CORRECTED

Regular Meeting Minutes of March 14, 2022
Bainville Town Council

The Regular meeting of the Bainville Town Council was called to order at 7:00 p.m. by Mayor Toby Romo at the Bainville Town Hall, 211 Clark Avenue East. Present were: Matt Giese, Carol Rasmussen, Toby Romo and Nick Tester. A **quorum** was established. Also present were Clerk, Nikki Rogers; Public Works Director, Lyle Lambert; and City Attorney, Greg Hennessey. Guests included: David Norton, Cora Norton, Diane Panasuk, Bernie Popp, Darin Hannum, Ernie Bingham, Jo Bingham, Patti Malkuch, Jess Malkuch, Eric Newton.

Matt Giese moved to approve the agenda as submitted. Nick Tester seconded the motion. All voted in favor and motion carried.

Matt Giese moved to approve the minutes dated February 15, 2022 as submitted. Nick Tester seconded the motion. All voted in favor and motion carried.

Treasurer's Report:

- Approve claims with checks dated March 14, 2022 in the amount of $22,793.96.
  Nick Tester moved to approve claims with checks dated March 14, 2022 in the amount of $22,793.96. Carol Rasmussen seconded the motion. No discussion on the motion. All voted in favor and motion carried.

  Mayor Romo asked for a copy of the Hennessy bill for February general matters. Clerk Rogers stated this is the first invoice she has received in a long time. The amount of 300.00 was for his appearance at the February council meeting via zoom. Mayor Romo stated there was no contract with Hennessy. Mr. Hennessy has utilized the rate of $300.00 since the 1980's which is at a reduced rate. Mayor Romo asked how come the Town of Bainville has not seen an invoice for the last 36 months? Attorney Hennessy stated he has not been on top of his book work due to health and personal problems. The Town of Bainville will receive additional billing provided his health will let him get it done. The litigation for the basement flood situation has not been billed to the Town. Mayor Romo stated that the basement billing should have been submitted to our insurance. Mr. Hennessy stated he has performed the work and the Town owes him. Mayor Romo asked Mr. Hennessy to put together a complete bill in the next 30 days so he can review it. Mr. Hennessy responded he will have a bill sent in the next 30 days provided he doesn't have any further emergent health issues.

- Approve Payroll slips in the amount of $9,211.33

  Matt Giese moved to approve payroll slips in the amount of $9,211.33. Nick Tester seconded the motion. No discussion on the motion. All voted in favor and motion carried.

- Review delinquent accounts.—No Discussion

- Approve Mayor to sign employee per diem & mileage for conference in Great Falls. (March 23, 24, 25)

  Matt Giese moved to approve the Mayor to sign employee per diem & mileage for the Montana Rural Water Conference. Nick Tester seconded the motion. Discussion: Clerk Rogers clarified with the council if an employee rides with another employee that only the person who is driving receives the mileage per diem. By Council consensus that is correct there is no rider mileage given to conferences. All voted in favor and motion carried.

Public Comment—None

Public Works Report

Lyle Lambert, Public Works, gave the following report:

- The new Fire Siren is up at the lagoon but needs to be hooked up to the power.
- Mayor Romo asked Mr. Lambert to look into funding for new building and the walking trail. Fish, Wildlife and Parks has some grant funding to apply for, but it may be another year out.
- Mr. Lambert stated if any of the existing pipes has issues, they are 28 days out for getting any repair pipe. One of the classes at the conference will be looking at lining pipes instead of replacement.
- Energy Labs is now charging an analytical fee of $30.00 so the BAC-T test went from 22.00 per test/month to $52.00 per test/month.
- Agri Industries is working on Gracie's Sewer Project
- He will be attending the Montana Rural Water Conference and will be looking into some funding for the trail idea.

Fire Chief Report

Chief Lambert stated the city pumper will be getting a new radio with ARPA funds project.

Mayor Romo asked if Mr. Lambert could put together a fire protection plan for the perimeter of Bainville. He also asked if the Fire Chief would look at all chicken coops and propane tanks/lines in Town for fire hazards.

Roosevelt County Sheriff's Report—None

Local Emergency Planning Committee—No new update

Old Business—None

New Business

A. Approve FY 2021 Annual Financial Report.

Mayor and Council reviewed the Annual Financial Report for FY 2021. Matt Giese moved to approve and accept the FY 2021 Annual Financial Report. Carol Rasmussen seconded the motion. No further discussion All voted in favor and motion carried.

B. Review and approve Town of Bainville Personnel Policy Manual

Mayor Romo presented the Town of Bainville Personnel Policy Manual. Carol Rasmussen moved to accept the Town of Bainville Personnel Policy Manual with no changes to the current one. Nick Tester seconded the motion. No Discussion. All voted in favor and motion carried.

C. Approve Clerk/Treasurer Job description

Mayor Romo updated the Clerk/Treasurer Job description. Matt Giese brought it to the council's attention that the job description did not match what the Town Code Title 2 Administration and Personnel Chapter 2.08 Clerk-Treasurer. Clerk Rogers did not agree with the job description that was presented as it did not do anything with the finances of the Town. She would not be able to produce claims or payroll. Mayor Romo stated that it would be redundant to cover what the policy already has in place and recommended attaching the policy to the job description.

The job description was amended by adding BTC 2.08.020 (A) as first paragraph under the Essential Duties and Responsibilities and a reference to the Town Code. Nick Tester moved to approve the revised job description with the new amendment Bainville Town Code 2.08.020 (A) as first paragraph under the Essential Duties and Responsibilities and adding the entire Town Code 2.08 Clerk-Treasurer on "Other duties as assigned". Carol Rasmussen seconded the motion. No further discussion. All voted in favor and motion carried.

D. Approve Public Works Director job description

Mayor Romo presented a job description for Public Works Director. Clerk Rogers provided an email from Montana Municipal Interlocal Authority Human Resource Consultant, Derrek Shepherd. He asked if this job description needs a commercial driver's license because it requires a drug test. He suggested removing the probation period to come into compliance with the Wrongful Discharge from Employment Act.

The job description was amended by removing the probation period and adding "Subject to drug and alcohol testing and background check upon hire with random drug and alcohol testing after employment." Matt Giese moved to approve the new Public Works Director job description as amended. Nick Tester seconded the motion. No further discussion. All voted in favor and motion carried.

E. Approve Maintenance Foreman job description

Mayor Romo presented a job description for Maintenance Foreman.

The job description was amended by add the "Subject to drug and alcohol testing and background check upon hire with random drug and alcohol testing after employment." Matt Giese moved to approve the new Maintenance Foreman job description as amended. Nick Tester seconded the motion. No further discussion. All voted in favor and motion carried.

Mayor and Council discussed adding the statement "Subject to drug and alcohol testing and background check upon hire with random drug and alcohol testing after employment" to the clerk job description. Matt Giese moved to add "Subject to drug and alcohol testing and background check upon hire with random drug and alcohol testing after employment" to the clerk job description. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

F. Discuss amending Impact fee Resolution

- Section 6, Exemption from Wastewater Impact Fees.

Mayor Romo and the Council discussed removing from Section 6 "Exemption from Wastewater Impact Fees" the sentence "The previously existing development must have been in place and occupied within the previous 12 months to qualify for this exemption." Matt Giese asked if an Impact Fee Committee could be set up to look into a number of issues and bring recommendations back to council and Mayor. Council was in agreement.

G. Approve Mayor to sign Purchase Agreement with Dakota Land Homes.

Mayor Romo spoke with Betty Romo, County Treasurer and she suggested the Town look into taking over the property in lieu of delinquent water and sewer. Matt Giese moved to approve proceeding with the acquisition of Dakotaland Property on the northside of town. Carol Rasmussen seconded the motion. No further discussion. All voted in favor and motion carried.

Nick Tester moved to adjourn the meeting at 8:35 PM.

Attest:

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

Approved By:

/s/Toby Romo
Toby Romo
Mayor