

Regular Meeting – June 14, 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 attended via Google Meeting.

Minutes: Betty Cherrey moved to accept the minutes from the regular council meeting that was held on April 12, 2023. Kevin Dahl seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

Guests: Mark & Patty Rose, Marion Kittleson, Dennis Trudell, Regan & AnnDee Taylor, Dorothy Immel, Ken & Graycie Sharbono, Charles & Julie Flynn, Sue Duffey, Spencer VanWichen- Interstate Engineering & Rachel Laqua-Planner (via Google meeting), and Greg Hitchcock-Sidney Herald.

** Regan & AnnDee Taylor, Dorothy Immel, and Ken & Graycie Sharbono left shortly after regular meeting started.

2023 Fairview Festival: Dennis Trudell and Marion Kittleson

Marion and Dennis went over the schedule of events for Friday and Saturday and church services for Sunday morning.

Dennis asked if the town could cone off the parking area along the highway on west side of the park so that people could sit along there and watch the parade.

MonDak Seniors: Sue Duffey

Seniors: Sue stated that they are bringing outside speakers in once a month to address topics that are beneficial to the Fairview senior citizen community. They have had MDU and MidRivers both come in and are looking for other suggestions that would assist and or educate the senior group.

A suggestion was made that they should have someone come in and discuss the different types of scams that are targeting senior citizens and how to avoid being taken advantage of.

Sue commented that they have changed the age to fifty-five (55) and have also started a Facebook page for the group.

Pool: Sue brought up several ideas and issue that she and others have concerning the pool. Sue questioned why the lifeguards had to pay for their own training and not the town. It was explained that the reason is a lot of them do not stay for the whole summer or come back the next year. If the town paid for the training that would be a wasted expense for those lifeguards.

Charles Flynn asked what the life span of the pool boiler was. He commented that every year there seems to be an issue with it. Engineer Spencer VanWichen replied that he would check on that for the town.

Pool Donations: Sue and the Flynn's expressed concerns on the donations that were being made to the town for the pool. Donations like the ones that came from the Helm's family. Clerk Faye Carlson stated that they are keyed to a special account that can only be used for the pool. Faye went on to explain that the Helm's Family donations were used to purchase lifeguard lockers and two (2) benches for the pool deck. Faye also explained that the Warren Welding Donation had been used for more deck chairs and deck umbrellas.

Charles Flynn asked who made the decisions on what to purchase. Faye explained that the items were on a list given to her by pool management. She only ordered what they had on the list. Mr. Flynn the asked what happened to the funds he had been donating annually to the pool account at the bank. Faye informed him there is no pool account at the bank and that if he had been donating there, he needed to contact he bank and check on that.

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MonDak Seniors: Sue Duffey-CONT:

Sue Duffey asked if the donations were tax deductible. Faye replied that she does issue receipts and states they are donations on them. Comment was made that it would be an accountant or tax specialist question on whether they were tax deductible. Another comment was made that they felt only 501-C-3 entity donations were tax deductible. Faye replied that the town was not a 501-C-3.

Sue stated that the senior group was considering doing a water aerobics class but were told that the instructor would have to be an employee of the town. Faye stated that this was true due liability and insurance coverage. Sue commented that they are working on a grant for the instructor and asked if this went through, could the town hire the instructor and the wages be reimbursed by the grant funds. Faye replied that would cover the liability and insurance requirements.

Julie Flynn asked if there was an instruction manual for the lifeguards. She stated that they do not seem to have knowledge of the rules. The council stated that was a training issue. She also stated that they have asked and the current manager has not seen or been told of any manuals.

Mayor Bieber replied that these were legitimate concerns.

Sue asked if there was a park or pool board that managed this. Sue was informed that there was a Parks & Pool Committee comprised of Brian Renville and Kevin Dahl. Sue asked Kevin for his and Brian's contact information.

Dan Cayko-Fence Variance:

Dan and Monica Cayko applied for a variance to the zoning regulations concerning the height of a residential fence. The maximum height is six (6) feet and they would like to go with an eight (8) foot fence between their property and the property to the south owned by Don and Bonnie Iversen as well as the back side to the east.

Betty Cherrey asked if he had paid for the variance application yet. Dan replied that he had it all filled out and just need to stop by Town Hall and pay the two-hundred dollar (\$200) application fee.

Kevin Dahl moved to grant Dan and Monica Cayko a variance to make their fence eight feet high instead of the regulated six (6) feet per Fairview Zoning Regulations. Mike Sannon seconded. Motion carried.

(4 Ayes– 0 Noes– 2 Absent)

Resolution 559-Intenet to Raise Water Rates:

The Town has determined it is necessary to change the rates and charges for the services provided by the System in order to collect sufficient revenues to pay bonds issued for System improvements and meet bond covenants on coverage, establish reserves and pay costs associated with the operation and maintenance of the System.

Betty Cherrey moved to read Resolution 559 by title only. Jerrold Baxter seconded. Motion carried.

(4 Ayes– 0 Noes– 2 Absent) Mayor Bieber by read title only.

Betty Cherrey moved to adopt Resolution 559 – Resolution of intention of the Town of Fairview to increase rates and charges for the users of the Town's Water System. Jerrold Baxter seconded. Motion carried.

(4 Ayes– 0 Noes– 2 Absent)

Street Maintenance District 1 – 2023 Projects and Assessments:

A public Hearing was held prior to the regular meeting with no public input or comments. Attorney Kaitlin DeCrescente will draw up the resolution for the 2023 assessments to be proposed at the July 12, 2023 regular council meeting.

Pool Help and Daily Swim Prices:

Clerk Faye Carlson stated that the raise for daily swims needed to be put into motion form and the newest lifeguards and pool help needed to be officially hired as well.

Betty moved to change the lap swim from \$1 to \$2, daily swim from \$3 to \$5 and the evening swim from \$2 to \$3. These rates are retro to the pool opening date. Jerrold Baxter seconded. Motion carried.

(4 Ayes– 0 Noes– 2 Absent)

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Pool Help and Daily Swim Prices: CONT.

Kevin moved to hire the following applicants for Lifeguards:

Gavin Callender - \$11.50 per hour	Rebekah Keene - \$11.50 per hour	Aaleah Paquin - \$11.50 per hour
Jordyn Rossi - \$11.50 per hour	Teigan Taylor - \$11.50 per hour	Tia Hallock - \$10.50 per hour
Emily Johnson - \$10.50 per hour	Jordan Schriver - \$10.50 per hour	

Pool Office Help: Beth Thompson - \$10.50 per hour

Betty Cherrey seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

Zoning Setbacks for Buildings and Fences:

Betty Cherrey stated that as zoning administrator she would like better clarification on the fencing and building setback section of the zoning regulations. Planner Rachel Laqua and Attorney Kaitlin DeCrescente will work on that.

UNFINISHED BUSINESS:

Spencer VanWichen – Interstate Engineering:

***Water System Improvement Projects:** ARPA draw request – Vendor Invoice #1 needs to be sent to the Federal office for payment. Betty Cherrey moved to sign the ARPA draw request for Invoice #1. Jerrold Baxter seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

***Request to Award Letter:** Spencer presented the council with the bid award letter for the Phase II Water Project. Betty Cherrey moved to award the Phase II Water Project bid to Western Municipal Construction Inc in the amount of \$1,977,090.50 for Schedule I and Schedule II and to sign the award letter for DEQ. Kevin Dahl seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

Master Service Agreement (MSA): Spencer reported that Interstate Engineering Legal Department and Fairview’s Attorney Kaitlin DeCrescente have approved the five (5) year auto renewal MSA. He is now asking the Council to accept and approve. Betty Cherrey moved to adopt and sign the five (5) year Master Service Agreement with Interstate Engineering for the Town’s engineering services. Mike Sannon seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

***SS4A Grant Application Proposal:** Spencer explained that the Safe Streets for All (SS4A) grant would help cover the planning for sidewalks and streets. Spencer also stated that Richland County would like Fairview and Sidney to go in with them to make it more competitive.

Spencer stated that Fairview’s share of the planning would be around \$10,000. Planner Rachel Laqua stated that Phase I would be applying for the planning part and Phase II would take place next year and would be applying for the implementation part.

Spencer then presented the Council with a letter to SS4A Action Plan, US Department of Transportation which is intended to serve the purpose of a letter of support for the SS4A action plan grant.

Jerrold moved to have Mayor Bieber sign the letter of support for the Safe Streets for All action plan. Betty Cherrey seconded. Motion carried. (4 Ayes– 0 Noes– 2 Absent)

***Sewer Investigation and Replacement Project:** Spencer reported that they are still looking through the reports and will go over them with the Council at the July meeting.

***Asphalt Patching Options:** Spencer reported that Franz Construction is extremely busy and struggling right now. He hates to have to pull the job from them, but it has been two (2) years and nothing has moved forward on the quotes or planning. Spencer stated that he feels it is time to start looking elsewhere.

***Questions/Feedback from Council:** Betty Cherrey asked Spencer if there were any updates yet from Dry Red Water (DRW). Spencer replied that Mandi Nay with DRW is apparently still working on their response but nothing is in yet.

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Golf Carts: Attorney Kaitlin DeCrescente recommended that Fairview go with and follow MCA code regarding the operation of golf carts in town. This means that all operators will need to have a state issued regular driver license or a low speed restricted license. Fairview may need to add a low or medium speed vehicle section to the Town Code. Kaitlin also recommended the council add the MCA Child Restraint Section.

Kevin Dahl stated that he liked the changes and the fact that it will take the Chief of Police out of deciding who would get the permits issued.

Kaitlin will update and draft an ordinance for the July meeting.

Con-Ex Storage Containers: Attorney Kaitlin DeCrescente asked the Council if they had read the memo she sent out concerning the Con Ex containers. Kaitlin stated that she feels it best to start regulating them and catch problems before they start.

Kaitlin stated that Sidney does allow them in residential as well as commercial zones. Planner Rachel Laqua commented that they are really hard to regulate once they are in. Rachel does not recommend requiring them to be sided or roofed.

Jerrold Baxter stated that he feels they should be aesthetically pleasing. They should be painted and maintained with no rust. Kevin Dahl agreed stating that if they are going to allow them, it would be better to have something in writing. He added that they should have so signage, must be appealing and follow Fairview's zoning regulations.

DEPARTMENT REPORTS:

Dan Murphy-Public Works: Unable to attend – No Report

Police: Asst. Chief Whitney Hergert: Not in attendance – No Report

Activity Report:

Police Cruisers:

Personnel:

Questions/Feedback from Council:

Clerk Faye Carlson:

***Agenda Posting Change:** Faye reported that there has been a legislative update to posting the council meeting agenda.

HB 724 - All local governments must "publish" an agenda by either providing the council/commission meeting agenda and notice of meeting to a newspaper of general circulation (if there is one) if the newspaper will do so for free. If the newspaper does not have the option or does not provide posting free then you must either post a link to the meeting agenda on your website or social media site.

The takeaway from HB 890 and HB 724 is for all members to set up a social media page, if you do not already have one, especially as a lower cost option to setting up and maintaining your own website.

Faye stated that the Roundup paper will charge the town \$39 to post the agenda. She was unable to get a quote from the Sidney Herald as they would not answer their phone. Faye also mentioned that with the publishing deadlines that the Sidney Herald currently has, she would have to close the agenda an entire week earlier in order to get it published.

Questions/Feedback from Council: None

Court Report: May fines collected were \$4,512.16. \$1,965 written prior to 2023, \$965 from 2023, converted bonds \$265, and restitution paid \$200 making a total of \$2,965 received from the court.

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COUNCIL MEMBERS:

Lloyd Fugate: Absent

Kevin Dahl: Kevin asked how the application process was going for the public works positions. Mayor Bieber replied that there was one (1) interview done for the full time position and one (1) application for the summer position.

Betty Cherrey stated that the interview for the summer person needed to be scheduled and that Ole Ruud from public works would be included since he will be the one working with the person hired.

Mike Sannon: Nothing

Brian Renville: Absent

Jerrold Baxter: Jerrold stated that he had spoken with County Commissioner Shane Gorder and was informed that someone had come to their meeting trying to sell water to the County. Faye Carlson replied that she had previously approached Fairview with the same offer.

Betty Cherrey: Betty asked if the weed notices had been sent out. Faye Carlson replied that they had not.

Attorney Kaitlin DeCrescente: Nothing

Mayor Brian Bieber:

*Mayor Bieber reminded everyone that the deadline to file for council positions was June 19, 2023.

*The Mayor reported that he had spoken with Shane Mintz with Montana Department of Transportation (MDT) concerning the four (4) way light on Ellery and HWY 201. Shane informed him that MDT will only remove the light if Fairview requests it. If it is taken out, the state would install a crosswalk like the one between the school and Powder Keg. Consensus was to keep the four (4) way light.

Mayor Bieber also reported that Shane had informed him of HB-198 that does not permit any ad boards or signage on sidewalks along a state highway. If the Town wishes to allow them, they will need to do an ordinance stating so and assume all liability.

Attorney Kaitlin DeCrescente recommends the Town to follow the state statute and not permit any obstruction on the sidewalks keeping all liability from Fairview.

There were questions about them being on the Ellery adjacent side streets. Kaitlin stated those would be allowed.

Mayor Bieber will contact Shane Mintz and let him know that Fairview will be following the state statute and leaving it up to them.

Kevin Dahl stated that he will speak with the Double Barrel regarding their poker sign.

Bills:

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

Meeting was adjourned.

Bills Listed By Check Number:

34075 Wick Kid Repair	Used Engine for Police Interceptor 1	3737.50
-99380 WEX Bank	Fleet Fuel Cards	2014.91
34076 MDU	Power	2823.59
34077 Mid-Rivers	Phone & Internet	500.76
34078 Aramark	Rugs	77.52

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34079	Hawkins	Chemicals – Treatment Plant	1254.96
34080	Energy Lab	Water Testing	186.00
34081	Verizon	Internet-Police DataMaxx	160.04
34082	Rich. Co. Treas.	Court Surcharges & Prisoner Care	415.00
34083	Utilities ULC	811 Line Locates	23.55
34084	Neff Eiken & Neff	Civil Attorney Fees – May	2222.50
34085	Herring Law Firm	Prosecuting Attorney Fees – May	211.04
34086	Tractor Supply	DW GEN@ Brushless Blower	179.99
34087	Car Quest	Garbage Truck CFI 84708 Lube	41.29
34088	Horizon Resources	Supplies & Fuel – PW and Police	206.35
34089	United Heritage	Employee Group Life	50.86
34090	Johnson Hardware	Mower Blade & Pool Door Keys	38.99
34091	Neu’s Super Valu	Water Testing Supplies	7.58
34092	Petty Cash	Water Testing and Police Mailings	27.69
34093	Expense Account	Pool Supplies – TP & PT – Office Cork Board	879.32
34094	Post Office	Postage – Utility Billing and Office	153.60
34095	Mon-Kota	Weed Spray	281.24
34096	Plumb-Rite	Replace Water Meter	98.00
34097	Rocky Mountain	Utility Billing Cards	585.98
34098	BOSS	Toners for Office & Court	323.93
34099	Northwest Pipe	Faucet Grease	9.60
34100	Tri-County Imp.	Grasshopper Blades	67.17
34101	Tractor & Equipment	Loader Cutting Edge	248.20
34102	Cross Petroleum	Sweeper Oil	127.07
34103	Cherrey’s Red Top	Police F-150 – Front Wheel Check	25.40
34104	SENSUS	Annual Support Fee – 8/18/2023-8/17/2024	1949.94
34105	The Roundup	Weed & Water System Main Replacement Notices	143.00
34106	MLCT	Fiscal Year 2024 – League Dues	426.18
34107	Whitney Hergert	Reimbursement for Rental Dishwasher	552.98
34108	Cayman Holdings	Refund of Overcharged Rates	13799.18
34109	Newman Signs	Yield & RV Park Signs and Posts	377.12
34110	Trish Buxbaum	Reimbursement for Pool Concession Items	205.34

PAYROLL LIABILITIES

-88906	MPERA	Employee Paid 457 Deferred Plan	46.68
-88905	MPERA	Employee Retirement	2425.10
-88904	US Treasury	Withholdings	2724.61
-88903	Dept. of Revenue	State Withholdings	564.00
-88902	Aflac	Employee Paid Short Term Disability & Other Ins.	425.04
-88901	Delta Dental	Employee Paid Dental & Vision Insurance	175.64
-88900	BCBS	Employee Health Insurance	3710.05
-88899	MPERA	Employee Paid 457 Deferred Plan	44.00
-88898	MPERA	Employee Retirement	2601.26
-88897	US Treasury	Withholdings	3384.91
-88896	Dept. of Revenue	State Withholdings	711.00
4180	Norma Faye Carlson	Wages	1355.62
4181	Mary Norgard	Wages	1190.93
4182	Aleacia Bratten	Wages	1925.69

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4183	Whitney Hergert	Wages	2237.91
4184	Daniel Murphy	Wages	1507.93
4185	Ole Ruud	Wages	1068.67
4186	Gorm Scarpholt	Wages	816.85
4187	Norma Faye Carlson	Wages	1310.18
4188	Mary Norgard	Wages	1249.54
4189	Aleacia Bratten	Wages	2464.69
4190	Whitney Hergert	Wages	1665.61
4191	Wyatt Uecker	Wages	150.02
4192	Daniel Murphy	Wages	1608.55
4193	Ole Ruud	Wages	1127.27
4194	Gorm Scarpholt	Wages	816.84
4195	Tia Hallock	Pool Wages	137.60
4196	Katherine Hurley	Pool Wages	302.30
4197	Morgan Mason	Pool Wages	224.56
4198	Kennadee Taylor	Pool Wages	19.40
4199	Jerrold Baxter	Council Fee	75.00
4200	Betty Cherrey	Council Fee	75.00
4201	Kevin Dahl	Council Fee	75.00
4202	Lloyd Fugate	Council Fee	5.00
4203	Brian Renville	Council Fee	75.00
4204	Michael Sannon	Council Fee	75.00
4205	Brian Bieber	Mayor Fee	216.74
4206	Ray Trumpower	Judge Wages	724.50

Norma F. Carlson, Clerk

Brian Bieber, Mayor