

**TOWN OF FROMBERG REGULAR TOWN COUNCIL MEETING  
TUESDAY, NOVEMBER 9TH, 2021 AT 7:00 PM  
FROMBERG TOWN HALL, 118 WEST RIVER STREET**

Tuesday, November 9th,

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

PUBLIC COMMENT:

CARBON COUNTY SHERRIFF:

APPROVE MINUTES

2021-10-12

2021-11-04

APPROVE CLAIMS:

APPROVE PAYROLL SUMMARY:

- o COUNTY COMMISSIONER SCOTT MILLER ABOUT INTERLOCAL AGREEMENTS BETWEEN THE TOWN OF FROMBERG AND CARBON COUNTY.
- o VETERAN MEAT LOCKER: CHRISTINE GRUDZINSKI & CAROL JONES

ZONING:

CORRESPONDENCE:

TOWN ATTORNEY:

PUBLIC WORKS DIRECTOR:

TOWN CLERK:

MAYOR / COUNCIL:

ADJOURN:

FROMBERG TOWN COUNCIL MINUTES FOR A REGULAR MEETING

HELD ON OCTOBER 12, 2021

The October, 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, Frank "Bill" Gruel and Ilsa Dawson. Others present were Public Works Director Jay Carter, Public Works Assistant/Clerk Lacey Breeding, Sheriff McQuillan, Kirstin Sweet, Cyrill Hergenrider, Marge Taylor, Chad Hanson, DJ Allen, Irwin Sankey and Elton Kirtley.

The first item on the agenda was public comment. Elton Kirtley asked about our zoning applications and their adequacy. A short discussion was had on the zoning applications and Mayor Nottingham explained that the Town attorney is in the process of working on updating our zoning and ordinances. Next, Cyrill Hergenrider wanted to bring attention to some poor wording in a letter that had been sent out the residents. She explained that because Clerk Breeding did not use the correct wording and/or exact wording of the ordinances described in the letter, that it may be confusing for people in the town. Hergenrider then corrected Clerk Breeding on the Ordinance and how it is stated. Clerk Breeding attempted to clarify what was meant in the letter. Discussion was had on the matter. Marge Taylor then made a great suggestion of looking into adding snow removal in certain places of properties, into the ordinances as a possible fine for residents if not kept up during the winter. Short discussion was had on possibilities of such rules. Then, DJ Allen mentioned the parking on main street and stressed that the residents in the main street buildings are taking up too many parking spaces and causing numerous hazards. Discussion was had on the parking situation and Mayor Nottingham asked that if a vehicle is in fact a hazard to please report it to the Sheriff's Department.

Second on the agenda was report from the Carbon County Sheriffs Department. Sheriff McQuillan gave his report for the month of September. Sheriff McQuillan also informed us that there are now two new deputies patrolling our area.

The next item of business was the approval of minutes from the September 14, 2021 regular council meeting. Councilman Stapleton made a motion to approve the minutes, seconded by Councilman Caton. The motion was carried out with votes as follows: Councilman Gruel- aye, Councilman Caton- aye, Councilwoman Dawson- aye and Councilman Stapleton- aye.

Next on the agenda was the approval of claims for September 2021. Councilman Stapleton made the motion to approve the claims. The motion was seconded by Councilman Caton and was carried out with votes as

follows: Councilman Gruel- aye, Councilman Caton- aye, Councilwoman Dawson- aye and Councilman Stapleton- aye.

The next item on the agenda was the approval of the payroll summary for September 2021. The motion was made to approve the payroll summary by Councilman Caton and seconded by Councilman Stapleton. The motion was carried with votes as follows Councilman Gruel- aye, Councilman Caton- aye, Councilwoman Dawson- aye and Councilman Stapleton- aye.

Then, Chad Hansen with Great West Engineering, further explained how the ARPA ( American Rescue Plan Act funds are carried out and the options available to the town. Discussion was had on with options to choose and if the town should hire Chad Hansen to help with the process. A motion was made to hire Hansen by Councilman Stapleton and seconded by Councilman Caton. The motion was carried out with votes as follows: Councilman Gruel- aye, Councilman Caton- aye, Councilwoman Dawson- aye and Councilman Stapleton- aye.

Next on the agenda was to choose a project to submit on Resolution #510. Discussion was had on the most important projects and it was decided to use the special gas tax money on two different projects. One being the repaving of Harley Street between School Street and North Street. The other project was to be the paving of Missouri Street between River Street and School Street. A motion was carried to approve these projects by Councilman Caton and seconded by Councilman Stapleton. The motion carried out as follows: Councilman Gruel- aye, Councilman Caton- aye, Councilwoman Dawson- aye and Councilman Stapleton- aye.

Next it was needed for the Council to Approve a budget amendment suggested by Clerk Sweet previously. This budget amendment would bring the town's financial system back to square one. A motion was made to approve the budget amendment by Councilman Caton and seconded by Councilman Gruel. The motion was carried as follows: Councilman Gruel- aye, Councilman Caton- aye, Councilwoman Dawson- aye and Councilman Stapleton- aye.

There was no zoning.

There was no correspondence.

Town Attorney Moen was not present.

Next, Public Works Director Carter updated the council on the projects and issues that were dealt with in the month of September. There was discussion about trees that need trimmed and a possible valve replacement on the town's water storage tank. Next discussion was had about making a new letter to send out to residents reminding and informing them what can be flushed into the sewer system (down the

toilet). And lastly Councilman Gruel asked when the fall cleanup would be scheduled and Mayor Nottingham agreed to get information.

Clerk Breeding then gave her report on any new happenings in the office.

During the allotted time slot for Mayor/ Council to address the room, Councilman Stapleton requested that water shut offs be implemented immediately. Stapleton also asked the council about current laws on the public use of Marijuana and what it means for Fromberg. Discussion was had and Mayor Nottingham agreed to consult the town attorney on the matter. Mayor Nottingham then notified the council of a letter in the making that will be sent out to individuals in care of properties that are not being maintained.

There being no further business to be discussed. The motion to adjourn by Councilman Gruel and seconded by Councilman Caton. The meeting was adjourned with votes as follows: Councilman Gruel- aye, Councilman Caton- aye, Councilwoman Dawson- aye and Councilman Stapleton- aye.

The meeting was adjourned at 8:25 p.m.

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Tim Nottingham, Mayor

Attest:

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Lacey Breeding, Interim/Clerk

FROMBERG TOWN COUNCIL MINUTES FOR A SPECIAL TOWN MEETING

HELD ON NOVEMBER 04, 2021

The November 04, 2021 special 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 7:05 pm. Council members present were Dave Stapleton, Frank "Bill" Gruel and Ilsa Dawson. Others present was Clerk Lacey Breeding.

The first item on the agenda was an executive session with a resident of the Town of Fromberg. Persons did not show up.

Second on the agenda, an executive session with a second resident of the town. This Person did not show up.

The those present at the special meeting waited until 7:30 p.m. to allow time for either person to attend their sessions. By 7:30 the time limit had been surpassed and Councilman Stapleton made a motion to adjourn. Councilman Gruel seconded the motion and the meeting was adjourned with votes as follows: Councilman Gruel- aye, Councilwoman Dawson- aye and Councilman Stapleton- aye.

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Tim Nottingham, Mayor

Attest:

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Lacey Breeding, Interim/Clerk

TOWN OF FROMBERG  
Payroll Summary For Payrolls from 10/01/21 to 10/31/21

Total for Payroll Checks  
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	Employee	Employer	Amount
HOL HOURS (Holiday Pay)	16.00		302.88
REG HOURS (Regular Time)	232.00		4,390.83
SICK HOURS (Sick Time)	14.00		252.00
VACA HOURS (Vacation Time Used)	72.50		1,395.21
GROSS PAY	6,340.92	0.00	
NET PAY	5,232.40	0.00	
FIT	318.44	0.00	
MEDICARE	91.94	91.94	
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	305.00	0.00	
SOCIAL SECURITY	393.14	393.14	
UNEMPL. INSUR.	0.00	41.21	
WORKERS' COMP	0.00	377.37	
FIT/SIT BASE	6,340.92	0.00	
MEDICARE BASE	6,340.92	0.00	
SOC SEC BASE	6,340.92	0.00	
UN BASE	6,340.92	0.00	
WC BASE	6,340.92	0.00	
Total		3,588.14	
Total Payroll Expense (Gross Pay + Employer Contributions):		9,929.06	

Check Summary  
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Payroll Checks Prev. Out.	\$22,882.69
Payroll Checks Issued	\$7,916.88
Payroll Checks Redeemed	\$0.00
Payroll Checks Outstanding	\$30,799.57
Electronic Checks	\$1,593.60

		Carried Forward	Deduction	Difference	Liab
Account	Deductions Accrued	From Previous Month	Checks Issued	-----	-----
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--	Social Security		786.28		
212501	Medicare		183.88		
212502	Unempl. Insur.	41.21		183.02	
212509	Workers' Comp	141.81		1644.07	
212508	FIT	377.37			
212503	SIT		318.44		
212504	MMIA - HI		305.00		
212507	MMIA - DENTAL		2514.00		
212511	MMIA - LIFE INS	2514.00			
212512	MMIA - VISION	116.00			
212513		14.00			
		26.48			

11/05/21  
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TOWN OF FROMBERG

Payroll Summary For Payrolls from 10/01/21 to 10/31/21

Total Ded.	4696.66	1408.51	4278.08	1827.09
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\*\*\*\* Carried Forward column only correct if report run for current period.

**INTERLOCAL AGREEMENT BETWEEN THE TOWN OF FROMBERG  
AND CARBON COUNTY  
(COOPERATIVE INFRASTRUCTURE AGREEMENT)**

WHEREAS, the Town of Fromberg and Carbon County each have various pieces of equipment and manpower for the maintenance of roads and bridges and it is in the best interests of each jurisdiction to work cooperatively to promote greater efficiency of services, and

WHEREAS, MCA 7-11-104 through 7-11-108 provide the statutory authority for public agencies to enter into interlocal agreements, and

WHEREAS, the Town of Fromberg and Carbon County have historically cooperated in emergency situations and on projects, in which each agency made equipment and materials available to the other agency, and

WHEREAS, each agency desires to keep a financial record of assistance to the other agency and will maintain a ledger of all cooperative projects to be reviewed at the end of each fiscal year to assure a reasonable equality of expenditures, and

WHEREAS, the Town of Fromberg and Carbon County, at different times during the spring and summer months each year, may receive asphalt millings from the Montana Department of Transportation in sufficient amounts to pave roads within the town limits of Fromberg and on Carbon County roads within the immediate area, and

WHEREAS, the Town of Fromberg and Carbon County are willing to cooperatively improve roads in both the Town of Fromberg and Carbon County on a prioritized basis for their mutual benefit, and

NOW THEREFORE BE IT RESOLVED, the Town of Fromberg and Carbon County may cooperatively participate in the provision or maintenance of infrastructure projects, including roads within both jurisdictions, and will maintain a financial accounting of each project and will review that accounting at the end of each fiscal year to assure a reasonable equality of expenditures by each party, and

NOW THEREFORE BE IT FURTHER RESOLVED, the Town of Fromberg and Carbon County will agree in advance on a mutually beneficial infrastructure project and set forth the scope of work to be completed by the respective parties. The details of each project will be set forth in writing as an Addendum attached to this interlocal agreement. Each Addendum will include, but is not limited to, the following: (1) the scope of the project; (2) the equipment each party will provide; (3) the manpower each will provide; (4) the identity of the source of materials to be used on the project; and (5) the estimated cost of the project for each party.

Resolution of Disputes

The Parties acknowledge that this agreement in its final form is the result of



combined efforts of the parties and that, should any provision of this agreement be found to be ambiguous in any way, such ambiguity shall not be resolved by construing this agreement in favor or against any party, but rather by construing the terms in accordance with their generally accepted meaning.

The Parties agree that the laws of the State of Montana govern this agreement. The Parties agree that venue is proper within the courts of Carbon County, Montana. If a dispute arises, the parties, through a representative with full authority to settle a dispute, shall meet and attempt to negotiate a resolution of the dispute in good faith no later than ten (10) business days after the dispute arises. If negotiations fail, the Parties may utilize a third-party mediator and equally share the costs of the mediator or file suit.

If any action is filed in relation to this agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all sums that either is ordered to pay, a reasonable sum for the successful party's attorney's fees and all costs, charges, and expenses related to the action.

Liability Provisions

The liability of the parties, their agents, employees or volunteers, for acts occurring within the course and scope of their duties, shall be governed by MCA 2-9-10 I, *et seq.*. Each party hereto agrees to indemnify and hold harmless the other for claims arising within the liability area of each.

Any liability that arises due to negligent maintenance of the equipment shall be the primary responsibility of the entity providing the equipment. The amount of insurance carried shall be \$1,500,000 aggregate and \$750,000 each occurrence as per MCA 2-9-108, MCA, and a certificate of insurance shall be provided to each entity.

Termination

Either party may terminate this Agreement 30 days prior to the intended termination date, uponwritten notice to the other party.

**Carbon County Board of Commissioners**

**Town of Fromberg**

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Scott C. Miller, Dist. #1

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tim Nottingham, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Scott Blain, Dist. #2

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bill E Bullock, Dist. #3

\_\_\_\_\_  
Date

*Pursuant to MCA 7-11-107, a copy of this Agreement will be filed with the County Clerk and Recorder for Carbon County*