

FROMBERG TOWN COUNCIL AGENDA
MEETING TIME IS MONDAY JULY 15, 2024 AT 7:00 PM
FROMBERG TOWN HALL, 118 W RIVER STREET
(Discussion And Possible Action on All Items.)

Monday July 15, 2024

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

CORRESPONDENCE:

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

MAYOR / COUNCIL:

- This is a time when the Mayor or the Council members 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 may be put on the next meeting agenda.

SHERIFF DEPARTMENT REPORT:

SPECIAL EVENTS APPLICATION:

OLD BUSINESS:

- Discuss Personnel Policy changes

NEW BUSINESS:

- Discuss Brenda Buckmiller property
- Resolution #532 Burn Pile Rules Resolution
- Resolution #533 to approve a Spending Policy
- Resolution #534 for Employee Pay Scale
- Approve to purchase gravel for the streets
- Discuss Town of Fromberg Floodplain Administration

CONSENT AGENDA:

- Approve Minutes
 - May 22, 2024 Special Meeting
 - June 10, 2024 Regular Meeting and Public Hearing
 - June 17, 2024 Special Meeting
- Approve Claims
- Approve Payroll Summary
- Approve Journal Vouchers

TOWN ATTORNEY: Dennison Butler

PUBLIC WORKS DIRECTOR: Marcus Schutterle

TOWN CLERK: Kirstin Sweet

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 at the podium, 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.


PPREP visit to Fromberg

Brad Caton <brad@rlacf.org>

7/11/2024 10:32 AM 

To mayor@fromberg-mt.com **Copy** Taylor Crowl

Reply Reply all Forward Delete Add to Safe Senders Add to Blocked Senders 

 1 attachment  View Download

Good morning Mayor Nottingham,

On Monday, September 30th, a group from PPREP (Philanthropic Preparedness, Resiliency and Emergency Partnership) <https://www.fundersnetwork.org/pprep/> will be in the Carbon County learning about the local response and recovery from the 2022 Flood. There is interest in visiting Fromberg to better understand the local perspective on the flood response, recovery, and any ongoing impacts to the community.

If you, and/or members of the Town Council, are available and would like to share your experiences with the group, please let me know and we will try to align their schedule to include a visit to Fromberg.

Have a great day,
Brad

Brad Caton

Programs Director

Red Lodge Area Community Foundation

Office: 406-446-2820

Cell: 406-425-0908

brad@rlacf.org 122 S. Hauser Ave · Red Lodge, MT 59068 · www.rlacf.org




What Working Together Looks Like
www.rlacf.org/membership


Become a member of the Foundation and together we will make a more vibrant and resilient Carbon County

Employee Policy

Tammy Taylor <tammytaylorcyrill@hotmail.com>

7/1/2024 9:39 AM 

To clerk@fromberg-mt.com

Reply Reply all Forward Delete Add to Safe Senders Add to Blocked Senders 

Kirstin,

As for employee policy, I appreciate what you put together. That being said, I was wondering if we could include the following elements. I would add the first two to the current policy you have written.

The three items below that were taken from county and city formats in Montana. I would like to see these included, as they have been points of contention in the past, unfortunately.

Mike would like the following addressed: I would like to see on the employee performance that it should be before the council, not just the mayor, and I believe it should be mandatory once a year. Also, and any overtime needs to be approved by council unless it's an emergency, which we should still be informed.

Or would you prefer we amend the Employee policy at the meeting?

Do you know if the inter local for the ball field will be on the agenda?

Thanks, I look forward to hearing your thoughts. Have a fun and safe 4th of July. Kind regards, Tammy

Page 16, 6.560 Maternity leave shall be treated the same as any other leave except that eligibility for maternity leave shall not require employment for any specific period of time.

Page 31.050 Employ personnel records. Personnel files kept confidential failure to do so will result in disciplinary action or termination.

CHILDREN & VISITORS IN THE WORKPLACE PURPOSE:

To establish parameters for employee's children and visitors in the workplace and assigns responsibility that the employee must take in doing so

The Town of Fromberg does not permit employees to bring their child(ren) to work in lieu of childcare arrangements. Employees may use leave time when childcare issues arise. Employees may occasionally bring their child(ren) to work for a minimal amount of time with advanced approval from their supervisor. The employee's work site must be hazard free and the Town reserves the right to ask children to leave if they become disruptive to the workplace.

The Town discourages employees from having visitors in the workplace. This does not eliminate infrequent, short visits from friends, family and children. Anything other than infrequent short visits is not permitted due to safety and other workplace concerns. The Town reserves the right to ask employee's visitors to leave if they become disruptive to the workplace.

In the event that employee's children and/or visitors are in the workplace, they must not be left unattended by the employee.

If an employee is faced with unusual circumstances regarding children and/or personal visitors at work, the employee should speak with their immediate supervisor.

Feedback

RESOLUTION NO. 532

**A RESOLUTION OF THE TOWN COUNCIL ADOPTING THE ATTACHED BURN
PIT RULES**

WHEREAS, the Town of Fromberg hereby desires to set forth the rules and regulations concerning the use of the Town Burn Pit.

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Fromberg, Montana as follows:

The attached Burn Pit Rules and Regulations are hereby adopted in their entirety. The Clerk is hereby directed to post said Burn Pit Rules and Regulations in suitable locations.

DULY passed and adopted at the Regular Meeting of the Fromberg Town Council this 15th day of July 2024. This Resolution shall become effective immediately upon passage.

Tim Nottingham, Mayor

ATTEST:

Kirstin Sweet, Town Clerk / Treasurer

Burn Pit Rules - located on 3rd Street

1. Any person wishing to utilize the burn pit must present a water bill to access the burn pit.
2. Yard debris only! No other dumping of garbage is allowed.
3. All branches need to be cut into 8-foot lengths and the diameter must be 4 inches or less.
4. Any leaf, mulch or grass clippings will be dumped in the designated area only.
5. The burn pit will be staffed by volunteers. A calendar will be available in the Clerk's office for volunteers to sign up and so the public knows when the site will be open.
6. Entry to the burn pit area is only allowed when volunteers are available to staff the site.
7. The burn pit will only be accessible from May 1 to November 1 of each year.
8. Any person harassing volunteers or disregarding the rules will be banned from using the burn pit.
9. Any person who is caught dumping debris that is not allowed or accessing the burn pit area when it is closed will be charged. The penalty for that charge will be \$250/occurrence.

RESOLUTION NO. 533

A RESOLUTION TO SET A SPENDING POLICY FOR THE TOWN OF FROMBERG

WHEREAS, the Town Council of the Town of Fromberg, Montana wishes to describe the policy and process that shall be followed by the Town of Fromberg relative to all purchases.

WHEREAS, upon the Town Council’s acceptance of budgets, all Department Directors are authorized to make purchases required for their departments in accordance with this policy.

WHEREAS, purchasing authority shall be consistent with the following guidelines:

1. Purchases up to \$500: The Department Heads may authorize purchases up to \$500.
2. Purchases between \$501 and \$1,500: Purchases between \$501 up to \$1,500 must be approved by the Town Mayor or designee. When possible, quotes, bids, or estimates should be obtained by Department Heads prior to purchasing goods or services.
3. Purchases between \$1,501 and \$79,999: Purchase between \$1,501 up to \$79,999 must be approved by the Town Council. When possible, quotes, bids, or estimates should be obtained by Department Heads prior to purchasing goods or services
4. Purchases \$80,000 and over: All purchases in this range must follow the formal bid advertisement process outlined in state law (MCA 7-5-4302).
5. No purchase may be divided into smaller purchases to circumvent these rules.
6. In the event of an emergency, the Mayor may authorize purchases up to \$25,000, pertaining to the emergency, without Council approval. An emergency is defined as a serious and unexpected situation requiring immediate action that affects the health, safety or welfare of the Citizens.

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Fromberg, Montana the above guidelines for employee spending shall be used by all employees when making purchases.

DULY passed and adopted at the Regular Meeting of the Fromberg Town Council this 15th day of July 2024. This Resolution shall become effective immediately upon passage.

Tim Nottingham, Mayor

ATTEST:

Kirstin Sweet, Town Clerk / Treasurer

RESOLUTION #534

A RESOLUTION TO RE-ESTABLISH THE BASE WAGE PAY SCALE AND ANNUAL RAISE SCHEDULE FOR THE EMPLOYEES OF THE TOWN OF FROMBERG.

WHEREAS, from and after the date listed below the pay be given to the Town of Fromberg Employees will be as follows:

Department Heads

- Base Starting Wage: _____
- Yearly anniversary wage increases are as follows:
 - *1st year*: 5% (current wage plus 5%)
 - *2nd year*: 5% (current wage plus 5%)
 - *3rd year*: 3% (current wage plus 3%)
- Any further wage increases after the 3rd anniversary year shall be at the discretion of the Town Council.

General Labor

- Base Starting Wage: _____
- Yearly anniversary wage increases are as follows:
 - *1st year*: 5% (current wage plus 5%)
 - *2nd year*: 5% (current wage plus 5%)
 - *3rd year*: 3% (current wage plus 3%)
- Any further wage increases after the 3rd anniversary year shall be at the discretion of the Town Council.

Summer Help

- Base Starting Wage: _____
- Yearly anniversary wage increases are as follows:
 - *1st year*: 5% (current wage plus 5%)
 - *2nd year*: 5% (current wage plus 5%)
 - *3rd year*: 3% (current wage plus 3%)
- Any further wage increases after the 3rd anniversary year shall be at the discretion of the Town Council.

NOW THEREFORE, BE IT RESOLVED that this Town Council has fixed and adopted the Base Wage Pay Scale and Annual Raise Schedule for Fromberg Town Employees.

DULY passed and adopted at the Regular Meeting of the Fromberg Town council this 15th day of July 2023. This Resolution shall become effective immediately upon passage.

ATTEST:

Tim Nottingham, Mayor

Kirstin Sweet, Town Clerk / Treasurer

FROMBERG TOWN COUNCIL MINUTES FOR A REGULAR MEETING HELD ON MAY 22, 2024

The May 22, 2024 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 at 7:00 pm by Mayor Tim Nottingham. Other council members present were Michael Ventling and Tammy Taylor. Others present were Linda Winn from DNRC, Traci Sears from DNRC, Shylea Wingard from DNRC, Micky from DNRC, Elton Kirtley, Kelly Ventling, and Marge Taylor.

Tracy Sears covered the Town of Fromberg's participation and responsibilities and the national floodplain insurance program, NFIP.

She explained that there are four parts in this program: 1. mapping 2. regulations, 3. insurance for federal and private, 4. mitigations.

The restrictions prevail within the blue area of the floodplain map. Fromberg currently has between 17 and 20 properties that exist within this range. Note that FEMA has shown 40% of homes and businesses damaged are on the outside of the blue areas.

The map is designed based on hydrology and flows. One of the biggest takeaways was Tracy pointing out that by not complying with the NFIP we would be at risk of losing all federal funding and grants. All federal funding we currently have could be called due. We were also advised by not following NFIP the town could be held financially responsible for property damage.

How to read the effective floodplain maps and let property owners know if they are located in a special floodplain hazard areas, SFHA. Flood maps show your community's risk of flooding. They are used for local floodplain regulations, flood insurance requirements, emergency planning, and can help a community plan for future changes by showing high-risk areas. Tracy gave us a lesson and how to locate a floodplain map digitally through the following site, FEMA Flood Maps, then click on National Flood Hazard Layer, interactive viewer, <https://msc.fema.gov/portal/home>. A 100-year floodplain is a high-risk flood zone. They are likewise called Special Flood Hazard Areas. It means there is a 1% chance of the area flooding every year. During a 30-year mortgage, that means a 1 in 4 chance of flooding. They also noted it during this time that there was no flood plain map in Fromberg Town Hall. Linda Winn will bring us one.

How to set up a system and process flood plain permits. Tracy specified that all permits for floodplain be filled out and approved before any zoning applications. DNRC could assist if there were questions, they were always there for guidance. The biggest hold up with permits is being turned in incomplete.

How to ensure the town is compliant with NFIP. Floodplain permits, issued by the community, are required for all projects occurring in the Blue (SFHA) Special Flood Hazard Area. We need to update our floodplain ordinances. DNRC will forward recommendations for the new floodplain ordinances. We talked about possibly sending out letters to those that live within the SFHA to inform them that any work done on their properties would require a permit. There is a large scope of work that is not permitted in these areas, so it is vital to have these individuals check before landscaping or any construction. Some jobs will call for engineering. They also informed us that no grandfathering acts within the floodplain. Shylea will send us a draft letter we can forward to the residents that live in the SFHA. They discussed several properties in violation with NFIP The Town of Fromberg, Larry, Richardson, and Theresa Pirtz.

What is needed to correct current NFIP violations? Tracy expressed concern as they could put the town of Fromberg on probation if we do not deal our violations by October 1, 2024. They recommended we led by example and we the town handled our offenses. The town will have to apply for a permit so we can gravel around the bulk station, and they would only permit it provided we're doing to grade. We would also have to

apply for a permit for building fence. They will not tolerate our gravel piles to be dumped in that area. We discussed moving them down past the burn pit. The town will have to notify the other individuals that they do not comply. DNRC has suggested that they will advise on how to handle Larry Richardson.

There being no further business, the meeting was adjourned at _____ pm.

ATTEST:

Tim Nottingham, Mayor

Kirstin Sweet, Town Clerk Pro Tem

**FROMBERG TOWN COUNCIL MINUTES FOR A REGULAR MEETING
HELD ON June 10, 2024**

The June 10, 2024 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 at 7:00 pm by Mayor Tim Nottingham. Other council members present were Nate Caton, Robert Haseman, Michael Ventling and Tammy Taylor. Others present were Chad Hanson - GWE, Irwin Sankey, Jerry Hall, Gloria Weiss, Carol Jones Marge Taylor, Sandy Bauwens, Michele Auch, Keith McElhaney, Ron Euerle, Elton Kirkley, Commissioner Scott Blain, Daniel McHugh - FWP, Carbon County Sheriff Officer Jon Croft, Town Attorney Dennison Butler and Temporary Assistant Clerk Melissa Scianna.

The first item on the agenda was approval of the minutes from the May 13, 2024 meeting. A motion to approve the minutes was made by Councilwoman Taylor, seconded by Councilman Caton. The motion carried with the votes as follows: Councilman Ventling – aye, Councilman Haseman – aye, Councilman Caton – aye and Councilwoman Taylor – aye. Minutes of the May 22 meeting will be available for approval at the July Council Meeting.

Next on the agenda was correspondence. There was no correspondence.

Next on the agenda was public comment. Jerry Hall wondered why the Town is mowing the Vargas and Legion properties. The Mayor will talk with Jeremy. Marge Taylor expressed her disappointment with the low Council attendance at the May 22 meeting.

The Mayor and Town Council were next on the agenda. Councilwoman Taylor asked if DNRC sent sample letters to be used for public education. No letters have been received. Mayor Nottingham will follow up. Councilman Haseman asked if we have a tree trimming ordinance. Mayor Nottingham answered that we do not, but do have a weed ordinance. Mayor Nottingham informed the Council that he may be on vacation for 10-14 days in late June/Early July. Councilman Caton, as Council President, will stand in in the Mayor's absence. Council Ventling questioned the need for grass mowing on Town property. Mayor Nottingham is looking for an additional mowing employee.

Next on the Agenda was the Fish, Wildlife and Park Report. Daniel McHugh discussed the need for a buffer zone with no bear attractants (trash, BBQ grills, livestock, birdfeeders, etc.) along Lovers Lane and the River.

Next on the agenda was the Sheriff Department's report. Office Jon Croft presented the council with stats from the month of May.

Special Events Application was next on the agenda. The only application was for Fromberg Days, a Diane Dalin Fundraiser on August 17, 2024, presented by Rachel Boyd. A motion to approve the application was made by Councilman Ventling, seconded by Councilman Haseman. The motion carried with the votes as follows: Councilman Caton – abstain, Councilman Haseman – aye, Councilman Ventling – aye and Councilwoman Taylor – aye.

Old business was next on the agenda. The first item of old business was the burn pile location and rules. Discussion was had about the best way to secure the area including concrete blocks with locked cables across the roadway. Liability Insurance for volunteers was also discussed with Councilman Caton reporting that it was inexpensive to have this insurance, Kirstin Sweet may have more information. The council will consider a Resolution for burnpit operation at the July Council meeting and until then will operated with the current rules.

The second item was to review and approve the engineering quote for the riverbank project. County Commissioner Blain reported that Carbon County Conservation District may have some funding options. Via emergency funding through DNRC. Mayor Nottingham and Assistant Clerk Scianna will prepare the application for those funds. Councilwoman Taylor moved to table the approval of the Engineering Quote until we have more information regarding the Conservation District Funding, sometime after the meeting on June 12. Councilman Caton seconded. The motion carried with votes as follows: Councilman Ventling – aye, Councilman Haseman – aye, Councilman Caton – aye and Councilwoman Taylor – aye. The Council will consider a special meeting as soon as more information on the grant funding is available.

Next on the Agenda under Old Business was discussion of changes to Personnel Policy. Councilwoman Taylor has draft verbiage that she would like to add to the policy regarding Maternity Leave, Only Service Animals, Children and visitors in the workplace. A new draft will be created to discuss at the next meeting.

New Business was next on the agenda. The first item was Resolution #529 Increase Water Rates. Councilman Caton moved to adopt Resolution #529. Councilman Haseman seconded. The motion carried with the votes as follows: Councilman Ventling – aye, Councilman Haseman – aye, Councilman Caton – aye and Councilwoman Taylor – aye.

The next item was Resolution #530 Increase Sewer Rates. Councilman Caton moved to adopt Resolution #530. Councilman Haseman seconded. The motion carried with the votes as follows: Councilman Ventling – aye, Councilman Haseman – aye, Councilman Caton – aye and Councilwoman Taylor – aye.

The next item was Resolution #531 Increase Garbage Rates. . Councilman Caton moved to adopt Resolution #530. Councilman Haseman seconded. The motion carried with the votes as follows: Councilman Ventling – aye, Councilman Haseman – aye, Councilman Caton – aye and Councilwoman Taylor – aye.

The next item was Resolution #532 Employee Pay Scale. Discussion was had regarding the \$21 starting wage for Department Heads and whether a new Clerk could be hired for less without legal issues. Attorney Butler stated that is always best to have a policy and then to stick to it, but he will look into legal issues. Councilwoman Taylor stated that you could add the phrase “depending on experience.” Mayor Nottingham stated that employee retention should also be considered to keep the Town successfully running. Councilwoman Taylor moved to table Resolution #532. Councilman Caton seconded. The motion carried with the votes as follows: Councilman Ventling – aye, Councilman Haseman – aye, Councilman Caton – aye and Councilwoman Taylor – aye.

The next item was Resolution #533 Approve a Spending Policy. There was discussion about a need for an emergency spending clause. Councilwoman Taylor moved to table this Resolution pending the addition of an emergency clause. Councilman Ventling seconded. The motion carried with the votes as follows: Councilman Ventling – aye, Councilman Haseman – aye, Councilman Caton – aye and Councilwoman Taylor – aye.

Attorney Butler had nothing additional to report.

Public Works Director Schutterle reported that he would like to order 14 loads of gravel for the streets. This is paid with gas tax dollars. This will be a Resolution at the next meeting. Director Shutterle reported that he will be borrowing equipment from Bridger to jett the sewer. He also needs to make a list of all homes with copper and lead service lines by October. Letters to residents can be included with the water bill. Tests for copper and lead area available. Councilman Ventling reported that not all meters, including his, are reading the same at the meter as on the handheld. Director Shutterle confirmed that reading should be the same. He will recheck the inaccurate meters and begin replacing the ones that don't read and that are inaccurate. Discussion was had regarding the need to locate exterior shut off valves in town. Councilwoman Taylor will check in to GPS location.

There was no report from the Clerk.

The next item of business was the approval of claims. Councilwoman Taylor made a motion to approve the claims including check #23112 to #23135 and electronic checks #-99890 to #-99899. The motion was seconded by Councilman Caton. The motion carried with the votes as follows: Councilman Caton – aye, Councilman Haseman – aye, Councilman Ventling – aye and Councilwoman Taylor – aye.

Next on the agenda was the Payroll Summary. Councilman Caton motioned to approve the payroll summary including check #23076 to #23079 and #23105 to #23108. Councilwoman Taylor seconded the motion. The motion carried with the votes as follows: Councilman Caton – aye, Councilman Haseman – aye, Councilman Ventling – aye and Councilwoman Taylor – aye.

There being no further business, Councilman Caton motioned to adjourn. The motion was seconded by Councilwoman Taylor. The motion carried with the votes as follows: Councilman Caton – aye, Councilman Haseman – aye, Councilman Ventling – aye and Councilwoman Taylor – aye. The meeting was adjourned at 9:18 pm.

ATTEST:

Tim Nottingham, Mayor

Kirstin Sweet, Town Clerk Pro Tem

**FROMBERG TOWN COUNCIL
MINUTES FOR A SPECIAL MEETING
HELD ON JUNE 17, 2024**

The June 17, 2024 special meeting was held at 118 W River Street in Fromberg. The Pledge of Allegiance was recited, and the meeting was called to order at 7:00 pm by Mayor Tim Nottingham. Other council members present were Nate Caton, Robert Haseman, Michael Ventling and Tammy Taylor. Others present were Elton Kirtley and Clerk ProTem Kirstin Sweet.

Public comment was inadvertently left off the agenda but the Mayor wanted to offer it. Elton Kirtley commented regarding the Town's communication with the public.

The only item on the agenda was the riverbank project. The first item was to review an approve the engineering quote for the no rise analysis. Mayo Nottingham and Clerk Sweet reviewed the cost of the quote as well as grant funding that is available to the Town from Carbon Conservation District. A motion to approve the quote was made by Councilwoman Taylor, seconded by Councilman Ventling. The motion carried with the votes as follows: Councilman Caton – aye, Councilman Haseman – aye, Councilman Ventling – aye and Councilwoman Taylor – aye. The second item was possible refunding of money previously donated to the riverbank project by local residents. Discussion was had regarding how the money would be refunded. Councilman Caton made a motion to allow refunds of the donation money as requested by the donor and to inform the council of all refunds. Councilman Haseman seconded the motion. The motion carried with the votes as follows: Councilman Caton – aye, Councilman Haseman – aye, Councilman Ventling – aye and Councilwoman Taylor – aye.

There being no further business a motion to adjourn was made by Councilman Caton and seconded by Councilwoman Taylor. The motion carried with the votes as follows: Councilman Caton – aye, Councilman Haseman – aye, Councilman Ventling – aye and Councilwoman Taylor – aye. Meeting was adjourned 7:13 pm.

ATTEST:

Tim Nottingham, Mayor

Kirstin Sweet, Town Clerk Pro Tem