

Regular Meeting Minutes of July 18, 2016
Bainville Town Council

The Regular meeting of the Bainville Town Council was called to order at 7:00 p.m. by Mayor Dennis Portra at the Bainville Town Hall. Present were: Dennis Portra, Matt Giese, Mandy Hickel and Scott Ross. A **quorum** was established. Also present were Clerk, Nikki Rogers; Public Works Director, Lyle Lambert; City Attorney, Greg Hennessey. Guests included: Benjie Butikofer, Josh Johnson, David Norton, John Gilligan, Patrick Murtagh, Chuck Hyatt, Sara Harmon, Darrell Synan, Beth Morgan, Jason Morgan.

Mandy Hickel moved to approve the agenda with the addition of New Business Letter B Number 4 Approve drawdown number 9 regarding services from Morrison—Maierle. Scott Ross seconded the motion. All voted in favor and motion carried.

Mandy Hickel moved to approve the minutes dated June 13, 2016 as submitted. Scott Ross seconded the motion. All voted in favor and motion carried.

Public Comment--None

Public Works Report

Lyle Lambert, Public Works, reviewed the following topics with the council:

1. On June 30, 2016, the Montana Department of Labor and Industry visited the office to do a safety compliance inspection on the Town shop, Lift Station, and Lagoon. The Town received the Safety Compliance Inspection Report and Mr. Lambert reviewed the findings with the council. He must make the recommended changes and submit photographs of the changes when he submits report on correction of hazards.
 - Serious Violation Item Number 1: Task specific training on skid steer operation is not completed for affected employees.
 - Serious Violation Item Number 2: Caterpillar Motor Grader has exposed moving parts creating pinch points and in running nip points.
 - Serious Violation Item Number 3: Observed a knock out missing in the junction box located at the Lagoon.
 - Other than Serious Violation Item Number 4: A large propane tank was found outside at the Lift Station surrounded by tall weeds and grass.
 - Other than Serious Violation Item Number 5: Observed two (2) cords missing the grounding pin, one was an electrical cord inside the shop and the other one was on the head bolt heater to the grader.
 - Other than Serious Violation Item Number 6: Observed an electrical cord running under the garage of the Town Shop.
 - Other than Serious Violation Item Number 7: Observed damaged tires on the grader.
 - Other than Serious Violation Item Number 8: Observed a circuit breaker at the Lagoon that was not labeled.
 - Other than Serious Violation Item Number 9: Observed Romex wiring used as an extension cord at the lagoon.
2. Discuss the water access north of the tracks for the Welcome Stop Fire Hydrant and Gracies—Lyle Lambert

Josh Johnson, Interstate Engineering, and Mr. Lambert reviewed the Bainville map of water lines north of the railroad tracks provided by Interstate Engineering. The

council directed Mr. Lambert to contact the state of Montana to start the process of fixing the fire hydrant at the Welcome Stop due to the highway road repair.

3. Gravel for Tubman Street and 7th Avenue East—Lyle Lambert

Mr. Lambert asked the council if it would be ok to purchase 4-5 loads of gravel for Evans street between 5th Avenue and 7th Avenue.

4. CIPP—Lyle Lambert

Mr. Lambert attended a Live Demonstration of Cured-In-Place Pipe Technology put on by Interstate Engineering in Ray ND. He was impressed with what he saw and might be what Bainville could consider in the future with their aging sewer lines.

5. Cemetery Plan—Lyle Lambert

Josh Johnson, Interstate Engineering, asked the council if the recorded plat which is signed by Mr. Dale Berwick the latest plat for the new portion of the cemetery. Mr. Portra stated there should be an agreement with the Berwicks regarding how much land should be for the new portion for the cemetery. The Town will contact the Berwicks to clarify how much land was given for the use of the cemetery.

B. Roosevelt County Sheriff's Department Update—None

C. Local Emergency Planning Committee

- June 14, 2016 Meeting
- July 12, 2016 Meeting

Benjie Butikofer gave a report from the LEPC. It was expressed to the council they develop an Emergency Operations Plan for the Town of Bainville.

Old Business

A. Zoning Permits: None

B. Continued discussion on a new Town Hall—*No new information*

- Remodel current building proposal

C. Discussion regarding contracting services with the County Attorney's office—Attorney Hennessy

The Mayor will work on drafting a letter to Ms. Anna Rose Sullivan regarding contracting services with the county attorney's office.

D. Town of Bainville Welcome Sign—John Gilligan and Sara Harmon

John Gilligan and Sara Harmon presented to the Town Council some ideas on what a "Welcome to Bainville" sign could look like. The council passed a few pictures around. The next step would be to find a place for the sign and if the town would like to have two or the one sign.

E. Discuss an ordinance of the Bainville Town Council amending Title 7 Health and Welfare Chapter 7.06 Nuisances—Clerk Rogers

Clerk Rogers presented the ordinance to change Chapter 7.06 Nuisances to add the following section 7.06.055 and 7.06.058:

7.06.055 Notice of Violation. It shall be the duty of the Town Clerk or other authorized agent to notify, in writing with proof of service, any person in violation of this chapter, allowing them fifteen (15) days upon receipt of the notice to correct said violation.

After being notified of such violation and upon failure to correct such violation within 15 days, the Town council shall remove said nuisance and the costs shall be charged to the owner of said premises. If not paid within thirty (30) days, the costs shall be added to the taxes of the person violating this chapter, which costs shall become a lien upon the premises.

7.06.058 Enforcement Authority. The Roosevelt County Sheriff's department has the primary responsibility of enforcement of all provisions of this chapter. The Sheriff's office has the authority to enforce the provisions of this chapter.

Scott Ross moved set a public hearing on August 8, 2016 to adopt an ordinance amending Title 7 Health and Welfare Chapter 7.06 Nuisances adding section 7.06.055 Notify Persons in Violation by notifying any person in violation of this chapter in writing with 15 days to remedy the situation and giving the County Sheriff's department authorization to enforce this chapter. Mandy Hickel seconded the motion. All voted in favor and motion carried.

- F. Ordinance—An ordinance of the Bainville Town Council amending Title 9 Public Peace, Safety and Morals creating a new chapter 9.10 Outdoor Burning Regulations—Clerk Rogers

Clerk Rogers presented the Town Council a new chapter 9.10 Outdoor Burning Regulations.

Scott Ross moved to set a public hearing on August 8, 2016 to adopt an ordinance amending Title 9 Public Peace, Safety and Morals creating a new chapter 9.10 Outdoor Burning Regulations. Mandy Hickel seconded the motion. All voted in favor and motion carried.

New Business

- A. Zoning Permits—

1. Beth Morgan—New Home and Shop on current lots

Beth and Jason Morgan would like to add a new home to their lots located at 508 Evans Street East. They will tear down the old house when the new one is ready to be lived in. They also asked the council if they could build a shop on their remaining lots. The Town Council agreed on the following stipulations:

- Bathroom ok in shop but no living quarters will be in the shop
- No sewer connection to the sump
- Must disclose stipulations to future buyers if they decide to sell
- Must pay for hookups if a business is established.
- Demolition of old home must be done by May 1, 2017

Matt Giese moved to approve the new home and shop permit for Jason and Beth Morgan. Mandy Hickel seconded the motion. All voted in favor and motion carried.

- B. Water Project Update—Patrick Murtagh

1. Approve the Amendment 1 to Task Order 5: "Bainville Water System Design, Construction Administration and Grant and Loan Administration"—Patrick Murtagh

Patrick Murtagh asked the council to approve the amendment 1 to the task order 5. Matt Giese moved to approve the amendment. Mandy Hickel seconded the motion. All voted in favor and motion carried.

2. Discussion on Resolution of Intention to increase the rates for the users of the Town's water system.

Patrick Murtagh explained the water increase of \$9.00 to the base rate in order cover the cost of the water project will be needed.

Scott Ross moved to adopt a resolution of intention to increase the rates for the users of the Town's water system and set a public hearing on August 8, 2016. Mandy Hickel seconded the motion. All voted in favor and motion carried.

3. Award the bid for the water project

Scott Ross moved to award the bid to C&C Excavation Inc. in the amount of \$1,634,000 for all three schedules of the water tank project. Mandy Hickel seconded the motion. All voted in favor and motion carried.

4. Drawdown #9 from Morrison-Maierle for engineering services.

Mr. Murtagh asked the council to approve drawdown #9 for engineering services. Scott Ross moved to approve the drawdown #9. Mandy Hickel seconded the motion. All voted in favor and motion carried.

C. Approve the agreement between the Department of the Army and the Town of Bainville for design and construction assistance for the Bainville Water and Wastewater project—Patrick Murtagh

Mr. Murtagh asked the council to approve the agreement between the Department of the Army and the Town of Bainville for design and construction assistance for the Bainville Water and Wastewater project. This agreement is for the \$190,000 grant money for the water and wastewater projects.

Scott Ross moved to approve the agreement between the Department of the Army and the Town of Bainville for design and construction assistance for the Bainville Water and Wastewater project. Matt Giese seconded the motion. All voted in favor and motion carried.

D. Update from the Local Government Study Commission—John Gilligan

John Gilligan gave an update from the Local Government Study Commission. The tentative report should be ready at the next meeting.

E. Resolution adopting Fiscal Year 2016-17 preliminary budget and set the public hearing for August 8, 2016—Clerk Rogers

Clerk Rogers asked the council to adopt a resolution adopting Fiscal Year 2016-17 preliminary budget and set the public hearing for August 8, 2016.

Scott Ross moved to adopt a resolution adopting Fiscal Year 2016-17 preliminary budget and set the public hearing for August 8, 2016. Mandy Hickel seconded the motion. All voted in favor and motion carried.

F. Treasurer's Report:

- Approve claims with checks dated July 18, 2016
- Approve JV, UB Vouchers, and Payroll slips

Scott Ross moved to approved the Treasurer's report. Mandy Hickel seconded the motion. All voted in favor and motion carried.

Mandy Hickel moved to adjourn the meeting at 9:10 PM. Scott Ross seconded motion. All voted in favor and motion carried.

Attest:

Approved By:

/s/Nikki Rogers
Nikki Rogers, CMC
Clerk-Treasurer

/s/Dennis Portra
Dennis Portra
Mayor