

I, Bernie W. Finnicum,

do solemnly swear (or affirm) that I will support, protect and defend
the Constitution of the United States, and the Constitution of the State
of Montana, and that I will discharge the duties of the office of

Councilman

with fidelity, so help me God.

Bernie W. Finnicum

DATED this 3rd day of January, 1997.

ATTEST:

Ray W. Lawrence

January 3, 1994. The Culbertson Town Council met in regular session. Bernie W. Finnicum was sworn into the office of town councilman. The following were present: Gene Dillman, Bernie W. Finnicum, Greg Staudinger, James Baldwin, Greg Hennessy, Doug Finnicum, Lynn Labatte and Raedelle Aspenlieder. Absent: Gordon Miller. Guests: Ila Mae Forbregd, Fred Poland, Dean and Lu Simensen, Alan Aspenlieder, Dave Plummer and Steve Baldwin. The December 6th, 9th and 10th, 1993 minutes were read and approved.

Snow Plowing. Fred Poland wanted to know if the town had an ordinance for snow removal. Jim explained that a town our size is not equipped for snow removal. Fred said some people are plowing driveways and pushing the snow out into the streets and leaving ridges. He suggested we put a notice in the paper addressing the private plowing. Clerk will put a notice in the paper.

Dean and Lu Simensen said they are looking in to putting a double wide mobile home on the east end of their two lots. They have 2 - 50'x140' lots with the 140' running east and west. Jim suggested that they sub-divide the lots according to their plan, as it would be to their benefit if they should ever sell. They also asked about a building permit and hooking on to water and sewer and what the charges would be. Those items were explained along with the costs involved.

Fire Dept. Alan Aspenlieder represented the fire department and explained they would like to use part of their supplies budget to help purchase turnouts and helmets for the personal safety of the firemen rather than the supplies they had listed on their original budget. Council did not object.

Investments. Council discussed different investment options. Information from Culbertson State Bank last week was: 2½ yr. CD for \$100,000 or more 3.75% interest, Treasury Bills 4 yr. minimum \$100,000 4.75 - 4.80% and 5 yr. Treasury Bill minimum \$100,000 5.15%. Treasury Bills are very secure. Attorney Hennessy said this is an option that can be done. Clerk will check on a 6 month CD and compare it to the Super Now Interest Rate. Greg Staudinger made a motion to put \$200,000 in Treasury Bills for 5 years. Bernie W. Finnicum seconded the motion. Those voting in favor of the motion: Greg Staudinger, Bernie W. Finnicum and Gene Dillman. Absent and not voting: Gordon Miller. MOTION CARRIED.

Landfill. Mayor Badwin said there are problems arising due to keeping our landfill open to comply with Subtitle D regulations. The town received a letter from Barry Damschen, Damschen & Associates, Inc. stating he met with the State Solid & Hazardous Waste Bureau people. Damschen's letter said "Basically, it was agreed that the new trench can only be excavated to the depths indicated on the originally designed operation plan and cross-sections dated Dec., 1986. It was also agreed that the placement of waste in the new trench can start immediately even though there is a small amount of capacity remaining in the existing trench. This will allow the existing trench to be used as a wet weather disposal area to complete it's life. In regards to the filling of the new trench, the three state officials indicated that the trench can be filled in several 4 to 6 feet deep lifts." Jim talked to Lynn and told him to dump in pit #3 and Lynn refused. The same day Jim called Attorney Hennessy.

Attorney Hennessy asked Lynn if he had anything to add to Jim's discussion. Lynn said the state told him we cannot have 2 pits open at the same time. Lynn wants an official O.K. from the State of Montana in a letter. He would also like to see the road coming in to the pit done like the other pits.

January 3, 1994 cont.

Attorney Hennessy said under the Statute - the Mayor is the Chief Executive Officer and he has the authority to give instruction unless there is evidence of the contrary. Under the terms of both the hauling and landfill contracts it is required that Lynn perform to "town satisfaction". No basis under those contracts to challenge the Mayor on the present facts.

Attorney Hennessy said he spoke with Bureau Chief Jon Dilliard and he confirmed it's okay having the 2 cells open according to Damschen's letter, we are in full compliance at this point. Jon said how to put the footprint in the new pit - layer across the bottom of the new pit. We are allowed to spread the footprint. The State stands by the plan as Barry Damschen submitted it. Pit #3 was dug as deep as the original plan had specified. It could have been dug deeper yet if we would have submitted a new design plan. The State has no problem with what we are doing or plan to do. Mayor Baldwin said submitting a new design plan at this late time is not an option. Attorney Hennessy's position as counsel for the town, he said we have all the authorization we need to proceed.

Jim said Lynn's truck is 8' wide and the road in varies 13' - 14' wide. Greg Staudinger made a motion to adopt Resolution #276. A Resolution directing the landfill operations be conducted and completed in accordance with the State Health and Environmental Sciences Plan. Gene Dillman seconded the motion. Those voting in favor of the motion: Greg Staudinger, Gene Dillman and Bernie W. Finnicum. Absent and not voting: Gordon Miller. MOTION CARRIED.

Lynn was given a copy of Barry Damschen's letter dated December 21, 1993. Attorney Hennessy asked Jon Dilliard about the footprint. If we do the footprint according to Barry's design and recommendation, are we going to end up in the same situation as Kalispell, Jon said no.

Landfill monitoring wells #1, 2 & 3 are all dry.

Landfill hours at this time are Monday and Saturday from 1:00 - 3:00 p.m.

Lynn may need the county to bust cover dirt loose.

Jim said the county graveled the county road in to the landfill, the road in pit #3 and a pile on top.

Jim wants to meet with Lynn Tuesday. Lynn said between 11:00 - 11:30 a.m.

Penny Carter had a complaint about her garbage pick-up. Lynn said she needs to put the garbage at the rack and in cans.

Library Heat. The Amana heater for the library went out. The furnace in the basement is being used. Doug closed off 2 vents in the basement and can close all vents in the basement if necessary.

Water Service Outside of Town Limits. Doug discussed the water rate with Ted Williams, Black Hills Trucking. They are paying 10¢/42 gal barrel. Ted didn't think Black Hills would purchase water from the town if the rates were raised. Doug recommended leaving this as is. The council discussed water service for outside of town limits. Items discussed were: rate - twice the in-town rate would be \$3.36/1000 gal.; service line - size at discretion of council, 2" max., 200 P.S.I.; other materials - saddle, corporation, curb stops as needed, R.P. Back Flow Prevention, meter; all costs to run the service line and hook on to the water main are to be borne by the user; customer would be required to pay - hook-up cost, minimum water charge, turn-on fee and a deposit;

January 3, 1994 cont.

pressure - may not be as high as in town depending on customers lot elevation; service area - no more than 1 mile from nearest main; easements - landowner responsibility.

Council heard the first and final reading of Ordinance #180, an Ordinance authorizing the distribution and sale of Town of Culbertson treated water outside of the town limits. Gene Dillman made a motion to adopt Ordinance #180. Bernie W. Finnicum seconded the motion. Those voting in favor of the motion: Gene Dillman, Bernie W. Finnicum and Greg Staudinger. Absent and not voting: Gordon Miller. MOTION CARRIED.

Part-Time Temporary Employee. Council discussed the possibility of a part-time and temporary employee. Doug will talk to Rod Snyder about helping with town work on a temporary or "as needed" basis during the winter months. Steady or "flex time" during the summer. Doug felt we should start him at \$7.00/hr. for steady and \$7.50/hr. for the "as needed" times. Council agreed. Doug said Loren Schledewitz, C B & F said he would let Steve take off to keep his certification up. Steve is willing to go. The town will pay his expenses. Council is in favor of keeping Steve certified.

Jim talked to Bill Juve with the Highway Department Maintenance about getting mix to patch streets. The town can buy the mix the state has east of town this spring. Jim will talk to Juve in the spring again.

Engineering. Greg Staudinger made a motion to engage Damschen and Associates engineering firm for the landfill. Gene Dillman seconded the motion. Those voting in favor of the motion: Greg Staudinger, Gene Dillman and Bernie W. Finnicum. Absent and not voting: Gordon Miller. MOTION CARRIED.

Sheriff Contract. Greg Staudinger said we should start putting pressure on the county commissioners about the sheriff contracts and get the public to also get involved in discussing this issue with the commissioners. Jim will talk to an individual in town about his possible interest in police work, just to check him out.

Garbage Rate Adjustments. Several months ago Buzz Mattelin with the Culbertson Athletic Club had requested a reduction in his garbage rate as the cafe part was no longer open. At that time, the council said they wanted to wait until the landfill situation was settled so the changes could be done at the same time. Council reconsidered the Culbertson Athletic Clubs request and due to the amount of garbage generated, reduced the garbage rate to \$14.50/month. Then the carwash rate was brought up and the council reduced that garbage rate also to \$14.50/month.

Gene Dillman made a motion to adopt Resolution #275, a Resolution to address State and Federal Unfunded Mandates. Bernie W. Finnicum seconded the motion. Those voting in favor of the motion: Gene Dillman, Bernie W. Finnicum and Greg Staudinger. Absent and not voting: Gordon Miller. MOTION CARRIED. Clerk will send copies to State and Federal Senators and Representatives.

Greg Staudinger made a motion for final reading of Ordinance #178. An Ordinance amending the water and sewer rates. Gene Dillman seconded the motion. Those voting in favor of the motion: Greg Staudinger, Gene Dillman and Bernie W. Finnicum. Absent and not voting: Gordon Miller. MOTION CARRIED.

January 3, 1994 cont.

Greg Staudinger made a motion for final reading of Ordinance #179. An Ordinance amending Town Code Section 7.02.070 to increase the landfill portion of the garbage collection rates. Gene Dillman seconded the motion. Those voting in favor of the motion: Greg Staudinger, Gene Dillman and Bernie W. Finnicum. Absent and not voting: Gordon Miller. MOTION CARRIED.

Council gave the okay to get the crawler tracks tightened up.

The following bills were reviewed by the auditing committee and ordered paid:

General Fund:

U.S. West Comm.	259.87
M.D.U.	805.77
Raedelle Aspenlieder	1089.52
Raedelle Aspenlieder	100.00
Culb. State Bank	312.86
PERS	95.84
MT State Treasurer	160.67
Unemp. Ins. Div.	20.35
MMIA	122.63
Roos. Co. Clerk & Recorder	2653.00
Bruce Waldhausen	125.00
American Legion Post 81	20.00
Tracie Finnicum	50.00
Postmaster	75.00
Culb. Sheet Metal & Elec.	56.50
Roos. Co. Sheriff Dept.	1534.17
A T & T	47.60
Culb. State Agency	80.00
Miller Oil Co.	1082.92
Hennessy Law Office	197.24
TOTAL	<u>\$8,888.94</u>

Special Fund:

M.D.U.	1046.34
A. Douglas Finnicum	195.01
Culb. State Bank	59.68
PERS	130.54
MT State Treasurer	51.28
Unemp. Ins. Div.	8.38
MMIA	115.28
Roos. Co. Clerk & Recorder	10461.32
Roos. Co. Clerk & Recorder	9966.92
Nat'l Geographic Mag.	22.50
Gwen Haugen	75.00
All American Lib. Preview	116.21
Miller Oil Co.	25.50
TOTAL	<u>\$22,273.96</u>

Enterprise Fund:

U.S. West Comm.	49.97
M.D.U.	688.97
Culb. State Bank	325.00
DNRC	32800.34
Postmaster	67.03
A. Douglas Finnicum	1430.05
Joyce S. Norris	190.93
A. Douglas Finnicum	267.60
Culb. State Bank	470.84
PERS	254.53
MT State Treasurer	231.68
Unemp. Ins. Div.	31.13
MMIA	466.65
Quality Business Systems	137.40
MT Dept. of Health & Env Sc	318.60
Farmers Elevator	33.00
DPC Industries, Inc.	15.00
Northwest Pipe Fittings, Inc	118.00
Northwest Pipe Fittings, Inc	416.55
Pedersen Excavating	615.00
Sheridan Electric Co-Op.	54.40
Arrowhead Pest Control	75.00
MT Dept. of Health & Env Sc	822.47
Lynn J. Labatte	3810.00
Miller Oil Co.	522.55
Hometown Market	8.07
Culb. Exxon	12.70
Industrial Systems	67.40
TOTAL	<u>\$44,300.86</u>

Meeting adjourned at 10:30 p.m.

Raedelle Aspenlieder
Clerk

J. E. Ballin
Mayor

February 7, 1994. The Culbertson Town Council met in regular session with the following present: Bernie W. Finnicum, Gene Dillman, Greg Staudinger, James Baldwin, Greg Hennessy, Doug Finnicum, Lynn Labatte and Raedelle Aspenlieder. Absent: Gordon Miller. Guests: From Froid - Greg Sunwall, Lee Vannatta and Bruce Crain; Roosevelt County Commissioner Dean Harmon; Evelyn Casterline, Karen Baxter and Keenan Engelke. The January 3, 1994 minutes were read and approved.

Landfill. Mayor Greg Sunwall and Councilmen Lee Vannatta and Bruce Crain from Froid were here with interest in the landfill issue. Mayor Baldwin had worked out the costs for full compliance to Subtitle "D" EPA Requirements for the towns of Culbertson and Froid. The increase would be \$14.37/month. The estimated cost with liner exemption and no-migration petition would be an increase of \$5.38/month. It should be noted that past figures for the Culbertson Landfill with exemption were figured with the liner exemption only. New figures include the no-migration petition as this is now issued with the liner exemption. As of February 1, 1994 Bainville is hauling their garbage to the Williston landfill.

The only way to find out if there is a chance for this exemption is to do a hydrogeological study of the landfill site. The estimated cost is between \$6000 - \$10,000. - three wells can be drilled, 2 for soil types and 1 to water. From this information an over 90% estimate can be determined as to the likelihood of an exemption and a 100% determination that a complete study will not help.

If the town council should choose to do the 3 well option, a drilling crew is available at Sidney to do the work when a favorable 3 to 4 day window of above freezing weather occurs, probably sometime in late February or early March.

Bernie W. Finnicum made a motion to do the 3 well option. Gene Dillman seconded the motion. Those voting in favor of the motion: Bernie W. Finnicum, Gene Dillman and Greg Staudinger. Absent and not voting: Gordon Miller. MOTION CARRIED. Clerk will send Damschen and Associates a letter stating we will do the 3 well option.

Froid's Mayor Sunwall pledged his town to continue using Culbertson Landfill until April 1, 1994 to give us time to do this testing. Should the exemption be denied, Froid will enter into an agreement with L & L Sanitation and haul their solid waste to Williston.

Library. Evelyn Casterline expressed concern about the structural damage and heat situation at the library. Today it was 58°. Evelyn also asked that the council keep their minds open to another building. Doug guessed it would cost \$1500 - \$1600. to replace the furnace. Gene Dillman made a motion to have Doug check with M.D.U., Miller Oil and Culbertson Sheet Metal on furnace prices with Doug installing it and for Doug to take the best deal. Bernie W. Finnicum seconded the motion. Those voting in favor of the motion: Gene Dillman, Bernie W. Finnicum and Greg Staudinger. Absent and not voting: Gordon Miller. MOTION CARRIED.

Airport. Dean Harmon said the airport project is nearing the end of the money and construction. The project is 97% done and about \$27,000. left to be paid. Right now the project is at 104% of budget, but with grass seeding and mulching it will be 105% of budget. The majority of the overrun was due to the soft spot at the east end. After some discussion on grass seeding and mulching, it was decided for Dean to see if we can't avoid this all together.

February 7, 1994 cont.

With a change in the council after the last election, it is up to the council to elect a new council president. Gene Dillman moved that Greg Staudinger be President of the Council. Bernie W. Finnicum seconded. Those voting in favor: Gene Dillman, Bernie W. Finnicum and Greg Staudinger. Absent and not voting: Gordon Miller. MOTION CARRIED. Council responsibilities were re-assigned as follows: Gordon Miller - Water & Sewer; Greg Staudinger - Finance & Ordinance; Gene Dillman - Library, Pool & Parks; Bernie W. Finnicum - Airport, Streets & Alleys; Jim Baldwin - Landfill. No objections were raised.

Members of the ambulance crew would like a stop sign on one of the streets a block from the hospital and ambulance shed. Council asked Doug to find out where they want the signs and do what can be done to accomodate them.

It was brought up that fuel for the landfill should be alternated between businesses. Lynn said he was told by the council when Miller Oil bought out Gandrud Oil to buy 2 from Miller Oil then 1 from Oelkers. Clerk will check past minutes.

Landfill. Landfill monitoring wells #1, 2 & 3 are all dry. Landfill hours at this time are Monday and Saturday from 1:00 - 3:00 p.m. Tracks were tightened up. Jim talked to Allan Pedersen about busting dirt loose as soon as weather permits.

Council wanted to note that we may have to negotiate a temporary haul elsewhere with Lynn on April 9th if we don't have 100% approval for the liner exemption and no-migration petition. If the exemption and petition fall through all together there will be a complete change over. Jim ran it by Lynn and he nodded his head in agreement.

Interest Rates. Interest rates today were Super Now - 2.53% APY, a 6 month CD for \$100,000. or more 3.23% APY. Council said to put \$300,000. in a 6 month CD. On 2-4-94 town invested \$199,589. in a maturity of \$200,000. Treasury Bill for 5 years at an interest rate of 5.06%.

GJV. General journal voucher #96 was approved and signed.

Council received a letter from Roger Anderson, O.D. requesting that the sewer, garbage and construction fee charges be waived for his unique situation of a satellite office for one day a week. Council said he is getting the lowest commercial garbage rate now and they can't help him anymore than that.

Doug will be gone for schooling February 23rd - 25th.

Raedelle will be gone to the Clerk's Institute for the advanced session this year March 16th - 18th.

Mayor Baldwin signed the Street Lighting Agreement and Municipal Street Lighting and Equipment Rental Agreement with Montana-Dakota Utilities.

The following bills were reviewed by the auditing committee and ordered paid:

<u>General Fund:</u>		<u>Enterprise Fund:</u>	
Missouri River Development	200.00	Income & Misc. Tax Div.	14.25
U.S. West Comm.	269.10	Montana Rural Water Systems	85.00
M.D.U.	891.30	U.S. West Comm.	71.19
Raedelle Aspenlieder	1132.83	M.D.U.	619.03

February 8, 1994

Mayor Jim Baldwin
Culbertson, MT 59218

Dear Jim,

I, Gordon Miller, hereby resign my position as city council member for the east district, Culbertson. My resignation is effective February 8, 1994.

Gordon W. Miller
signature

2/8/94
date

February 7, 1994 cont.

General Fund cont.:

Culb. State Bank	324.94
PERS	99.81
Raedelle Aspenlieder	100.00
Miller Oil Co.	200.38
Hometown Market	60.13
Finnicum's	140.51
Bruce Waldhausen	125.00
QBS	261.57
Local Gov't. Center	50.00
IIMC	55.00
Seitz Ins. Agency	60.00
Tracie Finnicum	50.00
Postmaster	21.50
The Searchlight	40.00
Hennessy Law Office	3239.55
Roosevelt Co. Sheriff Dept.	1534.17
A T & T	47.60
TOTAL	<u>\$8,903.39</u>

Special Fund:

M.D.U.	1101.27
PERS	272.12
Finnicum's	50.68
McCall's	9.97
Self	12.00
Gwen Haugen	75.00
Barco	29.27
Farm Plan	7.78
Prairie Sand & Gravel	645.00
TOTAL	<u>\$2,203.09</u>

Enterprise Fund cont.:

A. Douglas Finnicum	1903.13
Postmaster	75.22
Steven Moore	77.14
Joyce S. Norris	103.52
Culb. State Bank	640.24
PERS	172.30
A. Douglas Finnicum	267.60
Miller Oil Co.	424.88
Hometown Market	9.47
Finnicum's	45.94
The Searchlight	67.00
Farm Plan	6.76
MT Dept of Health & Env Sc	14.00
MT Dept of Health & Env Sc	875.25
DPC Industries	15.00
Larsen Lumber	2.79
Oilind Safety	89.65
Property & Supply Bureau	200.00
Industrial Systems, Inc.	241.98
Northwest Pipe Fittings, Inc	339.00
Sheridan Electric Co-Op, Inc	887.00
Roosevelt Co. Road Dept.	2900.00
Sheridan Electric Co-Op	43.80
Midwest Industrial Mach.	7564.41
Lynn Labatte	3810.00
Doug Finnicum	194.00
TOTAL	<u>\$21,759.55</u>

Meeting adjourned at 10:15 p.m.

Raedelle Aspenlieder
Clerk

J. E. Baldwin
Mayor

March 7, 1994. The Culbertson Town Council met in regular session with the following present: Gene Dillman, Bernie W. Finnicum, Greg Staudinger, James Baldwin, Greg Hennessy, Doug Finnicum, Lynn Labatte and Raedelle Aspenlieder. Guests: Roosevelt County Commissioner Dean Harmon. Council received Councilman Gordon Miller's resignation effective February 8, 1994. Notice will be put in the paper thanking Gordon for the past 8 years of dedicated service to the town.

Dean Harmon showed a sample survey for community needs assessment. The assessment will provide statistical information necessary to be competitive for future grants. The survey will also give elected officials insight into the needs of the community. Greg Staudinger made a motion to contribute \$100.00 toward the cost of the community needs assessment survey. Gene Dillman seconded the motion. All voted in favor of the motion. MOTION CARRIED.

March 7, 1994 cont.

Airport. Dean Harmon reported that the grass seeding and mulching will be done at the airport. It would be more expensive for it to be done privately because of the FAA paying 90% the county 5% and the town 5%.

Water Reservation. According to Dean Harmon, the Fish, Wildlife and Parks Dept. submitted an application for water reservation on the Missouri River. Dean feels that there is potential for erosion of the tax base in Roosevelt County if Fish, Wildlife & Parks Dept. should be granted water reservation. Dean brought an Objection to Application form. The deadline to file is March 11, 1994 and cost is \$50.00. Gene Dillman made a motion to file an Objection to Application. Bernie W. Finnicum seconded the motion. All voted in favor of the motion. MOTION CARRIED. Attorney Hennessy will file the application.

Landfill. Landfill monitoring wells #1, 2 & 3 are all dry. Landfill hours at this time are Monday & Saturday from 1:00 - 4:00 p.m. Lynn said the pits are muddy and wet.

Clerk will re-apply for a burn permit.

Lynn's dump fee is less because of the rural Bainville customers being hauled to Williston.

Clerk will fill out the renewal application for licensing the landfill for July 1, 1994 to June 30, 1995.

Mayor Baldwin had 2 names for a councilman to replace Gordon Miller. They are Lavern Anderson and Gordon Oelkers. Council agreed to extend Gordon Oelkers the councilman office.

Friday, March 11, 1994 a geologist with Damschen & Associates and the drilling crew from Sidney will be here to drill test holes at the landfill.

The town office was approached about a donation for the Gene Vannatta auction. The council didn't think they should set a ^{ce} president on this. Each individual will be taking part.

Council received a letter from H.S. Principal, Jerry Jennex, about the towns possible interest in participating in the practical education of students. Town will participate with concentration on a student for the office.

Council gave Raedelle permission to attend an Enterprise Accounting Workshop sponsored by the Dept. of Commerce in Glendive on March 28th.

Elgen Aerial no longer has his office out of the airport office, so will not be paying the water, sewer & construction fee charges. Council decided to transfer the charges from the General Fund - Airport Utilities to the water, sewer and construction fee accounts.

GJV. General journal voucher #97 was approved and signed.

There was some discussion of replacing the water main on the block by Miller Oil Co., however no action was taken.

Council discussed the problem with the alley behind the town hall and the water run-off. No action was taken.

Fuel for the town will be alternated between the businesses, by order of the council.

I, Gordon Oelkers,

do solemnly swear (or affirm) that I will support, protect and defend
the Constitution of the United States, and the Constitution of the State
of Montana, and that I will discharge the duties of the office of

Councilman

with fidelity, so help me God.

Gordon Oelkers

DATED this 4th day of April, 1994.

ATTEST:

Raedille Asferheden

March 7, 1994 cont.

The following bills were reviewed by the auditing committee and ordered paid:

General Fund:

MDU	1031.78
U.S. West Comm.	243.11
Postmaster	29.00
Raedelle Aspenlieder	1102.49
Raedelle Aspenlieder	100.00
Thilmony's	37.25
Bruce Waldhausen	125.00
Seitz Ins. Agency	11.00
Hometown Market	9.31
Thirud Office Supply	5.25
Finnicum's	46.90
Gaffaney's	255.86
Culb. State Agency, Inc.	100.00
Tracie Finnicum	50.00
Hospital Guild	6.00
Christoffersen & Knierim, P.C.	190.50
Hennessy Law Office	666.78
Culb. Sheet Metal & Elec.	550.00
Roos. Co. Sheriff Dept.	1534.17
A T & T	47.60
Culb. State Bank	311.66
PERS	98.63
TOTAL	<u>\$6,552.29</u>

Special Fund:

MDU	1234.37
A. Douglas Finnicum	253.58
Thilmony's	26.50
Betty Schroeder	75.00
Culb. State Bank	75.08
PERS	258.82
TOTAL	<u>\$1,923.35</u>

Enterprise Fund:

MDU	1972.11
U.S. West Comm.	66.15
Doug Finnicum	357.70
Postmaster	67.80
A. Douglas Finnicum	1331.26
A. Douglas Finnicum	267.60
Thilmony's	17.25
Finnicum's	35.48
Richard Bryant	50.00
Omni Electronics	82.84
DPC Industries	168.40
Miller Oil Co.	213.34
Industrial Systems, Inc.	18.03
Stranco	145.31
Northwest Pipe Fittings	572.75
Sheridan Electric Co-Op	887.00
LK Enterprises	1400.00
Pedersen Excavating	705.00
Oelkers Servicenter	211.15
Farm Plan	65.10
Dana Kepner Co.	115.00
Culb. Exxon	16.00
Sheridan Electric Co-Op	47.34
Lynn J. Labatte	3810.00
Steven Moore	73.64
Joyce S. Norris	100.70
Culb. State Bank	424.04
PERS	117.45
TOTAL	<u>\$13,338.44</u>

Meeting adjourned at 10:25 p.m.

Raedelle Aspenlieder
Clerk

J. Baldwin
Mayor

April 4, 1994. The Culbertson Town Council met in regular session. Gordon Oelkers was sworn into the office of town councilman. The following were present: Bernie W. Finnicum, Greg Staudinger, Gordon Oelkers, James Baldwin, Greg Hennessy, Doug Finnicum, Lynn Labatte and Raedelle Aspenlieder. Absent: Gene Dillman. Guests: Marlyn Brookman, Ken Forbregd and Steve Baldwin. The March 7, 1994 minutes were read and approved.

Marlyn Brookman, candidate for Roosevelt County Sheriff, discussed the ideas he had for the County Sheriff Dept. if he were elected.

April 4, 1994 cont.

Sheriff Contract. Council discussed the estimated cost for the sheriff contract for FY 1994-95 and the possibility of taking the yearly cost to replace the car out of the payment to the county. This cost could be put aside within the town budget and be expended when the car is needed. Mayor Baldwin will discuss the sheriff contract with the Mayors of Froid and Bainville.

Stop Signs. Doug said the stop signs the ambulance crew requested are up on 2 corners of 7th Street and 3rd Ave. E. Gordon suggested that a notice be put in the paper noting where they are and why.

River Pump. Doug said the crissafulli pump, made in 1969, needs repair. A floating pump costs approximately \$3500.00 for the pump itself, could build the framework ourself or buy the framework for \$6500.00. Doug will have to repair the crissafulli this year as he will be putting it in the river this month. Council will keep the floating pump in mind when doing the budget for FY 1994-95.

Parks. Council discussed the idea of contract labor for the parks this year. Greg Staudinger made a motion to negotiate contract labor with Gary Johnston for the parks. Bernie W. Finnicum seconded the motion. Those voting in favor of the motion: Greg Staudinger, Bernie W. Finnicum and Gordon Oelkers. Absent and not voting: Gene Dillman. MOTION CARRIED.

Swimming Pool. Town will advertise for swimming pool help for the 1994 season with applications due by May 2, 1994 at 5:00 p.m.

GJV. General journal voucher #98 was approved and signed.

Building Permits. Building permits for Bruno Ostwald, Dean Simensen and Stanley Johnson were approved.

Greg Staudinger made a motion to adopt Resolution No. 277. A Resolution calling for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission. Bernie W. Finnicum seconded the motion. Those voting in favor of the motion: Greg Staudinger, Bernie W. Finnicum and Gordon Oelkers. Absent and not voting: Gene Dillman. MOTION CARRIED.

M.D.U. Franchise Agreement. Attorney Hennessy will work up the franchise agreement with Montana-Dakota Utilities, propane utility.

Landfill. Friday, April 8, 1994 is the last day at the landfill. Mayor Baldwin said there are 3 options: #1. full Sub-Title D landfill, but with Bainville dropped out we can no longer afford this option; #2. go ahead with Damschen and do a complete hydrogeological study with a 75% chance of being granted the exemption and no-migration petition; and #3. shut this landfill down and haul our garbage, then reclaim the old site at a cost of \$20,000 - \$40,000. If we do haul out-of-town, where? Williston charges about \$21.00/ton and is 95 miles round trip. Sidney charges \$35.00/ton and it is 78 miles round trip to the old landfill and 52 miles round trip to the new site which will be open this fall.

Jim asked Lynn if he would haul to Williston at the same cost as the present contract price. Lynn said, "not hardly". Jim said by that then as of April 9th this collection contract is null and void as is the landfill contract. Bottom line for Lynn to haul is \$1.25 - \$1.35 - \$1.40 per mile. Average weight of one load is 3½ to 5½ ton.

April 4, 1994 cont.

Attorney Hennessy said the contracts are being eliminated by a government with higher power (EPA) action preventing continued dumping at Culbertson landfill, first. Second, Lynn won't perform the contract for the stated consideration.

There was discussion about Lynn hauling Bainville's garbage to Williston. Lynn is hauling Bainville's to Williston for \$1.30/mile.

Mayor Baldwin asked Lynn what his bottom dollar would be if we had him haul our garbage and he said \$1.40/mile. The annual tonage figure was estimated at 800 ton and 4 loads a week.

Council decided to hold a public meeting addressing the landfill and garbage issue on Thursday, April 7, 1994 at 7:00 p.m. to inform the community of the options that are available. The council will meet in special session on Friday, April 8, 1994 at 7:00 p.m. to take action on the landfill and garbage issues.

The following bills were reviewed by the auditing committee and ordered paid:

General Fund:

MMCTFOA	290.00
Raedelle Aspenlieder	305.00
U.S. West Comm.	218.13
M.D.U.	981.33
Raedelle Aspenlieder	1112.55
PERS	98.22
Culb. State Bank	321.30
MMIA	125.25
Unemp. Ins. Div.	19.95
State Treasurer	156.10
Raedelle Aspenlieder	100.00
Oelkers Servicenter	153.25
Bruce Waldhausen	225.00
Stamped Envelope Agency	320.00
Tracie Finnicum	50.00
Raedelle Aspenlieder	50.60
Culb. State Agency, Inc.	50.00
TAABS	850.00
Hennessy Law Office	1550.95
Culb. Sheet Metal & Elec.	230.00
D & R Fire & Safety Equip.Co	3800.00
A T & T	47.69
Mon-Dak Chemical	249.15
Hometown Market	13.29
Searchlight	37.13
TOTAL	<u>\$11,354.89</u>

Special Fund:

M.D.U.	1105.28
A. Douglas Finnicum	465.33
PERS	293.47
Culb. State Bank	143.38
MMIA	70.26
Unemp. Ins. Div.	4.31
State Treasurer	29.89
Montana Magazine	18.00

Enterprise Fund:

U.S. West Comm.	51.92
M.D.U.	670.98
Postmaster	67.65
A. Douglas Finnicum	1258.10
Joyce S. Norris	209.36
PERS	112.23
Culb. State Bank	424.02
MMIA	413.55
Unemp. Ins. Div.	29.67
State Treasurer	226.79
A. Douglas Finnicum	267.60
Oelkers Servicenter	313.73
MT Dept. of Health & Env. Sc	28.00
DPC Industries, Inc.	20.00
Tritec	171.72
Northwest Pipe Fittings	841.94
Farmers Elevator Co.	52.45
Industrial Systems, Inc.	76.40
Basin Septic Service, Inc.	50.00
Lynn J. Labatte	3810.00
Searchlight	12.75
Sheridan Electric Co-Op.	46.59
Arrowhead Pest Control	75.00
Sharp Drilling	1145.50
Hometown Market	16.14
Searchlight	34.75
Northwest Pipe Fittings	143.58
TOTAL	<u>\$10,570.42</u>

Betty Schroeder	75.00
Roos. Co. Sheriff Dept.	1534.17
Jerry Kozak	66.50
Miller Oil Co.	26.70
Farm Plan	25.96
TOTAL	<u>\$3,858.25</u>

Meeting adjourned at 12:00.

Russell Aspinhead
Clerk

J. B. Baldwin
Mayor

April 7, 1994 Public Meeting 7:00 p.m. Town Hall.

There were 77 people attending.

Six landfill/garbage options were presented by Mayor Baldwin.

Mayor Baldwin asked the person with a video camera to state his name and address for the record and explained that since he is the only video recorder there, that if necessary the tape could be subpoenaed. He said, "Pete Spaabeck, Froid, MT 59226".

Several things have changed since the December public meeting. The consensus at the December public meeting was to operate and maintain a Class II landfill in Culbertson with Froid and Bainville participating. Bainville couldn't go along with us for reason of costs. They have been hauling to Williston since February 1st. When Bainville dropped out the increase per customer went from \$12.00/month to be over \$17.00/month for Froid and Culbertson customers.

Mayor Baldwin explained he had written to the Governor and other officials about the landfill problem and costs, but found no relief.

A handout with a list of options was given to each person attending. Mayor Baldwin explained each option. The option sheet is attached to these minutes.

The people were given the opportunity to discuss and ask questions.

The question was asked if L & L Sanitation will haul our garbage for the current contract price. Mayor Baldwin said why don't you ask Mr. Labatte, here he is. Lynn shook his head in disagreement. Mayor Baldwin said he's shaking his head no, so I'll take that as a no.

Mayor Baldwin said we may have to sit on our garbage for a couple of weeks until we get the garbage and landfill issue resolved. Several people felt the town should made arrangements with L & L Sanitation in the interim to have the garbage picked up and hauled to Sidney or Williston. However, it was noted that Sidney wants a one year agreement.

Mayor Baldwin asked for a straw vote at the conclusion. People were asked to indicate which option they preferred on the handout, with option #7. having the garbage picked up in the interim. The option receiving the most votes was option #4 - Haul to Sidney, household waste only, and operate a Class 3 landfill in Culbertson.

Russell Aspinhead
Clerk

J. B. Baldwin
Mayor

OPTIONS

- #1 - Full Subtitle "D" Compliance. Meet ALL EPA requirements for Culbertson Landfill.
\$32.90 per month
\$20.90 increase per customer

- #2 - Approved No-Migration Petition and Pit Liner Exemption.
Cost up to \$40,000 for hydrogeological study with only 75% chance of success. If failed would be required to go to option #1.

\$17.38 per month)
\$5.38 increase) with Froid

\$20.85 per month)
\$8.85 increase) without Froid

- #3 - Haul to Williston, household waste only, and operate a Class 3 landfill in Culbertson.
\$18.89 per month
\$6.89 increase

- #4 - Haul to Sidney, household waste only, and operate a Class 3 landfill in Culbertson.
\$18.79 per month)
\$6.79 increase) present landfill

\$18.71 per month)
\$6.71 increase) future landfill

- #5 - Town of Culbertson to buy out L & L Sanitation and operate solid waste disposal as a Municipal enterprise, haul to Sidney or Williston, and provide a Class 3 service at present landfill. This would only save about \$3500, and does not cover the cost of a part-time second man.

- #6 - Town of Culbertson to remove itself from solid waste participation, other than Class 3 landfill, and turn over all accounts to L & L Sanitation.

Just a reminder these options are the best estimates that can be made with available information.

April 8, 1994 7:00 p.m. Special Meeting. The Culbertson Town Council met in special session with the following present: Bernie W. Finnicum, Gordon Oelkers, Jim Baldwin, Greg Hennessy, Lynn Labatte and Raedelle Aspenlieder. Greg Staudinger arrived after the roll call. Absent: Gene Dillman. Guests: Gary Rasmussen, Keenan Engelke, Dave Plummer, Stanley Johnson, Dan Heckman, Steve and Shelly Baldwin, Ila Mae Forbregd, Mike Weeks, Bill Casterline, LeRoy Larsen and Linda Labatte.

Thursday, April 7th was the public meeting to inform the people of the changes in the landfill since the December public meeting when the consensus was then to operate and maintain a Class II landfill in Culbertson with Froid and Bainville participating. Since Bainville dropped out and is having their garbage hauled to Williston, the estimated raise in rates went from \$12.00/month to \$17.00/month for Culbertson and Froid. Froid has indicated that if Culbertson got the liner exemption and no-migration petition they would be interested in hauling to the Culbertson landfill, if not, they would have to haul their garbage elsewhere because of the cost increase. Culbertson alone cannot afford a full Subtitle "D" compliance landfill as a residential account monthly rate would be approximately \$32.90.

The straw vote from the public meeting April 7th was option #4 - Haul to Sidney, household waste only, and operate a Class III landfill in Culbertson receiving the most votes. Also many people felt we should have the garbage picked up by L & L Sanitation in the interim.

Mayor Baldwin asked, "Where do we go from there?" L & L Sanitation has repeatedly declined to haul to Williston under the present contract price.

Attorney Hennessy has studied the language in the landfill and collection contracts. In this research, the town dump language refers to the Culbertson landfill as opposed to other landfills.

The EPA regulations being crammed down our throats caused the contracts to be rendered null and void as we won't be able to haul to the Culbertson landfill.

The MCA says the contracts are broken by impossibility of performance and L & L refusing to haul for the old price, except that part of the landfill covering which will drop from 4 times a week to 4 times a year.

Effective midnight tonight, the contracts are made impossible.

Another statute addresses severability of portions of the contracts that can lawfully be carried forward. The only items possible/lawful after midnight for Class III landfill is a small amount of covering and gate time that still needs to be done. Attorney Hennessy asked, "Is there any other price, term or consideration that L & L can quote to the Town's satisfaction than can be modified or substituted?" One consideration is the Class D Certificate that L & L Sanitation holds. The MCA statutory provision for protection of private waste disposal service in municipalities was noted.

One other point is the awkward fact there is only 1+ year left of Lynn's 3 year contract. If the contract were to be re-negotiated, previous contracts will be void. Council would feel more comfortable re-advertising.

Linda Labatte asked if there is a personal conflict. Steve Baldwin's name comes up many times. It was explained that Steve's name comes up only in reference to a past situation concerning the Class D Certificate. Steve stated, "get this out of your head as I am not interested in getting back into the garbage business and you know full well that I can not."

April 8, 1994 special meeting cont.

Lynn handed the council copies of a letter written to him from Katherine M. Irigoien, Attorney. He said here is another opinion concerning the proposed cancellation of contracts.

Bill Casterline said why should Lynn be penalized for the closing of the landfill. Bill couldn't see any way we could legally re-advertise the contract. Bill thinks Lynn could go to court and make the town pay through the duration of his contract. Bill said we should make arrangements with Lynn to haul the garbage for the duration of the contract. Attorney Hennessy said, "you are missing the point; only the lawful parts stand, the unlawful parts don't." Bill said we have a contract for Lynn to pick-up and haul into the Culbertson landfill. This could be simplified if we would sit down and figure and agree on the cost to have Lynn haul the garbage elsewhere.

Lynn said he tried to work with the council, and had an excellent relationship. Only since December that it has been a bad relationship. The bottom line to haul the garbage is \$1.40/mile.

Lynn is willing to take over the Culbertson accounts if the town wants to get out of the garbage business. But if an account doesn't pay, he will cease pick-up. Then the County Sanitarian could end up being involved.

It was noted that the straw vote from the public meeting is not binding.

Bernie W. Finnicum asked Lynn if he could work up a deal where it would cost a set amount for a household and for a business. Right now, Lynn is allowed to haul 500 tons to the Williston landfill with no tax and at \$18.75/ton. If the businesses get more dumpsters and eliminated the Saturday pick-up, it would be close to try to only make 3 trips to the Williston landfill in a week.

There will be a \$2.00 charge included in the garbage charge to each customer for a Class III landfill.

Bernie W. Finnicum made a motion to negotiate a new contract. He then withdrew the motion.

Attorney Hennessy said, "let's be clear about one thing, that these contracts are null and void except to Type III at midnight tonight."

The council still has the opportunity for a novation. This is especially true where we have a certified carrier.

Sidney would want a one year agreement to dump in their landfill.

Lynn made an offer to bridge the emergency interim so we don't have garbage build up. Lynn asked the council if he could continue through April at contract price plus he would bill us for the dump fee and mileage at \$1.40/mile to where ever he wants to haul it. Bernie W. Finnicum made a motion to accept Lynn's emergency interim offer through April for household garbage only. Gordon Oelkers seconded the motion. Those voting in favor of the motion: Bernie W. Finnicum, Gordon Oelkers and Greg Staudinger. Absent and not voting: Gene Dillman. MOTION CARRIED.

Attorney Hennessy said under contract law rules, we have the opportunity to substitute a new contract. Alternatively, if the council doesn't want to substitute a new contract, then we advertise for bids.

April 8, 1994 special meeting cont.

Bernie W. Finnicum made a motion to negotiate with Lynn, and in the mean time, advertise the collection contract for bids to be due for opening at the May 2, 1994 meeting for a turn-key agreement. Gordon Oelkers seconded the motion. Those voting in favor of the motion: Bernie W. Finnicum and Gordon Oelkers. Abstaining: Greg Staudinger. Absent and not voting: Gene Dillman. MOTION CARRIED.


Clerk


Mayor

May 2, 1994. The Culbertson Town Council met in regular session with the following present: Gene Dillman, Bernie W. Finnicum, Greg Staudinger, Gordon Oelkers, James Baldwin, Lynn Labatte, Greg Hennessy and Raedelle Aspenlieder. The April 4th, 7th and 8th, 1994 minutes were read and approved. Guests: Roxanne Nickoloff and Dorothy Cody.

Dorothy Cody, candidate for Roosevelt County Commissioner, shared some of her ideas and answered questions.

Swimming Pool. Swimming Pool personnel hired for the 1994 season are as follows: Roxanne Nickoloff - Manager; Jenell Marchwick - Assistant Manager and Lifeguard; and Lifeguards - Jennifer Stuber, Allison Vannatta, Monika Finnicum, Christine Carlisle and Scott Nickoloff. Reserve lifeguards - Rhonda Snyder, KayCee Finnicum, Andrea Vannatta and Michael Schmitz. Swimming instructors will be Jenell Marchwick and Christine Carlisle again this year. Roxanne Nickoloff and Jeri Wolff will do water aerobics again this year. Swimm lessons and aerobics are 75% of fees go to instructors and 25% goes to the town. Gordon Oelkers made a motion to increase the swimming pool personnel wages 5% above last years wages. Gene Dillman seconded the motion. All voted in favor of the motion. MOTION CARRIED. The 1994 season wages will be \$6.30/hr. - manager; assistant manager and lifeguards \$5.25/hr. Council agreed that if a couple of the lifeguards wanted to get certified for Water Safety Instruction, the town would pay the class fee.

Garbage Collection Contract. Greg Staudinger made a motion to accept the Garbage Collection Contract effective May 1, 1994 with Lynn J. Labatte, L & L Sanitation. Gene Dillman seconded the motion. All voted in favor of the motion. MOTION CARRIED.

The period of the contract is May 1, 1994 through June 30, 1995. The consideration is \$6,019.47 per month, \$72,233.60 per year. Payment for April regular and interim garbage hauling: \$6456.27. Payment for April regular (1st - 11th) landfill operations: \$348.33. Payment for buy-out of interim and prospective landfill operations April 12, 1994 through June 30, 1995: \$3,250.00.

Lynn will be giving Jim a comparison on commercial garbage generated. Jim will make a rough draft of commercial rates.

Ordinance #179 was passed on January 3, 1994. This ordinance amended the garbage rates, raising the rates of all commercial and residential by \$12.00/month. All accounts will be increased by \$12.00 or less. This increase will show up on the May 31, 1994 bills. Those businesses that will increase more than \$12.00/month will require a new ordinance that will be acted on at the June 6, 1994 meeting. Once the rough draft of rates is done, the committee will meet to review and or adjust the figures.

May 2, 1994 cont.

Landfill. The county road crew worked on Friday, April 29th from 7:00 a.m. - 3:00 p.m. to dig the garbage out of pit #3 and put in pit #2. Things went well until they got to a 20' wide x 140' long area that was too wet to haul out. They will let this set for a couple days to dry out. County may go back in the end of this week. Lynn said the city crawler could probably move the wet area without sinking. As soon as pit #3 is cleaned out the the State gives the okay, we can open the landfill for Type III. Council discussed opening the landfill on Saturdays only, from 10:00 a.m. - 8:00 p.m. in the summer and possibly 10:00 a.m. - 4:00 p.m. in the winter. Council will offer the landfill job to Dave Sweet at \$5.00/hr.

There was some discussion on dump fees at the landfill. More information on this to come at the June meeting.

M.D.U. Bernie W. Finnicum made a motion to accept the franchise agreement with Montana-Dakota Utilities, Propane Utility for 1% of gross sales for 25 years. Greg Staudinger seconded the motion. All voted in favor of the motion. MOTION CARRIED.

Nemont Telephone. Council reviewed the Right Of Way Easement request from Nemont Telephone Cooperative, Inc. More information is needed.

Greg Staudinger made a motion to adopt Resolution #278. A Resolution indicating the Town of Culbertson's intention to be an active member of the Great Northern Economic Development District.

Sheriff Contract. Jim will talk to the Mayors of Froid and Bainville about the sheriff contract for the east end.

Paul Finnicum requested water only at the trailer court he recently purchased. He wants to run his horses in the area so they will eat up the grass to clean the place up. The precedent has been when the water is on, sewer and garbage charges are on as well. The council didn't feel they could make an exception.

Montana Bar. Bob Linthicum requested permission to rope off the south block of main street on Saturday night, June 4th for a street dance. He said they would police the area and clean it up as they have in the past. He can contact Doug prior to this date for baracades. Council approved.

The Lions Club and Women's Club want to plant the old Nay lot that the school now owns to grass and install a sprinkler system. Dick Iverson asked if a back-flow prevention valve is required - no, only on new service installations and would the town supply the water - council said no.

GJV's. General journal vouchers #99 & 100 were approved and signed.

Building Permits. Building permits for Gary Rasmussen, Ila Mae Forbregd and Jerry Kozak were approved and signed.

Summer Baseball. Council received a request for a contribution from the summer baseball program. Greg Staudinger made a motion to contribute \$300.00 as was budgeted to the summer baseball program. Gene Dillman seconded the motion. All voted in favor of the motion. MOTION CARRIED.

May 2, 1994 cont.

The following bills were reviewed by the auditing committee and ordered paid:

General Fund:

U.S. West Comm.	293.49
M.D.U.	643.22
Finnicum's	49.76
Bruce Waldhausen	125.00
Raedelle Aspenlieder	100.00
MT League of Cities & Towns	214.92
Tracie Finnicum	50.00
Roos. Co. Sheriff Dept.	1534.17
A T & T	48.45
Miller Oil Co.	111.82
Elgen Aerial	887.46
Gaffaney's	130.00
Sullivan Wholesale	887.08
Raedelle Aspenlieder	1165.36
Culb. State Bank	338.20
PERS	103.00
Finnicum's	24.10
Hennessy Law Office	2299.91
TOTAL	\$9,005.94

Special Fund:

M.D.U.	1013.76
Redbook	14.97
Nutrition Action	10.00
Betty Schroeder	75.00
A. Douglas Finnicum	193.29
Culb. State Bank	59.02
PERS	264.80
Farm Plan	12.10
TOTAL	\$1,642.94

Enterprise Fund:

Doug Finnicum	1152.71
MT Dept. of Health & Env Sc	650.29
U.S. West Comm.	59.41
M.D.U.	555.03
Income & Misc. Tax Div.	22.68
Postmaster	67.48
Finnicum's	34.30
Miller Oil Co.	1.45
Tom Ruffatto	50.00
MT Rural Water Systems	200.00
MT Dept of Health & Env Sc	208.20
Agri Industries	17.70
DPC Industries	174.40
A. Douglas Finnicum	267.60
Northwest Pipe Fittings	541.66
LK Enterprises	1175.00
Lynn J. Labatte	10054.60
Sheridan Electric	41.86
Ken's Refrigeration	50.00
A. Douglas Finnicum	1417.54
Joyce S. Norris	105.34
Culb. State Bank	450.84
PERS	127.12
Finnicum's	21.15
Bearings Supply	43.90
Oelkers Servicerter	121.29
Farm Plan	51.65
TOTAL	\$17,663.20

Meeting adjourned at 10:45 p.m.

Raedelle Aspenlieder
Clerk

J. L. Baldwin
Mayor

June 6, 1994. The Culbertson Town Council met in regular session with the following present: Bernie W. Finnicum, Gene Dillman, Greg Staudinger, Gordon Oelkers, James Baldwin, Greg Hennessy, Doug Finnicum, Lynn Labatte and Raedelle Aspenlieder. The May 2, 1994 minutes were read and approved.

M & M's Place Garbage. Melvin Torgerson, M & M's Place had a question on the commercial garbage rate. He wondered if, when his place was evaluated, Lynn realized he was being billed for residential and commercial garbage. Lynn did not realize this. Melvin said he also gets extra garbage pick-up on Saturdays, which costs him extra with L & L Sanitation. Commercial accounts get 2 garbage pick-ups a week, any extra pick-ups are their option. With more holding capacity, the Saturday pick-up could be eliminated. However, Lynn said if he is not

June 6, 1994 cont.

picked up on Saturday that the unit count should be bumped up. No changes were made to M & M's Place garbage charge.

Paul Finnicum purchased Bell Trailer Court. He is in the process of selling 1½ lots. The question was asked if as the lots sell if there would be a new hook-up charged for each. Greg Staudinger made a motion that there will not be a new hook-up charge, as the trailer court has paid the construction fee assessment. Any extra costs to hook the individual meter are the responsibility of the property owner. This will be an additional construction fee assessment. Gordon Oelkers seconded the motion. All voted in favor of the motion. MOTION CARRIED.

Great Northern Development Corporation. Gordon Oelkers made a motion that as a member of the Great Northern Development Corporation we contribute \$1.00 per capita, \$896.00 and that Mayor Baldwin represent Culbertson. Greg Staudinger seconded the motion. All voted in favor of the motion. MOTION CARRIED.

State Highway Shop. Lee Vannatta, Montana State Highway Maintenance Shop, questioned the garbage charge for the shop. He said they have only been getting one pick-up per week and wondered if they could get a seasonal rate as they have more garbage in the summer. Council noted that this account has not been charged for garbage service ever. Lynn indicated the state shop has always had only one pick-up per week. Council agreed that with the new rate schedule, as a commercial account the stat shop shall receive 2 pick-ups a week and the rate would be left as assessed.

Building Permits. Building permits for Zane Grimsrud and Jeff Aspenlieder were approved and signed.

Parks. The town received a \$150.00 donation to parks from an anonymous donor. Clerk will put a thank-you in the Searchlight.

Sheriff Contract. Greg Staudinger made a motion to execute the Agreement for General Law Enforcement Services for the Towns of Culbertson, Froid and Bainville with further amendments as discussed. Gordon Oelkers seconded the motion. All voted in favor of the motion. MOTION CARRIED.

Dean Harmon had stopped in prior to the meeting and discussed the water reservation application the town had filed and the objection to the MT Fish, Wildlife & Parks application for water reservation. The law firm of Ted Doney apparently needed a letter from the town explaining what we want to do about the defense of our application. It appeared Candice Torgerson, Attorney in the Doney Law Firm was handling the defense of applications from Wolf Point & Scobey. There was some confusion on this so Attorney Hennessy suggested Raedelle contact Doney and Torgerson and ask them to send him a letter explaining what it is they want from us.

Mosquito Fogger. Council reviewed information on a mosquito fogger that mists without the addition of diesel fuel and kill time is about 15 minutes. Doug will check with Darrel Dilger in Wolf point about a possible used fogger. Council will keep this in mind for FY 1994-95 budget.

Swimming Pool. Council approved of Roxanne and Jenell attending a Pool Workshop in Wolf Point on Friday, June 17, 1994. Town will pay mileage to one driver.

June 6, 1994 cont.

GJV. General journal voucher #101 was approved.

The Town received a letter from the Biking Vikings - a voluntary organization working to further sport and physical activity among the handicapped. The Biking Vikings wanted the Mayor to arrange a free overnight stay and simple meals for the 10 participants. Council suggested clerk contact the Women's Club. Overnight stay could possibly be the park, Trinity Lutheran or the Guard Shop. If the Women's Club is not interested, then put a notice in the paper. It was also mentioned we might let them know to take the Fort Kipp bottom route instead of on highway 16.

Garbage Rates. Greg Staudinger made a motion to adopt Ordinance No. 182, an Ordinance declaring an emergency and amending Town Code Section 7.02.070 to re-establish equitable garbage rates for the Town of Culbertson, Montana. Bernie W. Finnicum seconded the motion. All voted in favor of the motion. MOTION CARRIED.

Solid Waste Landfill Fees. Greg Staudinger made a motion to adopt Ordinance No. 183, an Ordinance amending Town Code Section 7.02.071 Solid Waste Landfill Fees. Bernie W. Finnicum seconded the motion. All voted in favor of the motion. MOTION CARRIED.

Landfill. Saturday, June 4th landfill pit #3 was cleaned out with the assistance of the county. Jim will call Barry Damschen to discuss a closure plan for the landfill. Jimm will call the State Solid Waste Bureau to see if we can have an exception to open and haul tree branches to the landfill prior to an inspection. This is necessary due to the recent storm. If we get the okay the landfill will be open Saturday, June 11th for tree branches. Jim and Greg will compose a list of what can and can't be disposed of in the Class III Landfill and the days and hours open. Copies will be handed out at the landfill and an ad put in the Searchlight.

Council discussed the idea of tickets for non-Culbertson residents. The landfill gate person will be allowed to take checks only, no cash. The rates to be \$10.00 for a pick-up load and \$25.00 for a farm truck load. The ticket books will have stubs, and tickets can be purchased at the town office, Finnicum's or Oelkers Servicenter.

Council decided to pay the gate attendant \$6.00/hour and put them on the payroll. In the winter we will make arrangements for an electric heater. Rich Bryant was interested. Tracie Finnicum possibly will fill-in in Rich's absence.

The Boy Scouts will help with the clean-up at the landfill. Council decided to donate \$100.00 to the scout program, plus buy the boys pizza and pop at noon. Clerk will buy garbage bags from 4-H.

Council decided to sell the 1972 Bell Trailer to Rich Bryant for \$400.00.

Street Signs. Council discussed the no U turn signs and the negative affect of the unfriendly signs. No action was taken.

Clerk was asked to call County Sanitarian Ron Smith about rats at Bill Owens trailer.

The following bills were reviewed by the auditing committee and ordered paid:

June 6, 1994 cont.

General Fund:

U.S. West Comm.	29.92
Nemont Telephone	226.79
M.D.U.	406.17
Pool Petty Cash Box	50.00
Raedelle Aspenlieder	1090.47
Roxanne Nickoloff	110.27
Scott Nickoloff	62.89
Rhonda Snyder	49.58
Allison Vannatta	81.03
Andrea Vannatta	49.58
KayCee Finnicum	43.54
Monika Finnicum	16.93
Jenell Marchwick	83.60
Culb. State Bank	392.66
PERS	95.84
Nemont Telephone	239.89
A T & T	48.45
Searchlight	87.25
Miller Oil	58.16
Finnicum's	157.62
Bruce Waldhausen	125.00
J.E. Baldwin	750.00
Raedelle Aspenlieder	100.00
Gaffaney's	26.21
Hometown Market	8.24
Thirud Office Supply	87.86
Tracie Finnicum	90.00
Hennessy Law Office	1573.42
Larsen Construction	15.75
Elgen Aerial	123.52
Culb. Cemetery Assoc.	500.00
Cornbelt Chemical Co.	346.10
Gary Johnston	87.50
Mon-Dak Chemical	109.80
Culbertson Exxon	22.78
Division 10 Specialties	64.04
Thompson Pools	35.63
Sullivan Wholesale	509.80
S & S Chemical & Oil	115.95
DPC Industries	75.20
Doug Finnicum	25.00
Farm Plan	123.22
Culb. Summer Baseball	300.00
TOTAL	\$8,595.66

Enterprise Fund:

Nemont Telephone	74.12
M.D.U.	927.52
Postmaster	67.48
A. Douglas Finnicum	1744.12
Joyce S. Norris	105.34
Culb. State Bank	571.28
PERS	158.22
Nemont Telephone	51.14
M.D.U.	15.18
Sheridan Electric Co-Op	21.40
Searchlight	130.50
Culb. State Bank	300.00
Miller Oil Co.	164.28
Finnicum's	157.49
Hometown Market	21.13
Culb. Exxon	9.52
DPC Industries	85.20
Doug Finnicum	18.00
MT Dept of Health & Env. Sc	26.60
MT Dept of Health & Env. Sc	120.00
Gene's Electric	276.00
Bearings Supply	134.97
A. Douglas Finnicum	267.60
Industrial Systems, Inc.	83.40
Northwest Pipe Fittings	172.70
Lynn J. Labatte	6019.47
Genex Supply	156.57
TOTAL	\$11,879.23

Special Fund:

M.D.U.	946.55
PERS	254.06
M.D.U.	44.01
Hometown Market	12.50
Thirud Office Supply	14.20
Betty Schroeder	75.00
Karen Baxter	67.29
Roos. Co. Sheriff Dept.	1534.17
Normont Equip. Co.	180.00
Roos. Co. Clerk & Recorder	12181.00
TOTAL	\$15,308.78

Meeting adjourned at 10:30 p.m.

Raedelle Aspenlieder
Clerk

J.E. Baldwin
Mayor

Let
6-30-94

July 5, 1994. The Culbertson Town Council met in regular session with the following present: Bernie W. Finnicum, Gene Dillman, Greg Staudinger, Gordon Oelkers, James Baldwin, Greg Hennessy, Doug Finnicum, Lynn Labatte and Raedelle Aspenlieder. The June 6, 1994 minutes were read and approved.

Gene Thomas with Western Plains Machinery Co. was present to discuss Case backhoes and pay loaders. Doug was recently in Billings to check on and try out backhoes and pay loaders. Gordon Oelkers made a motion to advertise for bid a backhoe with air conditioner and minimum specifications with the 555D Crawler/Loader as a trade-in. Gene Dillman seconded the motion. All voted in favor of the motion. MOTION CARRIED.

Mayor Baldwin recently attended the district meeting of the Montana League of Cities and Towns in Sidney. Issues of interest to cities and towns that are likely to be considered during the 1995 Legislature were discussed. Jim also went to the public meeting of the Roosevelt County Commissioners dealing with the 1/2% Local Option Vehicle Tax and encouraged the commissioners to continue the option tax.

Landfill. The Class III landfill is open now. Pit #2 needs to be seeded to grass yet. Council agreed to the Mayor finding someone to do the seeding.

Tri-County Sanitarian, Ron Smith, did look at Bill Owens property and found no sign of rats.

Water Reservation. The BIA withdrew their objection to our water reservation application. In the FY 1994-95 budget we should allocate for legal fees for the objection to MT Fish, Wildlife and Parks application for water reservation.

M.D.U.-Natural Gas. Jim met with Montana-Dakota Utilities Representatives and David Skinner with SVO about the possibility of natural gas.

Gordon Oelkers made a motion to decrease Roosevelt County Fair Building garbage charge from 2 units to 1 unit. Gene Dillman seconded the motion. All voted in favor of the motion. MOTION CARRIED.

M & M's Place discontinued extra garbage pick-up on Saturday. Therefore, they are generating more pounds for the Monday pick-up. The question was raised that possibly the unit count should then be bumped up. Council decided to leave the rate as was originally assessed for 3 commercial units plus the residential.

Mosquitos. Doug recently ordered more mosquito fogging chemical. The plan is to fog everyday for a week, then once a week after that.

Petition to Abandon Alleyway. Frederick and Jennifer Kessner requested the alleyway on the west edge of Lot 15, Block 2, Cushings Second Addition be abandoned. They presented a Petition To Abandon Alleyway which was signed by 100% of property owners adjoining this alleyway in the town limits. Bernie W. Finnicum made a motion to abandon the alleyway on the west edge of Lot 15, Block 2, Cushings Second Addition. Greg Staudinger seconded the motion. All voted in favor of the motion. MOTION CARRIED. Doug said there are no water, sewer or other service lines for which we need to reserve an easement. Attorney Hennessy will continue with the abandonment procedure.

Tentative budget meeting dates are scheduled for July 15th, 22nd and 29th from 7:00 - 10:00 p.m.

July 5, 1994 cont.

Building Permits. Building permits for Dale Wolff and the Methodist Church were approved.

GJV's. General journal vouchers #102 & 103 were approved.

DOC Maintenance Contract. Council approved the Maintenance Contract with the Dept. of Commerce for FY 1994-95 for area workshops.

Doug will check on the floating pump as advertised for Holtan Farms Auction.

Nemont-Right of Way Easement. Council reviewed the right of way easement request from Nemont Telephone Cooperative for Buregger Centennial Park. The council had problems with this easement as there is a sprinkler system in the park along with other complications of the park. The Nemont representative needs to talk to Doug.

Clerk will send letters to property owners to trim trees so the garbage truck can pass by safely.

Doug informed the council of the recent park inspection by a Safety Specialist from MMIA.

The following bills were received by the auditing committee and ordered paid:

<u>General Fund:</u>		<u>Enterprise Fund:</u>	
Jenell Marchwick	177.75	Paul Delong	96.73
Andrea Vannatta	118.50	Harry Haber	147.94
MDU	1067.37	Dick Erdahl	147.94
Raedelle Aspenlieder	1140.27	Dallas Dehner	56.90
Abe Rumsey	355.75	Ben Nice	113.80
Roxanne Nickoloff	1041.42	Culb. State Bank	2825.00
Scott Nickoloff	448.93	DNRC	32800.34
Rhonda Snyder	227.87	Damschen & Assoc., Inc.	3338.89
Allison Vannatta	453.18	MDU	1229.44
Andrea Vannatta	163.29	A. Douglas Finnicum	1317.23
KayGee Finnicum	151.79	Steven Moore	21.03
Jenell Marchwick	591.05	Joyce S. Norris	105.34
Jenny Stuber	523.82	PERS	118.92
Christine Carlisle	188.04	Culb. State Bank	433.42
PERS	100.21	MMIA	400.76
Culb. State Bank	1235.68	MT State Treasurer	255.64
MMIA	504.78	Unemp. Ins. Div.	29.77
MT State Treasurer	289.59	A. Douglas Finnicum	267.60
Unemp. Ins. Div.	43.52	Finnicum's	75.14
Raedelle Aspenlieder	100.00	Larsen Lumber	123.24
Finnicum's	67.37	Searchlight	107.02
Larsen Lumber	29.99	DPC Industries	75.20
Bruce Waldhausen	125.00	Farm Plan	2.96
PBS	73.97	Dr. Randall Steffens	50.00
Raedelle Aspenlieder	57.92	MT Dept. of Health & Env Sc	14.00
MT Dept of Commerce	400.00	Farmers Elevator Co.	32.50
Searchlight	33.00	Northwest Pipe Fittings	64.28
Roos. Vo. Clerk & Recorder	450.22	Miller Oil Co.	27.26
Roos. Co. Sheriff Dept.	1534.17	Raedelle Aspenlieder	67.78
A T & T	48.45	Lynn J. Labatte	6019.47

July 5, 1994 cont.

General Fund Cont.

Roxanne Nickoloff	105.00
Jeri Wolff	105.00
DPC Industries	80.20
American Red Cross	100.00
Roxanne Nickoloff	29.70
Hometown Market	73.19
Cornbelt Chemical Co.	576.24
Sidney Greenhouse	25.00
Oelkers Servicenter	67.61
Tracie Finnicum	100.00
Nemont Telephone	236.04
TOTAL	<u>\$13,240.88</u>

Enterprise Fund Cont.

Mighty Mounted 4-H	15.00
Me Too Pizza	40.45
Boy Scout Troup 296	100.00
Arrowhead Pest Control	75.00
Sheridan Electric Co-Op	10.00
A. Douglas Finnicum	185.03
Hometown Market	8.07
Oelkers Servicenter	168.23
Nemont Telephone	46.37
TOTAL	<u>\$51,013.69</u>

Special Fund:

MDU	912.52
A. Douglas Finnicum	371.52
PERS	286.21
Culb. State Bank	116.20
MMIA	55.92
MT State Treasurer	30.32
Unemp. Ins. Div.	3.05
Finnicum's	54.88
Karen Baxter	59.96
Seventeen	16.95
Betty Schroeder	75.00
Farm Plan	52.11
A. Douglas Finnicum	92.52
TOTAL	<u>\$2,127.16</u>

Meeting adjourned at 10:50 p.m.

Raedelle Aspenlieder
Clerk

J. E. Baldwin
Mayor

July 14, 1994. The Town Council met in special session to review the preliminary budget. The following were present: Greg Staudinger, Bernie W. Finnicum, Gordon Oelkers, James Baldwin, Doug Finnicum and Raedelle Aspenlieder. Absent: Gene Dillman. Council agreed to give Doug and Raedelle a 3% pay raise and Joyce a 25¢ raise. Meeting on the budget to be continued.

Raedelle Aspenlieder
Clerk

J. E. Baldwin
Mayor

July 22, 1994. The Town Council met in special session to fix the final budget with the following present: Greg Staudinger, Bernie W. Finnicum, Gordon Oelkers, James Baldwin, Doug Finnicum and Raedelle Aspenlieder. Absent: Gene Dillman. Budget hearing for taxpayers will be on Thursday, July 28, 1994 at 7:00 p.m.

Raedelle Aspenlieder
Clerk

J. E. Baldwin
Mayor

July 28, 1994. The Town Council met for a public hearing on FY 1994-95 budget. The following were present: Greg Staudinger, Gordon Oelkers, James Baldwin and Raedelle Aspenlieder. Absent: Gene Dillman and Bernie W. Finnicum. There were no objections on the budget.

Raedelle Aspenlieder
Clerk

J. K. Baldwin
Mayor

August 1, 1994. The Culbertson Town Council met in regular session with the following present: Bernie W. Finnicum, Greg Staudinger, Gordon Oelkers, James Baldwin, Greg Hennessy, Doug Finnicum, Lynn Labatte and Raedelle Aspenlieder. Absent: Gene Dillman. Guests: Keenan Engelke, Allan Pedersen, Ken Forbregd, Steve Moore, Gene Thomas, Larry Martinson and Greg Hymas. The July 5, 14, 22 and 28, 1994 minutes were read and approved.

Backhoe. Mayor Baldwin explained the council's position when considering the purchase of a backhoe. Since the close of the Class II landfill, and now the Class III only has to be covered four times a year. The crawler is inefficient for our operation now. The town will utilize the landfill and gas tax funds to pay for the backhoe. This does not affect the water or sewer rates. To get the equipment that fits our needs we planned to trade-in the crawler. Allan Pedersen said he thought our need for a backhoe/loader is obvious. He favors the town buying one, but one big enough to take care of our future needs. He suggested we buy one big enough so we don't have to contract out. Keenan Engelke asked how long it would be before the town bought a new tractor. It was explained the plan is to sell the tractor also. Mayor Baldwin explained that the town will still be looking for backhoe operators that are interested from time to time as Doug will need assistance.

Bids were as follows:

Western Plains Machinery Co.
Case Model 590 Wheel Loader/Backhoe
after trade of John Deere 555B track loader
\$40,596.00
+ 2,478.00 if air conditioner desired

Hall-Perry
John Deere 410-D Heavy Lift Loader Backhoe
\$69,756.00
-22,250.00 Trade-in allowance for 555B JD Crawler
\$47,506.00

Tractor & Equipment Co.
Caterpillar Model 426B backhoe loader
\$55,513.00
-17,000.00 trade-in allowance for 555B JD Crawler
\$38,513.00

Caterpillar Model 436B backhoe loader
\$61,484.00
-17,000.00 trade-in allowance for 555B JD Crawler
\$44,484.00

August 1, 1994 cont.

Caterpillar Model 446B backhoe loader	
\$85,704.00	
<u>-17,000.00</u>	trade-in allowance for 555B JD Crawler
\$68,704.00	

All three Caterpillar bids listed repurchases for 1-5 years.

After review of all bids and discussion, council decided to take the bids under advisement.

Ray Oelkers wanted to know if it was possible to set a double-wide mobile home on his lots over the sewer main line that runs in the middle of 2 - 50' lots. According to Tri-County Sanitarian Ron Smith you cannot build a structure or place a permanent structure over a sewer main line. Clerk will ask Ron to site the code and authority.

Building Permits. Building permits for Evelyn Herness and Willie Boysun were approved Lynn Labatte reported that most of the people that were notified of tree problems have done the trimming.

Parks. Blanch Weinrich suggested we put up a sign at Bruegger-Centennial Park where the campers park "No generators on between 9:00 p.m. and 6:00 a.m." After discussion, no action was taken.

Greg Staudinger made a motion to adopt Resolution No. 279. A Resolution setting the All-Purpose levy of 77.65 mills and Library 3.96 mills for a total of 81.61 mills for fiscal year ending June 30, 1995. Gordon Oelkers seconded the motion. Those voting in favor of the motion: Greg Staudinger, Gordon Oelkers and Bernie W. Finnicum. Absent and not voting: Gene Dillman. MOTION CARRIED.

Investments. The \$300,000.00 CD is coming due 8-11-94. Council suggested to stagger \$100,000.00 at 3 different maturity intervals at Culbertson State Bank.

GJV's. General journal vouchers 104, 105, 106, 107, 108, 109 and 110 were approved and signed.

Alleyway Abandonment. There being no objections raised to the Petition to Abandon Alleyway on the west edge of Lot 15, Block 2, Cushings Second Addition, Greg Staudinger made a motion to abandon this alleyway. Bernie W. Finnicum seconded the motion. Those voting in favor of the motion: Greg Staudinger, Bernie W. Finnicum and Gordon Oelkers. Absent and not voting: Gene Dillman. MOTION CARRIED.

Landfill. Barry Damschen will be here on Wednesday evening, August 3rd or Thursday morning, August 4th to discuss the closure plan for Class II landfill and firm up the reclamation plan.

Ed Thamke, Solid Waste Bureau will be here on August 9th to inspect the landfill.

It was suggested the clerk hand out copies of minutes to be approved prior to the start of each meeting. This will save the time of reading them out loud.

Backhoe. Discussion once again on the backhoe/loader. Council decided to act on the bids rather than take them under advisement. Greg Staudinger made a motion to purchase the Case Model 590 from Western Plains Machinery Co. for \$40,596.00 plus add the air conditioner at \$2,478.00 for a total of \$43,074.00. Bernie W. Finnicum seconded the motion. Those voting in favor of the motion: Greg Staudinger, Bernie W. Finnicum and Gordon Oelkers. Absent and not voting: Gene Dillman. MOTION CARRIED.

STATE OF MONTANA)
) : ss
COUNTY OF ROOSEVELT)

Filed for record on _____ at _____
o'clock _____ and duly recorded in Book _____
page _____ of _____
_____, clerk and recorder,
by _____ deputy.
Fee Paid \$ _____

WATERLINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for good and valuable consideration, the receipt of which is hereby acknowledged by the undersigned Lewis & Betty Gobbs and Howard & Mabel Gobbs hereinafter called the Grantor, for himself/herself, his/her heirs and assigns, do hereby grant, sell, and convey unto Bruce & Judy Waldhausen of Culbertson, Montana, hereinafter called the Grantee, its successors or assigns, a Waterline Easement and right of way to construct, operate and maintain one waterline to be hooked to the city waterline which is about 110 feet unto the Gobbs property from County Road Number C625 E and 1400 feet South from Highway 16 in the County of Roosevelt, and the State of Montana, described as follows, to-wit:

33-28-56 (within)

The Gobbs, successors and assigns shall not be liable for accidental damage to the waterline installed by the Grantee or any other liabilities caused by the waterline.

GRANTOR:

Lewis Gobbs
Betty Gobbs
Howard S. Gobbs
Mabel Gobbs

STATE OF MONTANA
COUNTY OF ROOSEVELT

On this 31 day of Aug., 1994 before me the undersigned, a Notary Public for the State of Montana, personal appeared Lewis, Betty, Howard and Mabel Gobbs, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

Chole D. Siggard
Notary Public for the State of Mont.
Residing at Froid, Mont.
My commission expires Jan 24, 1995

8-18-94
Culbertson, Montana 59218

Dear Roosevelt County Commissioners:

I'm planning on hooking my house to the city waterline, which is located on the Gobbs property. In order to do this, I need to cross county road number C625E at a point 1400 feet south of highway 16, which is 2 miles SE of Culbertson, Montana. I would like to use either, a backhoe or trencher.

It will take about an hour to cross the road. I'll put up traffic barriers and reroute traffic through my field etc: I realize the road must be put back in the same condition found.

I'd appreciate your consideration in allowing me to cross the county road.

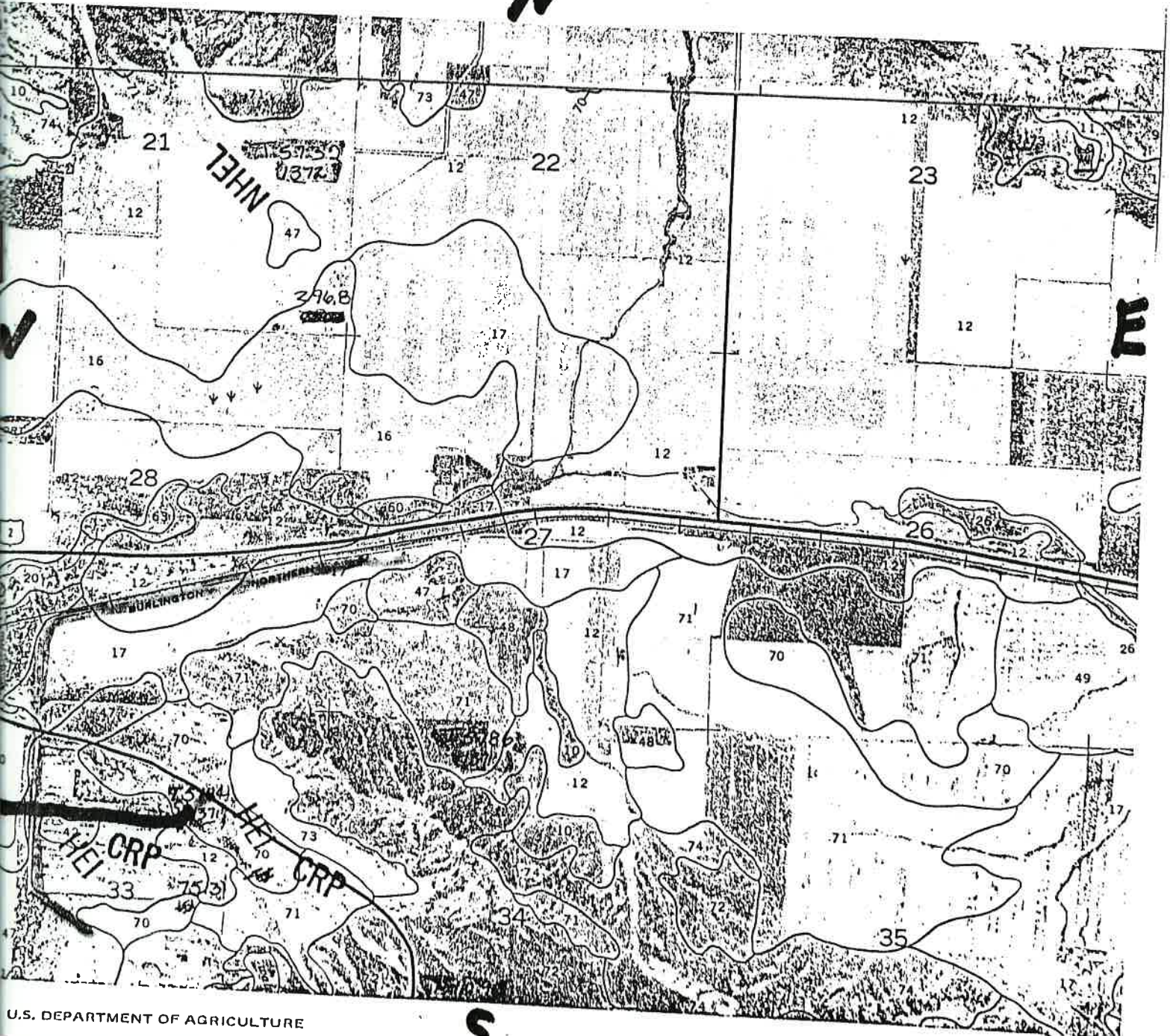
- WATERLINE
- COUNTY ROAD C625E

Best regards,

Bruce E. Waldhausen

approved

ROOSEVELT AND DANIELS COUNTIES, MONTANA



August 1, 1994 cont.

The following bills were reviewed by the auditing committee and ordered paid:

General Fund:

Jenell Marchwick	191.25
Christine Carlisle	191.25
Christine Carlisle	369.38
Jenell Marchwick	369.37
MDU	1800.87
Raedelle Aspenlieder	100.00
MMIA	850.00
Bruce Waldhausen	125.00
Gaffaney's	37.68
Roos. Co. Sheriff Dept.	1844.74
A T & T	48.45
Cornbelt Chemical Co.	58.39
DPC Industries, Inc.	75.20
Tracie Finnicum	100.00
Hennessy Law Office	1472.17
Culb. Exxon	2.20
Thompson Pools	36.95
Raedelle Aspenlieder	1294.31
Roxanne Nickoloff	967.82
Scott Nickoloff	352.82
Rhonda Snyder	186.84
Allison Vannatta	518.62
Andrea Vannatta	188.04
KayCee Finnicum	91.42
Jenell Marchwick	657.93
Jenny Stuber	522.61
Christine Carlisle	606.89
Culb. State Bank	1374.36
PERS	115.54
Finnicum's	40.90
Oelkers Servicenter	119.42
TOTAL	<u>\$14,710.42</u>

Special Fund:

MDU	920.98
MMIA	480.00
Franz Const.	671.65
Farm Plan	30.90
Betty Schroeder	75.00
Abe Rumsey	430.62
A. Douglas Finnicum	350.04
Culb. State Bank	192.72
PERS	296.23
Finnicum's	40.23
TOTAL	<u>\$3,488.37</u>

Enterprise Fund:

Income & Misc. Tax Div.	23.36
Postmaster	96.08
MDU	1084.71
MMIA	742.25
Franz Const.	762.50
DPC Industries Inc.	80.20
Darlene Buck Elk	15.83
David Sweet	50.00
Inter-Mountain Lab	15.00
MT Dept. of Health & Env.	14.00
Bearing Supply Co.	101.56
Nalco Chemical Co.	2160.00
Northwest Pipe Fittings	669.85
Industrial Systems, Inc.	1888.55
A. Douglas Finnicum	267.60
Fred Leonard	15.00
Viking Pipe Service Co.	6909.42
Lynn J. Labatte	6019.47
Sheridan Electric Co-Op	10.00
Roos. Co. Road Dept.	3463.00
Miller Oil Co.	6.50
Larsen Lumber	38.28
Red's Electric	44.30
Tracie Finnicum	36.00
Joyce S. Norris	108.34
Rick Bryant	129.11
Steven Moore	49.09
A. Douglas Finnicum	1316.86
Culb. State Bank	450.76
PERS	117.97
Finnicum's	19.89
Oelkers Servicenter	81.89
Hometown Market	32.28
TOTAL	<u>\$26,819.65</u>

Meeting adjourned at 10:10 p.m.

Raedelle Aspenlieder
Clerk

J. E. Zolner
Mayor

September 7, 1994. The Culbertson Town Council met in regular session with the following present: Gene Dillman, Bernie W. Finnicum, Greg Staudinger, Gordon Oelkers, James Baldwin, Greg Hennessy, Lynn Labatte, Doug Finnicum and Raedelle Aspenlieder. Guests: Glen Larsen, Rich Walker and Alvin Lien. The August 1, 1994 minutes were approved.

Roosevelt County Fair Board. Glen Larsen, member of the Roosevelt County Fair Board, attended to protest the water bill at the Roosevelt County Fairgrounds. The 7-15-94 meter reading showed usage of 239,000 gallons, resulting in a water charge of \$405.53. Glen didn't think they could possibly use this amount of water. Gordon Oelkers recalled the water in the girls restroom being left wide open but did not know for how long. Also, Doug said the pit was completely full of water. The grass was also being watered off of this line, as the hydrant is hooked to the building meter. Attorney Hennessy suggested the Fair Board file a claim for vandalism with their insurance due to the water running in the girls restroom.

Diamond Coulee Trailer Court. Rich Walker complained about the Diamond Coulee Trailer Court being charged for one unit. He claims there has been no usage or services that he should have to pay for. However, the curb stop is on. He does have occassional campers stop for the night. The bottom line was if he wants the curb stop left on, then the water, sewer, garbage and construction fees will be charged. If he wants the water service off, then he will be charged the construction fee \$15.40 monthly.

Sewer Main Line Easement. Tri-County Sanitarian, Ron Smith, could not come up with a State Statute or ruling against allowing a structure to be moved on or built over a sewer main line. Doug suggested that Ray Oelkers dig up around the sewer main and slip a culvert around it. Then, if the sewer main had to be dug up, it would be a matter of sliding the new main through the culvert. Ray did not appear to be interested in this, as it would be an investment on a gamble of whether or not it would ever be necessary. The Indemnity Agreement for Lots 5 and 6, Block 15 of the Original Townsite of the Town of Culbertson was signed by both property owner Ray Oelkers and Mayor James E. Baldwin. The Indemnity Agreement will be filed with the Clerk and Recorder, Roosevelt County. A copy is also attached to these minutes. With the signing of the agreement, the building permit was also signed and approved.

Alvin Lien asked if it was permissable to build a garage over his sewer service line. Council said we have no regulations against it.

Cemetery. Jim talked to Lewis Gobbs about expanding the cemetery to the south. Gobbs appeared to be interested in letting the cemetery expand. However, the survey is platted incorrectly. The time to fix the error is at the time we purchase additional land. This may require another survey.

Garbage. Lynn said most all trees have been trimmed. Rea Miller's needs to be done yet.

Bruce Waldhausen Waterline. Council reviewed the Waterline Easement granted by Lewis and Howard Gobbs unto Bruce and Judy Waldhausen. Bruce and Judy Waldhausen will be tapping into the town water main in Spetember 1994.

Nemont Right Of Way Easement. Council reviewed the Right Of Way Easement from Nemont for Bruegger-Centennial Park. Council wants a drawing and the easement needs to be more specific and indicate west of baracade.

Computer Hardware Service Agreement. Service Maintenance Agreement price quotes for the office computer were: IBM \$337.00 for 1 yr.; and Gaffaney's \$400.00 for 1 yr. Town will continue the Service Maintenance Agreement with IBM.

September 7, 1994 cont.

Water School. Gordon Oelkers made a motion to approve of Doug attending Water School in Bozeman September 26-29, 1994. Bernie W. Finnicum seconded the motion. All voted in favor of the motion. MOTION CARRIED.

Authorized Budget Transfers. Gene Dillman made a motion to approve the Authorized Budget Transfers for FY ending 6-30-94. Greg Staudinger seconded the motion. All voted in favor of the motion. MOTION CARRIED.

GJV's. General journal vouchers #114 and 115 were approved and signed.

The Ambulance crew requested that we paint the curb on the north side of Roy Lemieux house for no parking, and possibly a "No Parking Here To Corner" sign. The reason for this was the problem with snow and ice in the winter and slipping and sliding of the ambulance coming out of the ambulance garage. Jim talked to Roy and he is okay with it. The sign has also been ordered.

Building Permits. Building permits for Chris Boysun, Steve Johnson and Robert Oelkers were approved.

Pool. The pool was closed for the season on Monday, Sept. 5, 1994.

Park bathrooms close right after Labor Day. Before next year the town will make a sign that says the hours you can run a generator.

Landfill. Landfill hours are as follows: Nov. 1 through March 31 1:00 ^{3:00} ~~4:00~~ p.m. every 2nd Saturday and April 1 through Oct. 31 1:00 - 7:00 p.m. every Saturday. *kal*

Treatment Plant. Council approved of Doug ordering the portable unit to measure PH, Mv and Temperature Indicator for the treatment plant. Approximate cost \$395.00 - \$495.00.

The following bills were reviewed by the auditing committee and ordered paid:

<u>General Fund:</u>		<u>Enterprise Fund:</u>	
Jenell Marchwick	226.88	Bill Tymofichuk	84.00
Christine Carlisle	226.87	Nemont Telephone Coop.	46.60
Nemont Telephone Coop.	344.13	M.D.U.	1217.22
M.D.U.	1697.04	Postmaster	71.22
Raedelle Aspenlieder	1121.55	A. Douglas Finnicum	1616.69
Bruce Waldhausen	125.00	Bill Tymofichuk	132.00
Raedelle Aspenlieder	100.00	Abe Rumsey	140.44
Thirud Office Supply	3.95	Hometown Market	3.68
Hometown Market	9.51	Seitz Ins. Agency	2975.00
The Searchlight	177.25	DPC Industries, Inc.	75.20
Seitz Ins. Agency	1048.00	Farmers Elevator Co.	33.00
MMCTFOA	35.00	Miller Oil Co.	340.94
Tracie Finnicum	100.00	Nemont Telephone Coop.	56.39
Doney, Crowley & Shontz	288.48	Finnicum's	41.22
Roos. Co. Sheriff Dept.	1844.74	Doug Finnicum	84.44
A T & T	48.45	Inter-Mountain Lab	15.00
Farm Plan	31.42	MT Dept. of Health & Env. Sc.	14.00
Culbertson Exxon	7.95	HF Scientific	34.70
DPC Industries, Inc.	5.00	Northwest Pipe Fittings	273.00
Nemont Telephone Coop.	253.10	A. Douglas Finnicum	267.60
Finnicum's	64.74	Industrial Systems, Inc.	705.60
Roxanne Nickoloff	1076.26	Lynn J. Labatte	6019.47
Scott Nickoloff	380.41	Richard Erdahl	136.00

THIS SPACE FOR OFFICIAL USE

Document Prepared By:

Greg W. Hennessy
Hennessy Law Office, P.C.
417 1st Avenue East - PO Box 0756
Williston, ND 58802-0756
Telephone: 701-572-8296
ND & MT Licensed

INDEMNITY AGREEMENT

THIS INDENTURE, made this day between Town of Culbertson, Montana, a political subdivision of the State of Montana, hereinafter called "Town" its successors and assigns, and the following person named herein, whether singular or plural, called "Owner", namely: Ray Oelkers, and his heirs, successors and assigns.

WHEREAS the Town and Owner have previously agreed to and executed an easement dated September 30, 1992, filed October 13, 1992, and recorded as Document No. 333924 in Book 550 of Miscellaneous Real Estate, pages 3-5 in the office of Clerk and Recorder of Roosevelt County, Wolf Point, Montana, and

WHEREAS Owner has specially petitioned the Town to waive the terms of such easement which prohibits any and all construction over, across and upon the 15 foot sewer corridor upon the real estate more fully described as:

Lots 5 and 6, Block 15 of the Original Townsite of the Town of Culbertson, Montana according to the recorded plat thereof on file in the office of the Clerk and Recorder of Roosevelt County, Montana

NOW THEREFORE, in consideration of the Town's waiver of the prohibition of installation or construction of any structure, improvement or vegetation upon the 15 foot sewer line corridor upon the real estate in order that Owner may place a larger residence upon the real estate, Owner hereby for himself, his successors and assigns firmly binds and agrees to indemnify and hold harmless the Town from any and all claims for personal and property damages, attorney fees and costs of suit resulting from the installation, construction, maintenance, or removal or leakage or other failure of its water and sewer lines within or without the easement granted hereby at any point on the premises in the Town's sole discretion.

Owner, hereby grants to Town, the right at all reasonable times to enter upon said premises for the purpose of laying, constructing, maintaining, operating, replacing, repairing or removing said water and sewer lines and for the purpose of doing all necessary work in connection therewith.

This indemnity agreement hereby incorporates the above described easement by reference and shall constitute a covenant running with the land for the benefit of the Town, its successors and assigns.

IN WITNESS WHEREOF, Owner has executed this instrument this

7 day of September, 1994.

Ray Oelkers
RAY OELKERS

September 7, 1994 cont.

General Fund cont.

Rhonda Snyder	247.23
Allison Vannatta	341.93
Andrea Vannatta	117.32
KayCee Finnicum	72.71
Jenell Marchwick	584.79
Jenny Stuber	448.49
Christine Carlisle	560.91
PERS	98.75
Culb. State Bank	1170.32
TOTAL	<u>\$12,858.18</u>

Enterprise Fund cont.

Larsen Const. Co.	7.36
Sheridan Elec. Coop.	10.00
Joyce S. Norris	108.34
PERS	148.47
Culb. State Bank	577.74
TOTAL	<u>\$15,235.32</u>

Special Fund:

Bill Tymofichuk	300.00
M.D.U.	919.33
A. Douglas Finnicum	404.17
Bill Tymofichuk	27.00
Seitz Ins. Agency	811.00
National Geographic Society	17.95
Montana Magazine	20.00
Consumer Reports	22.00
Betty Schroeder	75.00
Franz Const. Inc.	138.00
Farmers Elevator Co.	95.00
Miller Oil Co.	173.82
NorMont Equip. Co.	250.00
Western Plains Machinery Co.	43,074.00
Finnicum's	33.71
PERS	321.45
Culb. State Bank	133.96
TOTAL	<u>\$46,816.39</u>

Capital Improvement Fund:

Dobbs Corp.	6586.07
TOTAL	<u>\$6,586.07</u>

Meeting adjourned at 10:00 p.m.

Raedelle Aspenlieder
Clerk

J. E. Baldwin
Mayor

October 3, 1994. The Culbertson Town Council met in regular session with the following present: Gene Dillman, Bernie W. Finnicum, Gordon Oelkers, James E. Baldwin, Doug Finnicum, Lynn Labatte and Raedelle Aspenlieder. Absent: Greg Staudinger and Greg Hennessy. Guests: Alvin Lein and Barry Billingsly, Nemont Telephone.

There was a correction to the September 7, 1994 minutes. Landfill hours are as follows: November 1 through March 31 1:00 - 3:00 p.m. every 2nd Saturday and April 1 through October 31 1:00 - 7:00 p.m. every Saturday.

Nemont Right of Way Easement. Gene Dillman made a motion to grant the Right of Way Easement for Nemont Telephone Cooperative, Inc. in Bruegger-Centennial Park. Gordon Oelkers seconded the motion. Those voting in favor of the motion: Gene Dillman, Gordon Oelkers and Bernie W. Finnicum. Absent and not voting: Greg Staudinger. MOTION CARRIED.

October 27, 1994

Mayor Baldwin and Council Members,

I am writing this letter to notify you that I am resigning from my position as Director of Public Works of the Town of Culbertson. I have excepted other employment elsewhere.

I am grateful for the opportunity to work for the town, and appreciate the years of experience the town has given me. I will miss the people in this town.

Thank-you,

Sincerely,

A. Douglas Finnicum

October 3, 1994 cont.

Garbage. Rea Miller still needs to trim trees.

Fairgrounds - Water Bill. There was discussion on the Roosevelt County Fairgrounds water bill. Doug said the water meter cannot turn unless water passes through it. The bill they were questioning was the 7-31-94 water bill. The County Fair Board offered to pay one half ($\frac{1}{2}$) of the bill. The council does not believe the meter was in error. However, they will give them the benefit of the doubt this year and ^{1/2} as payment. In the future, the meter readings will be adhered to. Clerk will send the Fair Board a letter indicating such. Bernie W. Finnicum made a motion to accept 1/2 as payment. Gordon Oelkers seconded the motion. Those voting in favor of the motion: Bernie W. Finnicum, Gordon Oelkers and Gene Dillman. Absent and not voting: Greg Staudinger. MOTION CARRIED.

Sewer Lift Station Lid & Guides. Doug said the lift station lid and guides are rusting away. They should be replaced with stainless steel. Council said for Doug to get prices together on cost to repair and replace.

Bruegger-Centennial Park. Due to the liability of the tall slide in Bruegger-Centennial Park, council decided to advertise it in the paper to give away to someone who will remove it. Doug will get costs on putting pea gravel in the park.

Landfill. Clerk will call the County Commissioners Office to see if the ban on open burning has been lifted. Then Doug will line-up the firemen to get the landfill burned. Bruce Waldhausen has a pony drill the town can use and Doug can seed pit #2 anytime after Oct. 15th.

Mayor Baldwin said a group with Montana State Highway Dept. was coming on Tuesday to discuss possible sites for a weigh station/rest area and the location of water and sewer services. Clerk will check the Weeks/Vannatta waterline agreement about the possible hook-up there.

Council discussed the construction fee charges for Gene Marchwick Trailer Court. The court close to the railroad tracks is one unit (this may fluctuate according to the number of trailers in the court) and the 2 trailer spots by his house, one which has a rental trailer of his on it, is another unit.

Council reviewed the letter from Rich and Patty Walker for Diamond Coulee Trailer Court. They requested the water, sewer and garbage charges since June 6th be waived as they had no trailers. However, the water was on until Sept. 12th and the service was available for overnight campers. Council said as long as the water was on until Sept. 12th, then they will be charged for one unit for water, sewer, garbage and construction fee. After Sept. 12th they will only be charged a \$15.40 construction fee.

Premiere Cable. Council received a letter from Premiere Cable II, LTD. announcing the addition of two new channels to the basic service package. The two channels are The Disney Channel and Turner Classic Movies. These become effective Nov. 1, 1994. The basic service rate will increase to \$21.00/month.

Computer Hardware Agreement. There was discussion again on the computer hardware agreements from IBM and Gaffaney's. Bernie W. Finnicum made a motion to purchase the service maintenance agreement from Gaffaney's if they put in writing they will loan us a computer if ours is down. Gordon Oelkers seconded the motion. Those voting in favor of the motion: Bernie W. Finnicum, Gordon Oelkers and Gene Dillman. Absent and not voting: Greg Staudinger. MOTION CARRIED.

October 3, 1994 cont.

GJV. General journal voucher #116 was approved and signed.

Landfill. Clerk reported on recent landfill inspection.

Building Permits. Building permits for Evelyn Herness and Sam Hart were approved and signed. A building permit for Me Too Pizza ~~will be taken under advisement of~~ *Cal* ~~Attorney Hennessy.~~ was approved and signed.

The following bills were reviewed by the auditing committee and ordered paid:

General Fund:

Roos. Clerk & Recorder	18.00
M.D.U.	1451.52
Raedelle Aspenlieder	1142.52
Culb. State Bank	334.10
Raedelle Aspenlieder	100.00
Bruce Waldhausen	125.00
Gaffaney's	46.18
Tracie Finnicum	62.50
Doney, Crowley & Shontz	107.27
Valley Telecommunications	22.66
Roos. Co. Sheriff Dept.	1844.74
A T & T	48.45
Hometown Market	3.94
PERS	101.20
TOTAL	\$5,408.08

Other Funds:

Fire Dept. Relief Assn.	950.00
TOTAL	\$950.00

Special Fund:

M.D.U.	943.01
A. Douglas Finnicum	96.06
Culb. State Bank	28.90
Montana Magazine	19.00
Betty Schroeder	75.00
American Lib. Preview	130.15
Econo Sign & Barricade	72.90
Miller Oil Co.	89.32
Culb. Exxon	176.70
PERS	252.50
TOTAL	\$1,883.54

Enterprise Fund:

Bill Tymofichuk	132.00
Yvette Buck Elk	32.10
Montana State University	75.00
Montana PSC	20.00
Doug Finnicum	492.15
A. Douglas Finnicum	200.00
M.D.U.	2088.83
Postmaster	70.71
A. Douglas Finnicum	1304.87
Joyce S. Norris	108.34
Steven Moore	129.74
Culb. State Bank	493.06
A. Douglas Finnicum	267.60
Miller Oil Co.	118.93
Culbertson Exxon	3.03
Dan Lundby	7.29
MT Dept. Of Health & Env. Sc.	14.00
DPC Industries	225.60
Hach Co.	505.00
Industrial Systems	662.00
Northwest Pipe Fittings	40.58
Lynn J. Labatte	6019.47
Sheridan Electric Co-Op	10.00
Arrowhead Pest Control	75.00
Red's Electric	67.00
Northwest Pipe Fittings	800.39
Rick Bryant	96.58
Bill Tymofichuk	72.00
PERS	134.17
TOTAL	\$14,265.44

Meeting adjourned at 9:45 p.m.

Raedelle Aspenlieder
Clerk

J. L. B. B...
Mayor

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MOTION TO RECONSIDER OCTOBER 3, 1994 APPROVAL OF BUILDING PERMIT THAT AUTHORIZED "ME TOO" PIZZA AND VIDEO TO MOVE ITS PLACE OF BUSINESS TO THE CORNER OF HIGHWAY 16 AND HIGHWAY 2

I, Gene Dillman, move the Culbertson City Council to reconsider the October 3, 1994, approval of the building permit authorizing "Me Too" Pizza & Video to change its place of business to the corner of Highway 16 and Highway 2. I made a mistake in signing my name approving the permit on October 3, 1994, and I desire the City Council of Culbertson to consider this and to deny the building permit. The following reasons are set forth as the basis for this motion:

1. I have now heard that "Me Too" Pizza & Video will be applying for an alcohol beverage license for the premises located at the corner of Highway 16 and Highway 2.
2. I was unaware that an alcohol beverage license would be applied for and that alcohol would be sold or consumed at that location.
3. The property is also located in a flood zone that requires additional compliance and approval from our council.
4. Additional requirements within the Culbertson City Code require compliance and approval by the City Council to address both flood plain concerns and alcohol sales and consumption concerns.
5. I will be objecting and opposing to any approval regarding this business in the flood plain and any request from the City Council regarding alcohol consumption and/or sales at this location.
6. I have contacted many of my constituents regarding having "Me Too" Pizza & Video locate at the corner of Highway 16 and Highway 2.
7. I have attached to this Motion the signatures of those constituents agreeing with this motion.
8. The loss of property values from the residential dwellings neighboring this proposed business is substantial.
9. I feel that "Me Too" Pizza & Video should have fully informed me and other Council members

1 regarding the alcohol use.

2 10. I also feel that it is unfair for "Me Too" Pizza & Video to expend funds to initiate a move of
3 their business to the corner of Highway 16 and Highway 2 when all the requirements have not yet been
4 satisfied.

5 11. As a minimum, I feel that "Me Too" Pizza & Video should be required to submit a complete
6 application addressing all the requirements within the City Code so that those requirements can be
7 addressed.

8 Respectfully submitted this 7 day of Mar, 1994.

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11 GENE DILLMAN
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November 7, 1994. The Culbertson Town Council met in regular session with the following present: Gene Dillman, Bernie W. Finnicum, Gordon Oelkers, Greg Staudinger, James E. Baldwin, Greg Hennessy, Doug Finnicum, Steve Moore, Lynn Labatte and Raedelle Aspenlieder. Guests: Tracie, Melissa & Gwen Finnicum, Shirley Dillman and Lee and Laurie Averill.

The October 3, 1994 minutes were approved.

Greg Staudinger made a motion to accept the resignation from A. Douglas Finnicum effective 11-11-94 and appoint Steven Moore as Director of Public Works. Steve's starting wage will be \$9.00/hour and full medical insurance coverage. There will be a 6 month probation period. If satisfactory, at the end of the probation period Steve will receive a 50¢/hour raise. Gordon Oelkers seconded the motion. All voted in favor of the motion. MOTION CARRIED. Mayor Baldwin said the town appreciates Doug's 11 years of excellent service and we wish he and his family well in Butte.

Landfill. Clerk will check with the Sidney landfill about the cost to haul in tires. Town needs to have letters of confirmation indicating how we plan to get rid of the tires and scrap iron and white goods. Attorney Hennessy will get landfill attached to the deed.

Me Too Pizza Building Permit. Laurie Averill gave the council a copy of the Elevation Certificate filled out by Interstate Engineering, Inc. Laurie will mail this to the Federal Emergency Management Agency. FEMA will either accept or deny. If FEMA takes them out of the floodplain, they would not have to comply with the town floodplain ordinance.

Laurie said the state highway will grant them one approach on the west. No definite parking plan was submitted.

Gene Dillman said he has serious concerns about coming into a residential area with a commercial business.

Gene Dillman made a Motion To Reconsider October 3, 1994 Approval Of Building Permit That Authorized "Me Too" Pizza And Video To Move Its Place Of Business To The Corner Of Highway 16 And Highway 2. See attached 3 pages to these minutes for entire motion.

Attorney Hennessy said alcohol consumption on the premises is a valid reconsideration.

Mayor Baldwin called for a second to the motion 3 times. The motion failed for lack of a second.

All town code requirements will be fulfilled.

Garbage. Lynn will check on the cost to put tires in the Williston landfill. Dean Simensen thought the town should have a fall pick-up for leaves. Council said this is not feasible. There was no further discussion.

Coin-Operated Pumphouse. Council discussed the option of a card control for the coin operated pumphouse rather than quarters. Gordon said the cost could be from \$10,000 - \$12,000 for a card control. Council said the best thing would be to check and empty the coin pumphouse every Monday.

Bruce Waldhuasen had a back flow prevention check valve put on his residential water line. Due to the low pressure the valve did not work properly and Doug had ordered and replaced the valve. The cost difference in valves was \$108.70 that we would owe Bruce. Council said to credit his water account for this and try to return the check valve to Northwest Pipe.

November 7, 1994 cont.

Cemetery. With the permission of Richard Stanford, family member of Comer Armstrong, the town resold 3 lots in Block 22 to Mrs. Kass Segnitz. In exchange for the resale, Stanford's wishes were that 2 markers be placed on the 2 graves in the block. The cost from Fred Azure for 2 cement markers is \$150.00. Council gave the go ahead.

Tom Escarcega, Fort Peck Tribe - Water Resource Dept., called the office and discussed the possibility of running a water line from Fort Peck. He wanted to know if the council would be interested. Council said to call him back and ask him to come and discuss it.

Future Audits. Town received a letter from the Dept. of Commerce stating that beginning 7-1-95 they will no longer perform audits. The town will have to get this done by private auditors that are on the approved list of the Dept. of Commerce.

Building Permit. A building permit for Robert Oelkers was approved.

GJV. General journal voucher #117 was approved and signed.

Senior Citizen Center. The Senior Citizens asked if it would be okay to put in acoustic tiles in the center. They will pay for the tiles. Council said for them to show the mayor or a council member the tiles and how they plan to apply them prior to doing this.

Steve's Insurance. Steve had reservations about Blue Cross/Blue Shield insurance. Steve will review the Blue Cross/Blue Shield plan and the private ones he has checked on. Which ever plan Steve wants the town will go with.

Town Hall Cleaning Contract. Raedelle Aspenlieder will take over the town hall cleaning contract at \$50.00/month since Tracie Finnicum is moving.

Council said to advertise for occasional part-time help who would be willing to get certified in water and wastewater treatment.

The following bills were reviewed by the auditing committee and ordered paid:

<u>General Fund:</u>		<u>Enterprise Fund:</u>	
Nemont Telephone	182.67	MT Dept of Health & Env. Sc.	625.00
MT State Treasurer	414.90	Nemont Telephone	49.52
Unemp. Ins. Div.	62.60	MT State Treasurer	255.43
MMIA	808.29	Unemp. Ins. Div.	30.91
MT Dept. of Commerce	225.00	MMIA	463.15
Raedelle Aspenlieder	1166.02	Postmaster	69.77
Raedelle Aspenlieder	109.30	A. Douglas Finnicum	1599.30
Culb. State Bank	338.32	A. Douglas Finnicum	275.00
PERS	103.05	Bill Tymofichuk	90.00
MDU	165.28	Joyce S. Norris	108.34
Valley Telecommunications	22.66	Steven Moore	70.13
Nemont Telephone	179.39	Abe Rumsey	44.22
Finnicum's	2.66	Culb. State Bank	470.25
Bruce Waldhausen	225.00	PERS	137.24
Hometown Market	8.57	MDU	837.41
Tracie Finnicum	50.00	Nemont Telephone	55.98
IIMC	55.00	Finnicum's	101.56
Gaffaney's	380.00	Hometown Market	24.21

November 7, 1994 cont.

General Fund cont.

Hennessy Law Office	893.59
Doney, Crowley & Shontz	192.32
Miller Oil Co.	68.88
D & R Rire & Safety	2820.22
A T & T	48.45
Modern Aire Flight	75.56
Culb. Sheet Metal	25.00
All Seasons Sport About	42.40
TOTAL	<u>\$8,665.13</u>

Special Fund:

MT State Treasurer	58.89
Unemp. Ins. Div.	7.37
MMIA	122.66
A. Douglas Finnicum	158.17
Culb. State Bank	41.17
PERS	267.43
MDU	912.84
Finnicum's	19.99
Family Circle	15.97
Betty Schroeder	75.00
Roos. Co. Sheriff Dept.	1844.74
Property & Supply Bureau	150.00
Oelkers Servicenter	54.55
Western Plains Mach. Co.	78.77
Seitz Ins. Agency	287.50
TOTAL	<u>\$4,095.05</u>

Enterprise Fund cont.

Oelkers Servicenter	101.57
Seitz Ins. Agency	287.50
MT Dept. of Env. Sc.	14.00
Inter-Mountain Lab, Inc.	15.00
Gene's Electric	779.20
Industrial Systems, Inc.	13.78
Northwest Pipe Fittings	1085.01
Industrial Systems, Inc.	191.53
DPC Industries, Inc.	80.20
Farmers Elevator Co.	87.00
Hi-Line Sewer	225.00
Doug Finnicum	1976.42
Lynn Labatte	6019.47
Sheridan Electric	10.00
TOTAL	<u>\$16,193.10</u>

Meeting adjourned at 9:45 p.m.

Rodell Asperhiedt
Clerk

J. L. Baldwin
Mayor

December 5, 1994. The Culbertson Town Council met in regular session with the following present: Gene Dillman, Bernie W. Finnicum, Gordon Oelkers, Greg Staudinger, James Baldwin, Greg Hennessy, Steve Moore, Lynn Labatte and Raedelle Aspenlieder. Guests: Lorin Flesjer, Ron Larsen, Lee and Laurie Averill.

The November 7, 1994 minutes were approved.

Building Permit for "Me Too" Pizza. Ron Larsen said Interstate Engineering has no problem with the floodplain in regards to "Me Too" Pizza and will be stating so in writing. The floor elevation of the addition is 2' above grade. Attorney Hennessy asked if someone from FEMA would answer in writing the question, "Is the town liable after "Me Too" Pizza has been given notice they are in the floodplain?"

Karl Christians, Floodplain Management Section Supervisor will be at the town hall on Tuesday, December 6th at 1:00 p.m. to answer any questions.

Clerk reported that according to the town code section 11.02.002.3, the contents of the permit are complete. Clerk and Mayor will discuss the permit requirements with Karl Christians to be assured everything is in order.

If "Me Too" Pizza gets the okay from Karl Christians and the State Building Codes Division, they can go forward and the town will not ask for further information.

Garbage. Lynn Labatte will not be picking up Christmas trees this year as they need to be hauled to the Class III landfill. Bernie W. Finnicum wondered if it was okay for the Boy Scouts to pick-up the trees and haul them to the landfill for a fee to each customer. Council said they could do that on their own and there would be no charge at the landfill.

Gordon Oelkers made a motion to purchase a tilting barrel carrier. Bernie W. Finnicum seconded the motion. All voted in favor of the motion. MOTION CARRIED.

Audit. Lorin Flesjer, State Auditor, reported on the audit he conducted for FY ending 6-30-93 and 6-30-94. Some of the audit comments were again fixed assets, depreciation of fixed assets, health insurance paid directly to employees, overtime pay in a 40 hr. work week and holidays. A report will follow.

Employee Insurance. Clerk will check with Sidney Insurance - National Casualty Health to see if it is possible to have Steve's family insurance in the towns name with the town paying the premium. Clerk will call Loren Schledewitz at C B & F to see if the town can pay Steve's insurance premium until the town sorts out the insurance between town employees.

Landfill. Town received confirmation from Williston landfill that they will accept our tires at \$55./ton. Gene Dillman made a motion to adopt Emergency Ordinance No. 183 charging for disposal of tires in Culbertson Landfill effective 1-1-95. Rates are car tires \$2.00 each, truck tires \$4.00 each and tractor tires \$6.00 each. Greg Staudinger seconded the motion. All voted in favor of the motion. MOTION CARRIED. Clerk will send letters to John Deere, Miller Oil Co., Culbertson Exxon, Oelkers Servicenter and McKinney Motor.

Part-Time Help. Council reviewed the applications for the part-time position. Steve Hampton will be offered the position at \$6.50/hr. starting wage and when he gets certified in water treatment and wastewater treatment, he will get a raise. Clerk will confirm that Steve Hampton is willing to go to Bozeman in September for one week for schooling. Steve Moore will work with Steve Hampton so he can be trained at the water treatment plant.

Bernie W. Finnicum made a motion to approve the purchase of a transit from the Property & Supply Bureau. Greg Staudinger seconded the motion. All voted in favor of the motion. MOTION CARRIED. Mayor Baldwin will take care of getting this.

December 5, 1994 cont.

Another comment from the audit was that all employees whether part-time or seasonal must be offered PERS and be given the option of being a member or not. The only time it is not optional is if they work more than 961 hours in a year or are already a member of PERS.

Audit FY ending 6-30-95 & 6-30-96. Town received a quote of \$4660. for audit of FY ending 6-30-95 & 6-30-96 from CHMS, P.C. No action was taken. The next audit will probably be put out for bids.

GJV's. General journal vouchers #118 & 119 were approved and signed.

Due to the holiday on Monday, January 2, 1995, the next regular council meeting will be Tuesday, January 3, 1995.

The following bills were reviewed by the auditing committee and ordered paid:

<u>General Fund:</u>		<u>Enterprise Funds:</u>	
M.D.U.	434.43	A. Douglas Finnicum	2509.51
Raedelle Aspenlieder	1155.58	M.D.U.	1123.77
Culbertson State Bank	336.44	Postmaster	52.41
PERS	102.23	Steven Moore	902.12
A T & T	48.45	Teresia Moore	82.50
Valley Telecommunications	120.52	Joyce S. Norris	183.15
Nemont Telephone	176.30	Culbertson State Bank	829.04
Bruce Waldhausen	125.00	PERS	285.71
James E. Baldwin	1500.00	Sheridan Electric Co-Op	10.00
Raedelle Aspenlieder	100.00	Nemont Telephone	44.89
Gaffaney's	9.79	James E. Baldwin	66.00
Quality Business Systems	123.85	Oelkers Servicenter	144.74
Hometown Market	54.49	Earl Friede	5.17
Raedelle Aspenlieder	50.00	MT Dept of Health & Env. Sc.	14.00
Culbertson State Agency	130.00	Inter-Mountain Lab	15.00
MT State Treasurer	4669.00	Gene's Electric	93.00
Doney, Crowley & Shontz	192.25	DPC Industries	5.00
Hennessy Law Office	570.18	Miller Oil Co.	266.00
Searchlight	33.00	Northwest Pipe Fittings	531.58
Elgen Aerial	693.37	Pedersen Excavating	75.00
Finnicum's	54.74	Culbertson State Bank	300.00
TOTAL	\$10,679.62	Lynn J. Labatte	6019.47
		Culbertson Exxon	5.45
		Damschen & Assoc.	3140.35
		Searchlight	22.00
		TOTAL	\$16,725.86
<u>Special Funds:</u>			
M.D.U.	977.55		
Steven Moore	198.03		
Culbertson State Bank	47.90		
PERS	421.37		
Roos. Co. Clerk & Recorder	3222.00		
The Saturday Evening Post	13.97		
Betty Schroeder	75.00		
Roos. Co. Sheriff Dept.	1844.74		
Oelkers Servicenter	86.23		
Larsen Const.	3.69		
Finnicum's	7.99		
TOTAL	\$6,898.47		

December 5, 1994 cont.

Meeting adjourned at 10:20 p.m.

Raedelle Aspenlieder
Clerk

John Baldwin
Mayor

January 3, 1995. The Culbertson Town Council met in regular session with the following present: Gene Dillman, Bernie W. Finnicum, Gordon Oelkers, Greg Staudinger, James Baldwin, Greg Hennessy, Steve Moore, Lynn Labatte and Raedelle Aspenlieder. Guest: Carol Ritter.

The December 5, 1994 minutes were approved.

USDA Office Consolidation. Carol Ritter, Acting Supervisor of Farm Service Agency (FSA, formerly ASCS/FCIC) explained the questionnaire/survey will be sent to active producers (operators & owners) of FSA, NRCS (Natural Resources Conservation Service, formerly SCS) and borrows of RECDS (Rural Economic and Community Development Service, formerly FmHA/REA). In Roosevelt County there are approximately 1200 active producers serviced by FSA. The Montana Agricultural Statistics Service will be conducting the survey. According to Ritter, the surveys will be a democratic vote. The surveys will go out approximately January 20, 1995 and be due back on January 30, 1995. Possibly in mid-February the results of the survey will be available. Special attention needs to be paid, as this survey will come from the Montana Agricultural Statistics Service and the time limit given to return the survey.

Garbage. Lynn reported everything is okay where the garbage is concerned.

Montana Dept. of Transportation. The Montana Dept. of Transportation sent plans to install a valley gutter on main on U.S. Highway 16 through town. Greg Staudinger made a motion to sign the Memorandum of Understanding, Construction Agreement and the set of plans referencing the valley gutter. Gordon Oelkers seconded the motion. All voted in favor of the motion. MOTION CARRIED.

Coach. Since the close of Chile Peppers and the Coach not preparing food anymore, the amount of garbage generated is less. Therefore, the council agreed to drop the garbage charge by 1 unit.

There was discussion about having a form for disposal of tires. This form will be worked up. There was discussion in regard to Ordinance No. 183. The consensus of the council was the fee for tire disposal is a separate charge from the landfill fee of \$25.00 a truck load or \$10.00/pick-up load.

GJV's. General journal vouchers #120 & 121 were approved and signed.

Health Insurance. Steve's health insurance premium for family coverage is \$265.00/month. In order that he will net \$265.00 the gross payroll for health insurance benefit would have to be \$359.00. The health insurance benefit will not change the hourly pay rate or the overtime pay rate, it is a separate benefit. Greg Staudinger made a motion to give Steve and Raedelle \$359.00/month for health insurance benefit effective Feb. 1, 1995. Bernie W. Finnicum seconded the motion. All voted in favor of the motion. MOTION CARRIED.