Regular Meeting Minutes of May 9, 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 (via Telephone). A **quorum** was established. Also present were Clerk, Nikki Rogers; City Attorney, Greg Hennessey; and Public Works Director, Lyle Lambert was absent. Guests included: Bernadine Popp, Diane Panasuk, Darrel Rasmussen, David Norton, Dennis Doyle, Cora Norton, Ron Butikofer, Benjie Butikofer, Jackie Dear, Zachary Dear, Jess Malkuch, Patti Malkuch, Lane Vannatta, Mrs. Kari Glas, Chuck Hyatt, Kirk Panasuk (via Zoom), Jo Bingham (via phone).

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

Carol Rasmussen moved to approve the minutes dated March 14, 2022 as submitted. Matt Giese seconded the motion. All voted in favor and motion carried.

Matt Giese moved to approve the minutes dated April 11, 2022 as submitted. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

Treasurer's Report:

- Approve claims with checks dated May 9, 2022 amount of $16,340.38.

  Claim 5924 and 5935—Carol Rasmussen asked about Ecolab claim. Clerk Rogers stated the 1600.00 paid last month was for the gopher problem at the lagoon. The monthly rodent program is for the shop and the office for the mouse problem in the amount of $120.00. Mrs. Rasmussen asked if there are any other options for rodent problems.

  Claim 5928 and 5930—Carol Rasmussen asked about the Hennessy bills. Claim 5930 in the amount of $600.00 is for Mr. Hennessy's work on the Johnston/MacBain issue. Claim 5928 in the amount of $150.00 was legal matters as Clerk Rogers contacted Mr. Hennessy about the legality of a council member having access to Black Mountain Software Utility Billing. Mayor Romo asked Clerk Rogers to notify him and go through the chain of command if she intends to contact the lawyer to limit the bills.

  Mayor Romo felt since the FY2018 audit findings 2018-003(3) under recommendations from the auditor: Assigning another employee/councilmember to review each deposit support and physically make the deposit at the bank. Mrs. Rasmussen volunteered to help out. She also mentioned in the under the Powers of the Mayor in Town Code 2.06.030(M) To require of any of the officers of the town an exhibit of their books and papers. Clerk Rogers reiterated that she has no problem with the public records aspect of the request, but this is actually "access" to the Black Mountain System Utility Billing. No other city or town in Montana gives "access" to their Mayor and/or Council. If they are wanting to see the books, they come in and sit down with their clerk.

  Claim 5937 and 5938—Carol Rasmussen asked why the town is paying for the wiring in Boiler shut down at the Fire hall. Matt Giese stated the town pays for a portion of the bills in lieu of housing the town vehicles. Clerk Rogers stated general fund has a budget for the Fire Department.

  Claim 5912—Carol Rasmussen asked about the Oasis Petroleum payment. Clerk Rogers stated it is a monthly payment on the oil well. Matt Giese stated the town is part owner of the oil well outside of town and the town pays for part of the production.

  Matt Giese moved to approve claims with checks dated May 9, 2022 amount of $16,340.38. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

- Approve JV, UB Vouchers, Payroll slips in the amount of $9,023.49

  Carol Rasmussen moved to approve JV, UB Vouchers, Payroll slips in the amount of $9,023.49. Matt Giese seconded the motion. All voted in favor and motion carried.

- Monthly bank reconciliation report—None
- Cash balances in our 12 Funds—None
- YTD Expense in our 12 Funds—None
- Receipts from UB for April 2022. Delinquent accounts.

  Mayor and Council reviewed the accounts receivable summary for the April. Clerk Rogers stated the delinquent account past due balance is $47,651.98 with Dakotaland being in the amount of $39,254.56.

- Approve mayor and president of council to sign May payroll checks.

  Carol Rasmussen moved to approve the Mayor and President of the Council to sign May payroll checks. Nick Tester seconded the motion. All voted in favor and motion carried.

Public Comment

Ron Butikofer stated he has a problem. Someone has cut the expensive dog shock collars off of his dog's necks on his property. He asked everyone to pay attention to their animals and property.

Cora Norton stated there is a dog problem in the town. She had 3 dogs go through her yard and killed some of her chickens in her presence. The owner of 2 of the 3 dogs came over an apologized to Mrs. Norton. The third dog has not been identified.

Patti Malkuch asked about the animal ordinance because they don't have animals and she finds animal waste in her yard all the time. She mentioned it is not fair to those who don't have animals to clean up after someone else's animals.

Mayor Romo asked in the meantime, get a picture of the at-large animal and send it in.

Public Works/ Fire Chief Report

Chief Lambert was absent. Mayor Romo updated the council on the following:

- Update on Plan for Town fire protection.
- Review plans from Interstate Engineering for water main replacement.—No new information.
- Update on Gracie's Bar & Casino sewer line installation.

  Gracie's Sewer line has been installed and is completed. They may be working on removing the old system. He explained Agri had to put in a back flow preventer that was not on the original plans. Agri asked the Town if they could help with the cost. After consulting with Mr. Lambert, Mayor Romo told them to work out the cost between the original installer and the new installer.

- Free Water Audit by MAPS is scheduled. Josh will be here May 23, 2pm at Town Hall. Mayor Romo reported Josh from Midwest Assistance Program will be here to do a water audit. Matt Geise asked what they will be looking for in the audit. Mayor Romo replied they will look at any possible leaks and the infrastructure of the water system.

Roosevelt County Sheriff's Report—None

No citations

Nick Tester reported he is putting together a meet and greet with candidates for Sheriff. He expressed the meet and greet will not be related to the Council and will put it on voluntarily by himself.

Local Emergency Planning Committee—No Update

Sewer Impact Fee Committee

Carol Rasmussen stated there will be another Sewer Impact Fee Committee meeting on Monday May 16, 2022.

Old Business

A. Dakota Land Home on the property transfer. No correspondence. Need to correct amount that was assessed to their taxes.

   Mayor Romo asked Clerk Rogers to look into the amount that was assessed to their taxes. The correct total amount should be $32,884.96.

B. MMIA corresponded with more options and information on Community Service & Volunteer Insurance options.

   Mayor Romo stated he spoke with Montana Municipal Interlocal Agency (MMIA) and there are four options for volunteers: the Casual Volunteer, Regular Volunteer, Consistent Volunteer and Employee coverage. Casual Volunteers are those individuals who volunteer for a special activity sponsored by the city at a rate determined by the number of volunteers per event. Consistent Volunteer is an individual who volunteers in excess of 15 hours per month at the rate of 100.00 per month. Regular Volunteers are those individuals who volunteer between 1 and 15 hours per month at a rate of 50.00 per month.

C. Update on Liability Insurance coverage and Property & Auto Insurance coverage with Seitz Ins.

   Mayor Romo indicated Seitz Insurance covers buildings, equipment, and vehicles. While Montana Municipal Interlocal Authority (MMIA) covers Workers Comp and Liability.

D. Update on permit from MT DOT for Path project to the Welcome Stop.

   Mayor Romo gave an update as he spoke with Keith Bithell from MDT Glendive. If the town wants to put in a tree with in the 100 foot right of way, then you will need curb and gutter.

New Business

A. Appoint a committee on Police & Public Safety. **See Town Code 2.04.020 & 2.04.040**

   Mayor Romo appointed Nick Tester, Chuck Hyatt, Deputy Joe Moore to the Police & Public Safety Committee.

   Carol Rasmussen moved to approve the appointment of Nick Tester, Chuck Hyatt, Deputy Joe Moore to the Police & Public Safety Committee. Matt Giese seconded the motion. All voted in favor and motion carried.

B. Appoint a committee on Sewer & Water.

   Mayor Romo appointed Lyle Lambert, Mayor Romo, and Ernie Bingham to the Sewer and Water Committee.

Carol Rasmussen moved to approve the appointment of Lyle Lambert, Mayor Romo, and Ernie Bingham to the Sewer and Water Committee. Matt Giese seconded the motion. All voted in favor and motion carried.

C. Appoint a committee on Streets.

Mayor Romo appointed Nick Tester, Russ Bowker, and Mayor Romo to the Street Committee.

Matt Giese moved to approve the appointment of Nick Tester, Russ Bowker, and Mayor Romo to the Street Committee. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

D. Appoint a committee on Fire.

Mayor Romo appointed Matt Giese, David Norton, and Will Rathbun to the Fire Committee.

Carol Rasmussen moved to approve the appointment of Matt Giese, David Norton, and Will Rathbun to the Fire Committee. Nick Tester seconded the motion. All voted in favor and motion carried.

E. Appoint a committee on Community Development.

Mayor Romo appointed Carol Rasmussen, John Gilligan, and Diane Panasuk to the Community Development Committee.

Matt Giese moved to approve the appointment of Carol Rasmussen, John Gilligan, and Diane Panasuk to the Community Development Committee. Nick Tester seconded the motion. All voted in favor and motion carried.

F. Appoint a City Attorney. (Open letters from RFQ)

Mayor and Council reviewed the letters from Hennessy Law Firm and Laura Christofferson, Attorney. Hennessy Law Firm is $300.00 per hour and will retain the County Attorney to handle the criminal cases. Laura Christofferson is $275.00 per hour, $125.00 per hour, and will retain the County Attorney to handle the criminal cases. Mayor Romo would like to appoint Laura Christofferson as the Town Attorney. Matt Giese moved to approve hiring Laura Christofferson as the Town Attorney. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

G. Review quotes for gravel to be installed in alley by high school track.

Mayor Romo reviewed the two gravel quotes for the platted alley between 6th and 7th Avenue East and Tubman and Evans Street. Ernie Bingham is developing the alley so he has some access to the property he recently bought. Mayor Romo said according to policy the cost to put in access to their property goes to the developer. Dave Winn Trucking bid is $1,599.00 and Teraflex Group bid is $2,233.33. Matt Giese would like to wait on putting gravel in the alley way until the existing list has been reviewed.

H. Policy Review for Campers hooked up at private residences.

Mayor Romo reported he has been approached by many about parking campers in town for the All School Reunion and Heritage America Celebration. Clerk Rogers emailed some information regarding parking campers in the town to Mayor Romo. Matt Giese mentioned having a permit for X number of days at the consent of the council. A variance had been granted to the school by prior councils for parking a camper on their property for HVAC workers working at the school

during the summer. Mayor Romo suggested the Sewer and Water committee could take a look at the legalities for parking RV's.

I. Financial Report from the Mayor.

a. Delinquent Annual Budgets for FY20 must be turned into the state by June or the state will have no option but to take the $55,000 in state entitlement funds from the 2023 Budget.

b. **Resolution**—Adopt a resolution providing an amendment of the Fiscal Year 2019-2020 budget to acknowledge unanticipated revenues and amend expenditures exceeding the original appropriations and set a public hearing for May 23, 2022.

Clerk Rogers presented the budget amendment and the process to setting a public hearing on the resolution. The earliest the council can take up the resolution is May 23, 2022.

Matt Giese moved to adopt a resolution providing an amendment of the Fiscal Year 2019-2020 budget to acknowledge unanticipated revenues and amend expenditures exceeding the original appropriations and set a public hearing for May 23, 2022. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

c. Guidance from 2018 Audit Findings.

i. Approve a council member to review monthly financials, utility receipts and make deposits to First Community Bank.

Mayor Romo discussed the audit findings with the council specifically the segregation of duties of the clerk and inspecting the books. Cora Norton brought it to the attention of the council that on page 66 it noted being able to advertise for a part time Utility Billing Clerk and wondered why this person was never hire. Mayor Romo stated currently there is no room in the budget to hire some one else.

Clerk Rogers stated a public records request was filled out for a paper trail in case any one in the public wants to know why Council members have access to their accounts.

Matt Giese moved to approve Carol Rasmussen to review monthly financials, utility receipts and make deposits at First Community Bank. Toby Romo seconded the motion. All voted in favor and motion carried. Nick Tester was absent.

d. FY 2022 Audit quote from Bob Denning.

Bob Denning from Denning, Downey and Associates, submitted a bid to do the FY 2022 audit in the amount $ 12,500. Matt Giese moved to approve the audit quote from Denning, Downey and Associates for the Fiscal Year ending June 30, 2022 in the amount of $12,500. Carol Rasmussen seconded the motion. All voted in favor and motion passed. Nick Tester was unavailable for the vote.

e. County has approved to pay $2750 to Alan Engelke to install a new curb stop and water service into the senior center. Currently there is no functioning curb stop, and no meter.

Mayor Romo discussed with the council the Aging Services has agreed to pay Alan Engelke $2,750 to put in a new curb stop and water service to the Senior Center.

f. Council advice on selling old water well house & lot on the corner of 6th & Clinton.

Mayor Romo asked if the council would consider selling the old water well house. Matt Giese suggested using it for a bulk water station.

g. Mayor's authority to spend between meetings.

i. If an issue arises that needs attention before the next council meeting, it would be beneficial, if the Mayor, with consent of the President of the Council, could approve expenditures. All expenditures would need to fall within the constraints of the Annual Budget.
Mayor Romo discussed with the council the Mayor's spending authority between meetings. The council discussed it and consented with the Mayor that he will check with the Council President before expending monies in emergency cases.

Carol Rasmussen moved to adjourn the meeting at 8:46 PM.

Attest:

Nikki Rogers, CMC
Clerk-Treasurer

Approved By:

Toby Romo
Mayor