

**TOWN OF FROMBERG REGULAR TOWN COUNCIL MEETING
TUESDAY, JUNE 8, 2021 AT 7:00 PM
FROMBERG TOWN HALL, 118 WEST RIVER STREET**

Tuesday, June 8, 2021

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

PUBLIC COMMENT:

CARBON COUNTY SHERRIFF:

APPROVE MINUTES:

- 2021-05-03 Regular Meeting Minutes

APPROVE CLAIMS:

APPROVE PAYROLL SUMMARY:

SPECIAL EVENTS APPLICATIONS:

- Marge Taylor
- Carol Jones

OLD BUSINESS:

NEW BUSINESS:

- Town Charter Discussion
- Personnel Policy
- Flower Garden in the Park

RESOLUTION #504: To Call for An Election

RESOLUTION #505: Employee Pay Increase

ZONING:

CORRESPONDENCE:

TOWN ATTORNEY:

PUBLIC WORKS DIRECTOR:

TOWN CLERK:

MAYOR / COUNCIL:

- This is a time when council members or the mayor can bring a concern before the council that is not otherwise listed on the agenda. No action can be taken at this time. If action is necessary, the item is put on the next meeting agenda.

NEXT MEETING DATE:

ADJOURN:

Conduct at Public Meetings

The public is invited to speak on any item under discussion by the Council, after recognition by the presiding officer.

The speaker should stand, and for the record, give his/her name and address, and, if applicable, the person, firm or organization he/she represents. Comments should be limited to three (3) minutes unless approval by the presiding officer, and citizens requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.

Prepared statements are welcomed and should be given to the Clerk of the Council. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements shall become part of the hearing record.

While the Town Council is in session, those in attendance must preserve order and decorum. A member shall not delay or interrupt the proceedings or the peace of the Council, nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.

Any person making personal, impertinent or slanderous remarks or who shall become boisterous or disruptive during the Council meeting shall be forthwith barred from further presentation to the Council by the presiding officer, unless permission to continue be granted by the presiding officer or a majority vote of the Council.

The Fromberg Town Council reserves the right to amend these rules of procedure as deemed necessary.

FROMBERG TOWN COUNCIL MINUTES FOR A REGULAR MEETING HELD ON MAY 3, 2021

The May 3, 2021 meeting of the Fromberg Town Council was held at 118 W River Street in Fromberg. The Pledge of Allegiance was recited, and the meeting was called to order by Mayor Tim Nottingham at 7:00 pm. Council members present were Dave Stapleton, Nate Caton, Ilsa Dawson and Frank "Bill" Gruel. Others present were Tom Stortz, June Kalloch, Public Works Director Jay Cater, Assistant Public Works Director Lacey Breeding and Clerk Pro Tem Kirstin Sweet.

The next item on the agenda was public comment. June Kalloch commented on parking for semi-trucks. Where they had parked previously now has signage that semis are not allowed. Discussion was had regarding solutions to this problem.

The next agenda item was the Carbon County Sherriff's report. No officers were present.

Next on the agenda was the approval of the minutes from the April 5, 2021 regular meeting. Clerk Sweet noted that the minutes had been revised for grammar since the packet was posted but the content had not changed. Councilman Stapleton made a motion to approve the minutes, seconded by Councilman Caton. The motion carried with the votes as follows: Councilman Stapleton - aye, Councilman Caton – aye, Councilwoman Dawson – aye, and Councilman Gruel -aye.

The next item of business was the approval of claims for April. Councilman Stapleton motioned to approve claims including check #21892 to #21912. Also, electronic check # -99981 to -99980. The motion was seconded by Councilman Gruel. The motion carried with the votes as follows: Councilman Stapleton - aye, Councilman Caton – aye, Councilwoman Dawson – aye, and Councilman Gruel -aye.

The next item of business was the approval of the payroll summary for April. Councilman Stapleton motioned to approve the payroll summary including check #21883 to #21891. Also, electronic check # -89316 to -89310. The motion was seconded by Councilman Caton. The motion carried with the votes as follows: Councilman Stapleton - aye, Councilman Caton – aye, Councilwoman Dawson – aye, and Councilman Gruel - aye.

Old Business was the next item on the agenda. The first item was to update the table of fees. There was discussion regarding the ordinance number chapter 5 section 4-5-01 which states that all construction costs shall be charged to the property owner. Discussion was had regarding the budget and how it had been trending this fiscal year versus last fiscal year. The general consensus is that the fees don't need updated right now but we need to enforce the ordinance regarding charges being incurred by the property owner. The second item on the agenda was the second reading of the Ordinance #525 to change the regular meeting time. Councilman Stapleton made a motion to accept the second reading of the ordinance. The motion was seconded by Councilman Gruel. The motion carried with the votes as follows: Councilman Stapleton - aye, Councilman Caton – aye, Councilwoman Dawson – aye, and Councilman Gruel -aye.

New Business was the next item on the agenda. The first item was a contract with WBI Energy. Tom Stortz was present to explain to the council the details of the project. A motion to approve the contracts was made by Councilman Stapleton. The motion was seconded by Councilman Gruel. The motion carried with the votes as follows: Councilman Stapleton - aye, Councilman Caton – aye, Councilwoman Dawson – aye, and Councilman Gruel -aye. The second item was a motion needed to close the Water Well Checking account and transfer the money to the general checking as well as open a savings account in the amount of the bond reserve needed for the water well project loan. The motion was made by Councilman Stapleton, seconded by Councilman Caton. The motion carried with the votes as follows: Councilman Stapleton - aye, Councilman Caton – aye, Councilwoman Dawson – aye, and Councilman Gruel -aye. The third item was Cloud hosting quote from Black Mountain Software. Clerk Sweet explained the cloud and how it works. Councilman

Stapleton motioned to approve the purchase. The motion was seconded by Councilman Caton. The motion carried with the votes as follows: Councilman Stapleton - aye, Councilman Caton – aye, Councilwoman Dawson – aye, and Councilman Gruel -aye.

Zoning was the next item on the agenda. There were no zoning applications to consider.

Special Events Application was next on the agenda. Diane Dalin came into the meeting just in time for her application to be discussed. She explained the event and the request to block off their entire parking lot which includes a town right away. Councilman Stapleton motioned to approve the application, seconded by Councilman Gruel. The motion carried with the votes as follows: Councilman Stapleton - aye, Councilman Caton – aye, Councilwoman Dawson – aye, and Councilman Gruel -aye.

Correspondence was the next item on the agenda. There was no correspondence.

Town Attorney Moen was not present.

Public Works Director Carter updated the council on projects completed this past month.

Clerk Sweet updated the council on the bank reconciliations that were behind and are now caught up. The Town is now back in compliance with Local Government Services Bureau for filing of Annual Financial Reports. The audit contract will now be submitted and get the audit completed for fiscal year 2019 and 2020.

Mayor / Council updates were next on the agenda. Mayor Nottingham and Councilwoman Dawson wished to discuss the “junk” in the alleys in Town. Mayor Nottingham read the ordinance regarding alley cleanliness and noxious weeds. Discussion was had regarding the enforcement of these ordinances and the best way to go about it. The last item for discussion was regarding people in town harassing new comers to Fromberg, that is a concern for Mayor Nottingham and he would like to see more positive things from our Town residents.

The next meeting date will be June 8, 2021.

There being no further business Councilman Gruel motioned to adjourn. The motion was seconded by Councilman Stapleton. The motion carried with the votes as follows: Councilman Stapleton - aye, Councilman Caton – aye, Councilwoman Dawson – aye, and Councilman Gruel -aye. Meeting adjourned 8:58 pm.

Tim Nottingham, Mayor

Attest:

Kirstin Sweet, Clerk Pro Tem

Total for Payroll Checks

	Employee	Employer	Amount
OVER HOURS (Overtime)	48.00		1,212.00
REG HOURS (Regular Time)	280.00		4,560.00
GROSS PAY	5,772.00	0.00	
NET PAY	4,684.74	0.00	
FIT	374.70	0.00	
MEDICARE	83.69	83.69	
MMIA - AD&D	0.00	2.50	
MMIA - HI	0.00	696.00	
MMIA - LIFE INS	0.00	11.50	
SIT	271.00	0.00	
SOCIAL SECURITY	357.87	357.87	
UNEMPL. INSUR.	0.00	31.75	
WORKERS' COMP	0.00	286.97	
FIT/SIT BASE	5,772.00	0.00	
MEDICARE BASE	5,772.00	0.00	
SOC SEC BASE	5,772.00	0.00	
UN BASE	5,772.00	0.00	
WC BASE	5,368.00	0.00	

Checks: 21913 to 21917

Electronic checks:
-89309 to -89302

Total 1,470.28
Total Payroll Expense (Gross Pay + Employer Contributions): 7,242.28

Check Summary

Payroll Checks Prev. Out.	\$4,177.75
Payroll Checks Issued	\$5,394.74
Payroll Checks Redeemed	\$0.00
Payroll Checks Outstanding	\$9,572.49
Electronic Checks	\$1,528.82

Deductions Accrued	Carried Forward From Previous Month	Deduction Checks Issued	Difference	Liab Account
Social Security	715.74	715.74		212501
Medicare	167.38	167.38		212502
Unempl. Insur.	31.75	28.00	59.75	212509
Workers' Comp	286.97	265.08	552.05	212508
FIT	374.70	374.70		212503
SIT	271.00	271.00		212504
MMIA - HI	696.00	696.00		212507
MMIA - LIFE INS	11.50	11.50		212512
MMIA - AD&D	2.50	2.50		212512
Total Ded.	2557.54	293.08	2238.82	611.80

*** Carried Forward column only correct if report run for current period.

**TOWN OF FROMBERG
SPECIAL EVENTS POLICY**

Approved and Adopted by Town Council on 3 August 2015

APPLICATION

Name / Purpose of Special Event: Fundraiser - Art in the Park

Area Proposed for Special Event: Park

Date and Duration of Special Event: July 10-21 -

Number of People Anticipated to Attend: 100

Please check the requirements applicable to your special event:

- Street / Alley Closure Requested** (If a street closure is requested, the applicant must provide evidence that the applicant has notified each property owner or its authorized representative abutting the proposed use area of the special event)
- Security Needed** (In the event that alcohol is being served, the event holders must arrange and pay for security. Contact the Fromberg Police Chief for details).
- Trash Removal**
- Number of Restrooms / Latrines needed** 1.
- Alcoholic beverages will be sold during special event.** Specify the location and size of the area where alcoholic beverages will be sold / consumed: Just in case anyone brings their own
- Waiver of Open Alcohol Prohibition Requested**
- Proof of Insurance Provided.** (In the event that alcohol, fireworks or rodeo are involved in the special event, the event holders must provide proof of liability insurance as required in Fromberg's special events policy).

Clean-up Deposit Paid in the Amount of _____.

Deadline for filing. The application must be filed at least 45 days prior to the event and the application must be approved by the Fromberg Town Council at a regular meeting prior to the event.

Date

Mary Taylor
Signature of Applicant

**TOWN OF FROMBERG
SPECIAL EVENTS POLICY**

Approved and Adopted by Town Council on 3 August 2015

APPLICATION

Name / Purpose of Special Event: VETERANS MEAT LOCKER, Potluck, ~~Brunch~~
Area Proposed for Special Event: CITY PARK
Date and Duration of Special Event: JULY 25 2021 3:00 PM - 5 PM
Number of People Anticipated to Attend: 20

Please check the requirements applicable to your special event:

- Street / Alley Closure Requested** (If a street closure is requested, the applicant must provide evidence that the applicant has notified each property owner or its authorized representative abutting the proposed use area of the special event)
- Security Needed** (In the event that alcohol is being served, the event holders must arrange and pay for security. Contact the Fromberg Police Chief for details).

Trash Removal

- Number of Restrooms / Latrines needed** _____.
- Alcoholic beverages will be sold during special event. Specify the location and size of the area where alcoholic beverages will be sold / consumed:** _____

Waiver of Open Alcohol Prohibition Requested

Proof of Insurance Provided. (In the event that alcohol, fireworks or rodeo are involved in the special event, the event holders must provide proof of liability insurance as required in Fromberg's special events policy).

Clean-up Deposit Paid in the Amount of _____.

Deadline for filing. The application must be filed at least 45 days prior to the event and the application must be approved by the Fromberg Town Council at a regular meeting prior to the event.

6-2-21



Date

Signature of Applicant

EXAMPLE CHARTER FOR REVIEW

CHARTER OF THE CITY OF RED LODGE, CARBON COUNTY, MONTANA

PREAMBLE

WE, THE PEOPLE OF THE CITY OF RED LODGE, COUNTY OF CARBON, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

ARTICLE I

POWERS OF THE CITY

Section 1.01 Powers of the City

The City of Red Lodge shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The powers and authority of this self-government city shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Restrictions

1. The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of the electors voting on the question in a general or special municipal election.
2. No change in any city license fee, user fee, permit fee or utility charge shall be made without prior public hearings, as prescribed by law.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, charter provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.05 Oath of Office

Before entering upon the duties of office, all elected city officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

ARTICLE II CITY COUNCIL

Section 2.01 Legislative Branch

The legislative branch and governing body shall be the city council.

Section 2.02 Composition

The City of Red Lodge shall have a city council of six (6) members, three of whom shall be elected every two years.

The compensation of council members shall be set annually by ordinance.

Section 2.03 Powers and Duties

The council shall be the legislative and policy determining body of the city. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter. The council may override the mayor's veto with a two-thirds vote of the entire council.

Section 2.04 Term of Office

Members of the council shall be elected for two (2) year overlapping terms of office.

Section 2.05 Election

The election of council members shall be conducted on a non-partisan basis. There shall be three wards apportioned by population following every federal decennial census, each of which shall be represented by two council members. Candidates for the city council must reside in the ward they seek to represent at the time of their election and during their entire term of office. One council member from each of the three wards shall be elected every two years.

Section 2.06 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by resolution. The chairman of the council shall preside when the mayor is absent.

Section 2.07 Council Procedures

The council shall, by resolution adopt its own rules of procedure. A quorum of the council shall consist of four (4) council members physically present at a meeting of the council. No resolution or ordinance may be adopted without the affirmative vote of at least four (4) council members.

ARTICLE III MAYOR

Section 3.01 The Executive Branch

The mayor shall be the chief executive and chief administrative officer of the city.

Section 3.02 Term of Office

The mayor shall be elected for a two-year term of office.

Section 3.03 Election

The mayor, who must reside within the city limits, shall be nominated and elected at large on a non-partisan basis.

Section 3.04 Powers and Duties

The mayor shall:

1. enforce laws, ordinances, and resolutions;
2. perform duties required of him by law, charter, ordinance or resolution;
3. administer affairs of the local government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the city government;
7. execute bonds, notes, contracts and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. chair council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards, except the mayor may appoint without consent of the council temporary committees established by the mayor.

Section 3.05 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint, with the consent of a majority of the council all department heads and may remove department heads without the consent of the council and appoint and remove all other city employees;
4. exercise control and supervision of all departments and boards to the degree authorized by resolution of the council.

Section 3.06 Legislative Authority

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by a two-thirds vote of the entire council.

Section 3.07 Compensation

The compensation of the mayor shall be set by ordinance.

Section 3.08 Absence of Mayor

The mayor must receive the consent of the council for an absence from the city for ten (10) or more consecutive days.

Section 3.09 Grounds for Removal

The mayor may be removed from office by a finding of a majority of the entire council that, pursuant to law, there is a vacancy in the office of mayor.

Section 3.10 City Attorney

There shall be a legal officer of the city, appointed by the mayor, with the approval of the council, who shall serve as chief legal advisor to the council, the mayor, and all city departments, offices, and agencies. The chief legal advisor shall represent the city in all legal proceedings unless otherwise determined by council, and shall perform any other duties prescribed by ordinance. The chief legal officer, who may be called the city attorney, shall have the status of a department head, except that he or she may not be removed or suspended by the mayor without the consent of the council.

ARTICLE IV JUDICIAL

Section 4.01 City Court

There shall be a city court and a city judge as provided by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

ARTICLE VI GENERAL PROVISIONS

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by state law.

Section 6.02 Effective Date

This Charter shall become effective on July 1, 2003.

Section 6.03 Vacancy in Office

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any person holding the same office, except the term shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by majority vote of the members, appoint a qualified person within 30 days of the vacancy to hold the office until the successor is elected and qualified. A person appointed to fill a vacant council position must reside in the ward wherein the vacancy occurred.

Section 6.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any part of its provisions, to any person or circumstance is held invalid the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VII TRANSITION PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by state law. The council may provide for such transition by ordinance, rule or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of the Charter after July 1, 2004.

Section 7.02 City Employee

No city employee or elected official currently holding a city office will lose employment or elected position solely because of adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Red Lodge shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than July 1, 2004.

RESOLUTION NO. 504

A RESOLUTION REQUESTING A MAIL BALLOT ELECTION FOR THE TOWN OF FROMBERG 2021 PRIMARY AND GENERAL ELECTIONS.

WHEREAS, § 13-19-202, MCA, allows the Town of Fromberg to request that the election administrator conduct an election by use of mail ballots; and

WHEREAS, the Town of Fromberg may hold a primary election on September 14, 2021, if needed, and will conduct a general election on November 2, 2021; and

WHEREAS, it appears that a mail ballot election will be economically and administratively feasible to conduct; and

WHEREAS, the Town of Fromberg desires the ballots be mailed as close to the last legally required date as possible.

NOW THEREFORE BE IT RESOLVED, The Town of Fromberg calls for use of mail ballots to conduct the Town's primary election, if held, on September 14, 2021, and its general election on November 2, 2021, for the following municipal officer positions: two positions for council, each a four (4) year term and one position for Mayor, a four (4) year term.

DULY passed and adopted at a regular meeting of the Fromberg Town Council this 8th day of June 2021. This Resolution shall become effective immediately upon passage.

Tim Nottingham, Mayor

ATTEST:

Kirstin Sweet, Clerk Pro Tem

RESOLUTION NO. 505

A RESOLUTION TO INCREASE THE EMPLOYEE WAGES FOR FISCAL YEAR 2021-2022

WHEREAS, the Town Council of the Town of Fromberg, Montana, has decided that all permanent employees should have an increase in pay;

WHEREAS, the Town of Fromberg desires to authorize a wage increase of 2% of current pay rate;

WHEREAS, the Town of Fromberg desires to make this pay increase effective July 1, 2021.

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Fromberg, Montana that all permanent employees will have the pay increase listed above added to their current wage starting July 1, 2021.

DULY passed and adopted at the Regular Meeting of the Fromberg Town Council this 8th day of June 2021. This Resolution shall become effective immediately upon passage.

Tim Nottingham, Mayor

ATTEST:

Kirstin Sweet, Clerk Pro Tem