

**TOWN OF FROMBERG
REGULAR TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 08, 2022 AT 7:00 PM
TOWN HALL, 118 WEST RIVER STREET**

TUESDAY, NOVEMBER 08, 2022

PLEDGE OF ALLEGIANCE

CALL TO ORDER

CARBON COUNTY SHERIFF

PUBLIC COMMENT

APPROVE MINUTES

- 2022-10-11 MEETING
- 2022-10-14 MEETING

APPROVE CLAIMS

- 2022-10

APPROVE PAYROLL SUMMARY

- 2022-10

NEW BUSINESS

- DISCUSS EXCAVATION BILL FROM ANACONDA EXCAVATING
- RENEW CONTRACT WITH JUDGE SCHARA
- DISCUSS DENNING, DOWNEY, & ASSOCIATES, P.C., NON-AUDIT ADVISORY SERVICES AVAILABLE,
WITH POSSIBLE APPROVAL
- DISCUSS OPTIONS FOR LEGAL COUNSEL
- DISCUSS TABLE OF FEES CHARGES FOR DIFFERENT ZONING GROUPS

ATTORNEY

PUBLIC WORKS DIRECTOR

TOWN CLERK

MAYOR/COUNCIL

ADJOURN

FROMBERG TOWN COUNCIL MINUTES REGULAR COUNCIL MEETING

HELD ON OCTOBER 11, 2022

The October 11, 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 Bill Gruel, Dave Stapleton and Nate Caton. Others present were Clerk Lacey Breeding, PWS Jay Carter, Steven Blank, Jerry Hall, Tina Foust, Tami Lynn, Tammy Taylor, Niki Elliot, Marge Taylor and Attorney Kyle Moen. Missing was Councilman Lister.

First on the agenda was to be a report from the Carbon County Sheriff about happenings in town for the previous month of September. There was no Sheriff present at this time so Mayor Nottingham stated that the sheriff section would be postponed until later in this meeting.

Next was public comment and began with Marge Taylor requesting updates correcting water charges for a building in town that is a public place and also houses residents. Clerk Breeding updated Taylor on her progress and on-going research into the matter. Discussion was had about the utility rates paid to the Town.

Next Councilman Stapleton made a motion to approve the minutes for September 2022 with stipulation that further detail into the appointment of the Emergency Coordinators for the town be added in. Councilman Gruel gave a second and the motion was carried out as follows: Councilman Gruel, -aye, Councilman Caton, -aye and Councilman Stapleton, -aye.

Following that was the approval of claims for the month of September. First there was a discussion on a bill that had been submitted by the Fromberg School with a decision to get further details and breakdowns of the bill before sending a check. Councilman Caton then made a motion to approve the claims and Councilman Stapleton gave a second. The motion was carried with votes as follows; Councilman Gruel, -aye, Councilman Caton, -aye and Councilman Stapleton, -aye.

Councilman Stapleton made a motion to approve the payroll and Councilman Caton seconded the motion. The motion was carried with votes as follows; Councilman Gruel, -aye, Councilman Caton, -aye and Councilman Stapleton, -aye.

It was decided that there would be no Sheriff report given within this current meeting.

First topic of business was the approval of Resolution #516 requesting the BARSAA Funding for 2023. Mayor Nottingham read the

resolution allowed which followed with a motion of approval from Councilman Stapleton. Councilman Caton followed with a second and the motion was carried out as follows: Councilman Gruel, -aye, Councilman Caton, -aye and Councilman Stapleton, -aye.

Next Mayor Nottingham gave the details about the upcoming Fall Cleanup due to take place October 25, 2022.

The final topic of new business was regarding a contracting agency wanting to rebuild one of the houses badly damaged by the flood in June 2022. Steven Blank with Western Baptist Mission Service gave the details on the home rebuild and provided plans to the council. He then asked what was required to be in compliance with the town. It was planned for a special meeting to be held on October 14, 2022 to approve the flood permitting and zoning permit.

Attorney Moen reminded everyone about the informational government class that would take place on the 19th of October. The meeting would be held at Fromberg Town Hall at 6pm and would be open to the public.

Next was updates from the Town's Public Works department. Councilman Stapleton asked for an update on the replacement door for the town shop that had been previously ordered and purchased. Discussion was had about the time frame of the project completion. Next, discussion was had about what to do with the old town truck that was recently replaced. There were no decisions made and discussion would have to be continued at another time.

Next, Clerk Breeding gave updates on progress and issues that had been had with the FEMA process that the town is still dealing with. Clerk Breeding then, expressed her opinion on the importance of the town getting a new zoning map made. Discussion was had on how to go about getting that accomplished.

Last on the agenda was Mayor/Council comment. Councilman Stapleton asked for an update on the funding that was to be received from the Stillwater Mine. Discussion was had on deciding what to use the funds for. It was decided to add the topic to the special meeting to be held on October 14, 2022.

The next regular meeting was set for November 8, 2022 and there being no further business, Councilman Caton 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 Caton and Councilman Stapleton- aye.

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

Tim Nottingham, Mayor

Attest:

Lacey Breeding/Clerk

FROMBERG TOWN COUNCIL MINUTES SPECIAL COUNCIL MEETING

HELD ON OCTOBER 14, 2022

The October 14, 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 Bill Gruel and Dave Stapleton. Others present were Clerk Lacey Breeding, Public Works Director Jay (John) Carter and Tammy Taylor. Missing was Councilman Caton whom had a family emergency and Councilman Lister who had Covid.

First on the agenda was applications submitted for approval by Western Baptist Mission Service. The applications were for zoning and floodplain permitting as the home in question is located within Fromberg's floodplain. The council had a short discussion on the plans of the home rebuild which resulted in a motion to approve the rebuild made by Councilman Stapleton and a second given by Councilman Gruel. The motion was carried as follows: Councilman Gruel, -aye, Councilman Stapleton and a vote given over the phone by Councilman Caton, -aye.

Last on the agenda was to be a discussion with a possible decision to be made on what to use the funding donated by the Stillwater mine on. Discussion was had along with brainstorming of ideas. No definite decision was made because of the lack of Quorum but there was a lean towards using the money for Town Parks. The topic would be continued at a later time.

Councilman Gruel made a motion to adjourn with a second from Councilman Stapleton. The motion was carried as follows: Councilman Gruel, -aye and Councilman Stapleton, -aye. The meeting adjourned at 7:21 pm.

Tim Nottingham, Mayor

Attest:

Lacey Breeding/Clerk

Total for Payroll Checks

	Employee	Employer	Amount
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HOL HOURS (Holiday Pay)	16.00		334.88
J002 HOURS (HOL WORKED)	4.50		147.56
OVER HOURS (Overtime)	4.50		147.56
REG HOURS (Regular Time)	196.50		4,101.12
SICK HOURS (Sick Time)	85.50		1,812.30
VACA HOURS (Vacation Time Used)	20.00		400.00
GROSS PAY	6,943.42	0.00	
NET PAY	5,724.85	0.00	
FIT	346.40	0.00	
MEDICARE	100.68	100.68	
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	341.00	0.00	
SOCIAL SECURITY	430.49	430.49	
UNEMPL. INSUR.	0.00	45.14	
WORKERS' COMP	0.00	218.50	
FIT/SIT BASE	6,943.42	0.00	
MEDICARE BASE	6,943.42	0.00	
SOC SEC BASE	6,943.42	0.00	
UN BASE	6,943.42	0.00	
WC BASE	6,845.06	0.00	

Total 3,479.29
Total Payroll Expense (Gross Pay + Employer Contributions): 10,422.71

Check Summary

Payroll Checks Prev. Out.	\$152,793.19
Payroll Checks Issued	\$9,449.75
Payroll Checks Redeemed	\$0.00
Payroll Checks Outstanding	\$162,242.94
Electronic Checks	\$1,749.74

	Carried Forward From Previous Month	Deduction Checks Issued	Difference	Liab Account
	-----	-----	-----	-----
Deductions Accrued				
Social Security	860.98	860.98		212501
Medicare	201.36	201.36		212502
Unempl. Insur.	45.14		45.14	212509
Workers' Comp	218.50		218.50	212508
FIT	346.40	346.40		212503
SIT	341.00	341.00		212504
MMIA - HI	2514.00	3492.00	-978.00	212507
MMIA - DENTAL	116.00	157.00	-41.00	212511
MMIA - LIFE INS	14.00	34.00	-20.00	212512

10/24/22
11:07:58

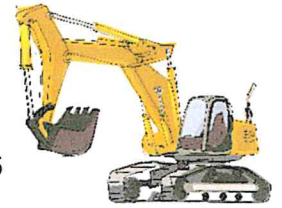
TOWN OF FROMBERG
Payroll Summary For Payrolls from 10/01/22 to 10/31/22

Page: 2 of 2
Report ID: P130

MMIA - VISION	26.48		34.40	-7.92	212513
MMIA - AD&D	14.00		7.50	6.50	212512
Total Ded.	4697.86	0.00	5474.64	-776.78	

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

Anaconda Excavating
Tom and Cody Lemm
558 North Cable Rd #23
Anaconda, Montana 59711
(406) 559-6877 or (406) 560-0806



October 23, 2022

Fromburg Municipal Building
Attn: Mayor Tim Nottingham
P.O. Box 236
Fromburg, Montana 59029

Mr. Nottingham,

Please find this letter regarding the flooding around Fromburg in June of this year.

As you know, Anaconda Excavating was sent to your town to help with the infrastructure of the levee due to the flooding that occurred because of the rapid snow melt and the rainstorm that occurred on the weekend of June 17th thru the 19th. You and I had a chance to visit on the evening of June 24th to discuss what all you would like us to do with the heavy equipment that we hauled down to your location. On Saturday morning, June 25th, you, and I rode in your side by side along with my 2 employees to the location of the 2 levee breaks done by someone to divert water that was running down the main road. You then asked us to do clean up from where the water breached the levee by your well system that supplies your town with water. You also drove us over to another spot on a side road that also needed road work. With enthusiasm, my team responded to your locations to fix those areas so that in the event the water was to come up again, your town would not have the same issues.

After Anaconda Excavating finished with the town issues that you pointed out, my team went back to the high school and met up with Shala Cullum. Shala was able to send us to other locations that also need assistance with the levee, mainly Mr. Goodman's home at mile marker 2. My team spent 3 days at Mr. Goodman's home working on the levee. During that time, we destroyed a set of tracks on the excavator due to the conditions. However, we were able to complete the project at Mr. Goodman's home.

We were then sent to the Stetson's Ranch to help with infrastructure problems that they also sustained due to the flooding. Because we only had the skid steer working on the Stetson Ranch, we were unable to complete all the projects that they would like for us to do. However, we did accomplish many of their projects.

I have reached out to FEMA for payment and have been advised that this is not their problem, that it falls on the responsibility of Carbon County to pay.

Continued next page.

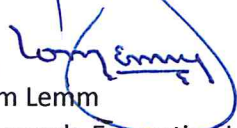
When Anaconda Excavating responded to your location on June 24th, we arrived with a Mini Excavator, a skid steer and we also brought down our own living quarters so not to put you out. Your community was nice enough to allow us to park the 5th wheel up by the bus barns and allow us to hook into your power supply. Water was not an option due to the flooding problem and the contamination. However, we we're allowed to use the facilities in the high school for showers. You also received a team that has many years of experience doing what we did for your small town.

As of this date, October 23, 2022, Anaconda Excavating has yet to be compensated for the work. Please find attached, an Invoice from Anaconda Excavating for full payment for the week of June 24th through July 2nd, 2022. Please remit full payment to the above address promptly. I need to pay my employees and clear this off my books.

If you have any questions, please feel free to contact me at the address listed above.

Thank You for your prompt attention to this matter.

Sincerely,



Tom Lemm
Anaconda Excavating LLC
Owner / Operator.

Enclosures:

Invoice from Anaconda Excavating LLC

C.C.

Senators:

Mr. Steve Daines.

Mr. John Tester.

Anaconda Excavating

INVOICE

558 North Cable Road #23
Anaconda, Montana 59711
(406) 559-6877

INVOICE #	DATE
6242022	10/23/2022

BILL TO
Town of Fromburg Montana
Attn: Tim Nottingham
P.O. Box 236
Fromburg, Montana 59029

CUSTOMER ID	DUE DATE
1307	Promptly upon receipt of Invoice

Descripton	QTY	UNIT PRICE	AMOUNT
Expenses total for June 24th through July 2nd, 2022	1	\$3,757.64	\$3,757.64
Personnel wages for June 24th through July 2nd, 2022			
3 Employee's total for this time period			\$11,210.00
Equipment Cost's			
Mini Excavator \$347.00 per day x 4 days	1	\$347.00	\$1,388.00
Skid Steer \$330.00 per day x 7 days	1	\$330.00	\$2,310.00
Please remit payment upon receipt of this invoice!!			

Thank you for your business!

SUBTOTAL	\$18,665.64
TAX RATE	\$0.00
TAX	\$0.00
TOTAL	\$18,665.64

If you have any questions about this invoice, please contact
[Tom Lemm, \(406\) 559-6877 anacondaexcavating64@gmail.com](mailto:TomLemm.(406)559-6877@anacondaexcavating64@gmail.com)

TOWN OF FROMBERG

Heart of the Clarks Fork Valley
CARBON COUNTY
Fromberg, Montana 59029

Amendment to Contract of Employment and Appointment as City Judge

This amended employment agreement is made and entered into this 8th day of November, 2022, by and between the Town of Fromberg (the Town) and Jackie Schara.

Whereas there is a City Court established in the Town of Fromberg pursuant to Mont. Code Ann. § 3-11-101; and

Whereas the City Council of the Town of Fromberg has found that Ms. Schara meets the qualifications to be a city judge as articulated in statute at Mont. Code Ann. § 3-11-202; and

Whereas Ms. Schara has served a second term as City Judge for a four-year term ending November 1, 2022.

Now therefore, the Town and Ms. Schara mutually agree as follows:

1. Ms. Schara remains appointed as the City Judge for the Town of Fromberg until November 1, 2026;
2. During the term of this Agreement, Ms. Schara will have the powers and perform the duties of the presiding City Judge as set forth in Montana law and the town code of the Town of Fromberg.
3. Ms. Schara will appear for open court once a month to address any business brought before the City Court and will be available on an on-call basis as the needs of the Town require.
4. The Town will provide supplies as-needed by Ms. Schara in order to conduct the business of the City Court.
5. Ms. Schara will be paid \$200.00 on a monthly basis in a position that is salaried, unclassified, and exempt from overtime and compensatory time.
6. Should Ms. Schara need to conduct a hearing or trial which extends beyond the regular court date each month, then Ms. Schara may bill the Town a reasonable hourly rate for the hours she expends on the matter.
7. All other provisions of the previous Agreement shall remain in effect unless contrary to the above sections.

Tim Nottingham, Mayor

ATTEST

Jackie Schara

Town Clerk

Denning, Downey & Associates, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

*P.O. Box 1957, Kalispell, MT 59903-1957
(406) 756-6879 • FAX (406) 257-7879 • E-Mail dda@ddaudit.com
Robert K. Denning, CPA, CGFM, CFF, CITP*

October 26, 2022

Town of Fromberg
Attn: Tim Nottingham, Mayor
P.O. Box 236
Fromberg, MT 59029

Re: Non-Audit Advisory Services

Dear Tim,

Inside you will find the Non-Audit Advisory Services; this will need to be signed and returned to our office. I have affixed a tab where we will need your signature.

Please know once we receive these contracts, that Mr. Robert Denning will sign the Non-Audit Advisory Services. I will return to you a PDF copy of the signed Non-Audit Advisory Services contract for your records.

Should you have any questions, please feel free to call us at any time!

Sincerely,



Christa Clark
Office Manager

Enclosures

Denning, Downey & Associates, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

*P.O. Box 1957 Kalispell, MT 59903-1957
(406) 756-6879 • FAX (406) 257-7879 • E-Mail dda@ddaudit.com*

Robert K. Denning, CPA, CGFM, CFF, CITP

October 26, 2022

Town of Fromberg
Attn: Tim Nottingham, Mayor
P.O. Box 236
Fromberg, MT 59029

Non-Audit Advisory Services

We are pleased to confirm our understanding of the nature and limitations of the services we are to provide for Town of Fromberg for the fiscal years ending June 30, 2022, June 30, 2023 and June 30, 2024.

Denning Downey and Associates CPA's (DDA) is not an employee or part of the management of the Town. Therefore, DDA will only assist the Town's management. This is further evidenced by the Town designating Lacey Breeding as the Town employee with the skills, knowledge and experience (SKE) to oversee these procedures. The Town will establish and monitor the performance of the below described services to ensure that they meet the government's objectives. As such, management of the government accepts full responsibility for any decisions made.

Responsibilities

Following a review of your request for Non-Audit Advisory Services identified below, and our review of Lacey Breeding SKE, we will mutually decide on services and personnel we can provide. We can then mutually establish the time and place for the services to be performed. While performing those services we may assist, advise, and train you and your staff about accounting principles and their application and may assist in the preparation of your financial statements, but the responsibility of the financial statements including all proposed adjustments remains with you. This responsibility includes the establishment and maintenance of adequate records and effective internal controls over financial reporting, the selection and application of accounting principles, and the safeguarding of assets. You are responsible for reviewing the entries and adjusting the financial statements to correct any misstatements. Because the services attached do not constitute an examination, we will not express an opinion. In addition, we have no obligation to perform any procedures beyond those listed in this letter. DDA refuses to take any action that could be construed as making management decisions or performing management functions. These are the responsibilities of the Town's management. The purpose of this engagement is NOT to discover fraud or theft. However, if in the normal course of our work we identify fraud or theft we will notify the Town immediately.

Fees

Our fees for these services are described in the schedule below. The following list may include services that either will not be applicable to your entity or you may choose to perform them yourself. The fees are only for the Non-Audit Advisory Services and do not include travel expenses related with these services. Our invoices for these fees will be rendered when the work is complete or monthly if the work spans several months. In accordance with the AICPA rules on independence, the fees for all Non-Audit Advisory Services must be paid before we can begin work on the audit. If we elect to terminate our services for any reason, our engagement will be deemed to have been completed even if we have not completed the work. You will be obligated to compensate us for all time expended at our standard hourly rates and to reimburse us for all travel costs through the date of termination. If in the course of this engagement or the result of this engagement we are compelled by a court to provide testimony, time or additional services it is understood the Town will compensate us at our standard hourly rate plus related travel expenses for all time required.

Services (may not need all services)

From the information provided by the Town, we will assist the Town in performing the services described below. **It is understood that the Town may not need all the services listed below.**

<u>Service</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Preparation of GASB34 Financials	\$2,400	\$2,500	\$2,600
Annual Financial Report (AFR) Preparation	\$2,400	\$2,500	\$2,600
Data Ledger Load (DLL)	\$800	\$850	\$925
Cash Flow Statement preparation	\$750/per	\$800/per	\$850/per
Consulting per hour	\$255/hour	\$270/hour	\$285/hour

We appreciate the opportunity to assist you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign where indicated below and return this letter to us.

Robert Denning CPA is the partner that has been assigned to your engagement. If you have any questions, please feel free to contact him directly.

Should you have any questions, please feel free to contact us.

Denning, Downey and Associates CPA's P.C.

Date

Town of Fromberg

Date