same week as the March council meeting. Kevin Dahl asked if it would be better and less stressful if the council meeting was moved to the following week. Fay replied that she will wait to see how busy things get in the office.

Questions/Feedback from Council: None

Court Report: December fines collected were \$1,132. \$320 written prior to 2022, \$435 from 2022, bonds \$217, converted bonds \$160 and restitution paid of \$123 making a total of \$792 received from the court.

COUNCIL MEMBERS:

Lloyd Fugate: Absent

Kevin Dahl: Nothing

Mike Sannon: Nothing

Brian Renville: Absent

Jerrold Baxter: Nothing

Betty Cherrey: Nothing

Attorney Kaitlin DeCrescente: Already covered

Mayor Brian Bieber: Already covered

Bills:

Kevin Dahl moved to pay the bills. Jerrold Baxter seconded. Motion carried. (4 Ayes–0 Noes– 2 Absent)

Meeting was adjourned.

Bills Listed By Check Number:

-99386 WEX Bank	Fleet Fuel Cards	3361.37
33913 MDU	Power	5378.29
33914 Mid-Rivers	Phone & Internet	505.12
33915 Aramark	Rugs	77.52
33916 Hawkins	Chemicals – Treatment Plant	867.06
33917 Energy Lab	Water Testing	52.00
33918 Verizon	Internet-Police DataMaxx	160.04
33919 Rich. Co. Treas.	Court Surcharges, Prisoner Care & 1 st half Dispatch	5055.00
33920 Utilities Underground	811 Line Locates	1.57
33921 LYREC	Power – Lagoon	122.89
33922 Neff Eiken & Neff	Civil Attorney Fees – December	997.50
33923 Herring Law Firm	Prosecuting Attorney Fees – December	145.00
33924 Tractor Supply	Heater for Water Tower Building	99.99
33925 United Heritage	Employee Group Life	59.86
33926 Neu’s Super Valu	Water Testing Supplies	30.61
33927 Gem City Motors	Towing of Suspect Vehicle	221.00
33928 Sidney Auto Supply	Garbage Truck TR Swivel Elbow	7.99
33929 Cherrey’s RT Serv.	Parts for Red PW Pickup	132.54
33930 TAB Electronics	Program Police Radio for Tahoe Cruiser	80.00
33931 Joe Johnson Equip.	Sweeper Parts	129.50
33932 MFCP	Hydraulic Hose for Loader	157.45
33933 Solid Waste	Garbage Truck Parts	1380.64
33934 Tank Holding Corp	New Garbage Cans & Lids	11703.09
33935 Olson Plumbing	Toilet Repair 608 Central Ave Rental	360.50
33936 MDA-LGS	Annual Financial Report Filing Fee	800.00
33937 Petty Cash-Expense	Revenue Voucher Receipt Books	36.16

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33938	Petty Cash	Postage for Police and Water Testing Mailings	58.95
33939	McKenzie County	Property Taxes – ND Lagoon Cell	963.10
33940	Frontier Heating	Maintenance – Lift Station & Treatment Plant	307.00
33941	Dennis Fischer	Replace Storm Door – 7 th Street Rental	470.00
33942	Whitney Hergert	Reimbursement – Range for 608 Central Rental	602.00
33943	Car Quest	Parts for Blue Plow & Garbage Truck	184.40
33944	Horizon Resources	Supplies & Fuel – PW and Police	114.73

PAYROLL LIABILITIES

-88968	MPERA	Employee Paid 457 Deferred Plan	120.15
-88967	MPERA	Employee Retirement	3020.24
-88966	US Treasury	Withholdings	3310.39
-88965	Dept. of Revenue	State Withholdings	804.00
-88964	UI Division	Unemployment – Quarter 1	523.41
-88963	Delta Dental	Employee Paid Dental & Vision Insurance	260.94
-88962	Aflac	Employee Paid Short Term Disability & Other Ins.	425.04
-88961	MPERA	Employee Paid 457 Deferred Plan	121.15
-88960	MPERA	Employee Retirement	3306.99
-88959	US Treasury	Withholdings	3872.58
-88958	Dept. of Revenue	State Withholdings	1047.00
-88957	BCBS	Employee Health Insurance	5268.27
4049	Norma Faye Carlson	Wages	1267.43
4050	Mary Norgard	Wages	1120.30
4051	Aleacia Bratten	Wages	1092.78
4052	Whitney Hergert	Wages	1943.59
4053	Jennifer Hurley	Wages	410.19
4054	Wyatt Uecker	Wages	2876.76
4055	Daniel Murphy	Wages	1442.87
4056	Ole Ruud	Wages	1056.62
4057	Gorm Scarpholt	Wages	1497.54
4058	MMIA WC	Workers Comp	4077.69
4059	Norma Faye Carlson	Wages	1271.57
4060	Mary Norgard	Wages	1123.05
4061	Aleacia Bratten	Wages	1189.99
4062	Whitney Hergert	Wages	1647.30
4063	Jennifer Hurley	Wages	1384.35
4064	Wyatt Uecker	Wages	3430.62
4065	Daniel Murphy	Wages	1459.98
4066	Ole Ruud	Wages	1097.59
4067	Gorm Scarpholt	Wages	1551.25
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