

**TOWN OF FROMBERG
REGULAR TOWN COUNCIL MEETING
TUESDAY, DECEMBER 13, 2022 AT 7:00 PM
TOWN HALL, 118 WEST RIVER STREET**

TUESDAY, DECEMBER 13, 2022

PLEDGE OF ALLEGIANCE

CALL TO ORDER

CARBON COUNTY SHERIFF

PUBLIC COMMENT

APPROVE MINUTES

- 2022-11-08 MEETING

APPROVE CLAIMS

- 2022-11

APPROVE PAYROLL SUMMARY

- 2022-11

OLD BUSINESS

- CONTINUED DISCUSSION ON LEGAL COUNSEL
- CONTINUED DISCUSSION ON TABLE OF FEES

NEW BUSINESS

- OPENING OF BIDS ON SALE ITEMS
- QUOTES FOR FEMA CATEGORY G: PARKS

ATTORNEY

PUBLIC WORKS DIRECTOR

TOWN CLERK

MAYOR/COUNCIL

ADJOURN

FROMBERG TOWN COUNCIL MINUTES REGULAR COUNCIL MEETING

HELD ON NOVEMBER 08, 2022

The November 08, 2022 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 Councilman Bill Gruel, Councilman Dave Stapleton, Councilman Caton and Councilman James Lister. Also present were Clerk Lacey Breeding, Public Works Director Jay Carter, Brian Jones, Gayle Young, Jerry Hall and Elton Kirtley.

The meeting opened with a greeting from Mayor Nottingham and an explanation of the absence of the Sheriff.

Next was public comment. Brian Jones came to the meeting for public comment on a matter of a water hook-up bill he received from the town. Jones made it aware that he feels the bill is not fair and that details of costs that would go into his project were not made clear in the beginning. Councilman Stapleton explained the town's Table of Fees that had been given to Jones. Discussion was had on the contents of the table of fees and it was decided that the document is not clear on costs and that it needs to be re-evaluated and better detail added. Elton Kirtley added that Mr. Jones should not be charged anything more than he was told to start from. Mayor Nottingham agreed and stated that the council and town members are going to have to study all the codes, ordinances and resolutions pertaining to utility hookups. Councilman Stapleton then told Mr. Jones he doesn't need to pay the bill until its straightened out and fair to all involved. Nottingham then asked Clerk Breeding to consult with the town attorney about the rules on amending codes, ordinances, resolutions and table of fees.

Next there was a motion made by Councilman Stapleton to approve the minutes from a meeting held on October 11, 2022. Councilman Caton gave a second and the motion was carried out as follows: Councilman Gruel, -aye, Councilman Caton, -aye, Councilman Stapleton, -aye and Councilman Lister, -aye. Then, Councilman Stapleton made a motion to approve the minutes from a meeting held on October 14, 2022. Councilman Caton gave a second and the motion was carried out as follows: Councilman Gruel, -aye, Councilman Caton, -aye, Councilman Stapleton, -aye and Councilman Lister, -aye.

Following that was the approval of claims for the month of October 2022. Councilman Stapleton made a motion to approve the claims with a second from Councilman Caton. The motion was carried with votes as follows: Councilman Gruel, -aye, Councilman Caton, -aye, Councilman Stapleton, -aye and Councilman Lister, -aye.

Next was the approval of payroll for the month October. Councilman Stapleton made a motion to approve the payroll and Councilman Caton gave a second. The motion was carried with votes as follows: Councilman Gruel, -aye, Councilman Caton, -aye, Councilman Stapleton, -aye and Councilman Lister, -aye.

The first item of new business was a unexpected bill the town had received from a contractor who had done work during the 2022 flood crisis. Nottingham explained the contents of the bill and stated that the Contractor had been told that the town could not afford to hire anyone and that if the company wanted to help it would have to be on a donated service term. Nottingham explained that this bill was received after the fact. He also informed that there had not been a formal contract or agreement and that the business appears to not have a business license in the state of Montana. Discussion was had about how to respond to the bill and the council decided the bill needed to be forwarded to the town attorney for his opinion.

Next on the agenda was the approval of renewing a term with Judge Jackie Schara. Discussion was had on the previous agreements. Councilman Gruel made a motion to approve the renewed term and Councilman Stapleton gave a second. The approval was carried out with votes as follows: Councilman Gruel, -aye, Councilman Caton, -aye, Councilman Stapleton, -aye and Councilman Lister, -aye.

The next item on the agenda was the proposal from the town's present auditing company: Denning, Downey & Associates, CP. The proposal was offering the town a non-auditory advising service. Mayor Nottingham explained what type of service it was. Councilman Stapleton then stated that he is not comfortable turning the town's finances over to a third party. Clerk Breeding then suggested that she request the company send a representative to come present their service to the council at a council meeting. Mayor Nottingham then stated that the topic should be tabled and discussion continued at the next meeting. Nottingham also informed that he would be out of town during next month's meeting.

Next on the agenda was to discuss the town's legal council options. Mayor Nottingham gave a brief opinion on the work performance of the town's current attorney and of the terms that were agreed to in the contract with the town's attorney. He then informed that he had been given two different proposals from two other Law firms wanting to represent the Town of Fromberg. Discussion was had about the prospective attorneys. The decision was made to continue the conversation at the next meeting in December 2022 and to plan on a final decision by the January 2023 meeting.

The final item of new business was to discuss the table of fees in depth regarding water rates for the different zoning groups the town had established. Discussion was had about the difference between the zoning groups and what is considered residential vs commercial. Councilman Gruel pointed out that there is no fee for apartment dwellings. Clerk Breeding informed that during her research of the town's codes and ordinances that she had determined that the official documents are not clear enough and that it is not found that a building with multiple residents has to have separate meters for each or be charged for each residency separately. Breeding stated that she feels in her opinion that the codes need to be amended and made clear that each residency is considered a separate dwelling and be charged the normal base fees that any other residential property is charged. Councilman Stapleton advised that there should be a \$45.00 base fee for every residency within an apartment or that a fee be invented and be specified on the table of fees for multi-family units. There was then a discussion on properties that are combined residential and commercial. The opinion was formed that such dwellings should have to pay two rates: one for being a residency and one for being a commercial building. Clerk Breeding added that if the rule was going to be instated and enforced that it should only apply to buildings that being used for both and not apply to commercial buildings that are only being used as a residency but that if the inhabitant decided in the future to open a business as well that they gain the second fee. It was decided to continue the discussion in a future council meeting.

The town attorney was not present for the attorney slot on the agenda.

Public Works Director, Jay Carter, then gave his updates pertaining to the previous month of October 2022. He informed

the town of a major water leak occurring at the town shop underneath the floor. He then informed that the previously purchased garage was set to be installed within the next two weeks. He also gave updates on the town replacement pickup and what modifications he had made and planned for it. Carter then suggested that the town sell the old town pickup and truck beds. It was decided to advertise taking sealed bids on the items and that the bids received would be opened at the following council meeting in December 2022.

Next, Clerk Breeding gave updates on status of the town's dealings with FEMA. Breeding then gave run down of a meeting that had been held in Red Lodge that Breeding and Councilman Caton had attended. regarding the riverbeds and the imminent flooding in the spring of 2023. Discussion was had about what had been proposed at the meeting and the timeline in following through with the proposed plans. Nottingham then advised that the town start thinking of making an emergency plan in case the plans for the river beds are not accomplished before the spring flooding begins.

Last on the agenda was Mayor/Council comment. The only discussion had was a brief update on the previous bill the town had received from the Fromberg School regarding the repairs that had been done on the gym floor after the flood relief efforts had been relocated. Nottingham informed that the town's FEMA PDMG had agreed to have a discussion with the Fromberg School about the discrepancies on the bill.

The next regular meeting was set for December 13, 2022 and there being no further business, Councilman Stapleton made the motion to Adjourn the meeting, seconded by Councilman Gruel. The motion to Adjourn was carried out with votes as follows: Councilman Gruel- aye, Councilman Stapleton- aye and Councilman Lister, -aye.

The meeting was adjourned at 8:50 p.m.

Tim Nottingham, Mayor

Attest:

Lacey Breeding/Clerk

Total for Payroll Checks

| | Employee | Employer | Amount |
|---|----------|----------|-----------|
| HOL HOURS (Holiday Pay) | 32.00 | | 669.76 |
| J002 HOURS (HOL WORKED) | 24.50 | | 769.88 |
| OVER HOURS (Overtime) | 12.50 | | 409.88 |
| REG HOURS (Regular Time) | 283.00 | | 5,925.98 |
| VACA HOURS (Vacation Time Used) | 22.00 | | 456.74 |
| GROSS PAY | 8,232.24 | 0.00 | |
| NET PAY | 6,678.68 | 0.00 | |
| FIT | 504.79 | 0.00 | |
| MEDICARE | 119.37 | 119.37 | |
| MMIA - AD&D | 0.00 | 14.00 | |
| MMIA - DENTAL | 0.00 | 116.00 | |
| MMIA - HI | 0.00 | 2,514.00 | |
| MMIA - LIFE INS | 0.00 | 14.00 | |
| MMIA - VISION | 0.00 | 26.48 | |
| SIT | 419.00 | 0.00 | |
| SOCIAL SECURITY | 510.40 | 510.40 | |
| UNEMPL. INSUR. | 0.00 | 53.51 | |
| WORKERS' COMP | 0.00 | 256.46 | |
| FIT/SIT BASE | 8,232.24 | 0.00 | |
| MEDICARE BASE | 8,232.24 | 0.00 | |
| SOC SEC BASE | 8,232.24 | 0.00 | |
| UN BASE | 8,232.24 | 0.00 | |
| WC BASE | 7,839.00 | 0.00 | |
| Total | | 3,624.22 | |
| Total Payroll Expense (Gross Pay + Employer Contributions): | | | 11,856.46 |

Check Summary

| | |
|----------------------------|--------------|
| Payroll Checks Prev. Out. | \$162,242.94 |
| Payroll Checks Issued | \$11,445.50 |
| Payroll Checks Redeemed | \$0.00 |
| Payroll Checks Outstanding | \$173,688.44 |
| Electronic Checks | \$2,183.33 |

| Deductions Accrued | Carried Forward From Previous Month | Deduction Checks Issued | Difference | Liab Account |
|--------------------|--|----------------------------|------------|--------------|
| Social Security | 1020.80 | 1020.80 | | 212501 |
| Medicare | 238.74 | 238.74 | | 212502 |
| Unempl. Insur. | 53.51 | 45.14 | 98.65 | 212509 |
| Workers' Comp | 256.46 | 218.50 | 474.96 | 212508 |
| FIT | 504.79 | 504.79 | | 212503 |
| SIT | 419.00 | 419.00 | | 212504 |
| MMIA - HI | 2514.00 | 4300.02 | -1786.02 | 212507 |
| MMIA - DENTAL | 116.00 | 314.00 | -198.00 | 212511 |
| MMIA - LIFE INS | 14.00 | 69.00 | -55.00 | 212512 |
| MMIA - VISION | 26.48 | 68.80 | -42.32 | 212513 |

12/05/22
13:57:01

TOWN OF FROMBERG
Payroll Summary For Payrolls from 11/01/22 to 11/30/22

Page: 2 of 2
Report ID: P130

| | | | | | |
|-------------|---------|--------|---------|----------|--------|
| MMIA - AD&D | 14.00 | | 15.00 | -1.00 | 212512 |
| Total Ded. | 5177.78 | 263.64 | 6950.15 | -1508.73 | |

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