

## Regular Meeting Minutes of May 11, 2020 Bainville Town Council

**The Regular meeting** of the Bainville Town Council was called to order at 7:14 p.m. by Mayor Dennis Portra at the Bainville Town Hall, 211 Clark Avenue East. The pledge of Allegiance was recited. Present were: Ron Butikofer, Chuck Hyatt, Dennis Portra and Travis Wills. A **quorum** was established. Also present were Clerk, Nikki Rogers; City Attorney, Greg Hennessey (via video); and Public Works Director, Lyle Lambert was absent. Guests included: (via phone) Gary McLaughlin, Judy Grimsrud, April Wills, Augusto Hollanda, Tommy Johnston, Tami Madsen.

Chuck Hyatt moved to approve the agenda as submitted. Travis Wills seconded motion. All voted in favor and motion carried.

Chuck Hyatt moved to approve the minutes dated March 19, 2020 and April 13, 2020 as submitted Ron Butikofer seconded the motion. All voted in favor and motion carried. March 9, 2020 minutes will be submitted at a later date.

### Public Comment

- Web complaint: Continued complaint regarding 3 dogs on the west side of Bainville. The Clerk's office received this complaint a while ago. She is asking for some clear direction on how to handle the complaint. Mayor Portra directed the Clerk to write a letter to the complainant informing the various owners of the animals have been notified and are taking extra precautions.
- Mr. Hyatt brought it to the attention of the council that other dogs are running about the town and relieving themselves in other people's yards. Some people feel they need to put up a fence in order to keep the dogs at large out of their yards respective.
- Mr. Hyatt also expressed appreciation to the Public Works department for cleaning ditches and roads around town. Mayor Portra agreed some of the drainage issues around town are going away.
- Gary McLaughlin commented on the work being done in the front of his property at 201 Evans Street. He is concerned for his tenants to have driveway access. He was not notified by the city that this project was happening. Mayor Portra indicated the scope of the work is to address the drainage problem in this area. A possible fix to this would be to put in a culvert in the driveway. Mr. McLaughlin asked when this is the project going to take place. Clerk Rogers stated there was no timeline set yet. Mr. Hyatt stated according to Public Works, they stated a culvert is one option but there is old concrete under the gravel and they would like to dig it out to see if it is usable for the tenants. Mr. McLaughlin asked if the culvert is not put in will the driveway be put back in like currently? Mr. Hyatt replied no it will not if its interfering with drainage. Mayor Portra will meet with Mr. Lambert to discuss and will get back to Mr. Laughlin.

### Public Works Report—No Report

- Update from insurance company regarding Lift Station repairs

### Roosevelt County Sheriff's Department Update—none

### Legal Issues

1. Discussion on a quiet title for the Dorothy Crawley property—Attorney Hennessey—No Update

### Policy/Ordinance Review—None

Local Emergency Planning Committee—None

Next LEPC meeting:

Trail Committee Update—No Update

- Committee Recruitment
- Community Development Block Grant (CDBG) Planning Grant for Trails Plan

Clerk Rogers reported the State may put in a sidewalk from the BNSF tracks to the Welcome Stop per Public Works. Mayor Portra asked if the town can confirm with the State Project Manager as the town has some questions regarding the project.

Old Business

A. Old Permits Fence at 311 Clinton –Diane Panasuk

- ❖ Discuss public nuisance at 311 Clinton Street in regard to the letter sent February 26, 2020.
  - Review Chapter 7.06 Nuisances specifically 7.06.055 Notice of Violation
  - Review MCA 75-10-501 Definitions and 75-10-505 Shielding and Removal of Junk Vehicles Generally
  - Review Chapter 1.08.010 General Penalty

Property Owner, Diane Panasuk was unable to join. This item was tabled.

B. Review the sewer line proposal for Gracie's Bar and Casino at 212 Clinton Street ST N—*No new update*

C. **Ordinance**— An ordinance of the Bainville Town Council amending Title 15 Buildings and Construction Chapter 15.02 Building Regulations to include shipping containers as movable storage structures.

Mayor tabled the ordinance until the public is able to attend a public hearing.

D. Discussion on a Town vehicle and possible changes to Vehicle Policy.

Clerk Rogers indicated Mr. Lyle Lambert has more information on more bids but is not in attendance.

E. Update from new property owner regarding 5862 County Road 405 North

Tommy Johnston stated the couple of investors he spoke with will not be able to do anything with right now. Mr. Johnston would like to terminate the MOU with MacBain and keep 2 of the hookups. Mayor Portra reminded Mr. Johnston that he will have some issues with the force main and the size of the pipes. He is not sure the water will be potable. Mr. Johnston asked if Dry Prairie could put in different lines and terminate the sewer and put in septic. Mayor Portra asked why would he like to keep 2 hookups? Mr. Johnston replied to sell them possibly at a later date. Mr. Johnston indicated he would like to keep 2 hookups and terminate the agreement with MacBain. Mr. Hyatt asked the following questions: 1) if there is a termination fee and, 2) what is the established base rate of the two hookups? Mayor Portra stated if he is only keeping two hookups, he would need to pay the standard base rate. City Attorney Hennessy asked to see the MOU and review it under advisement. Mr. Hyatt asked for clarification on a start date for the hookups. Mayor Portra and Council discussed the start date and decided on February 1, 2020 for two water hookups and no sewer hookups at standard rate. Mr. Johnston agreed with the them. Clerk Rogers clarified if he is terminating the sewer portion of the hookups and later would like to hookup to sewer then he will need to pay the impact fee. All agreed he would pay the sewer impact fee.

- F. Request from Sanfield Developments, LLC to return Impact Fee money paid for Truck Stop development off County Road 1007.

Attorney Hennessy checked with the State of Montana and it is possible to return the Impact Fee money. Mayor Portra expressed his opinion on giving back the impact fee.

Chuck Hyatt moved to refund to Sanfield Developments, LLC the impact fee money paid for truck stop development off County Road 1007 in the amount of \$7,381.50 minus the administrative fee of \$351.50 for a refund total of \$7,030.00. Ron Butikofer seconded the motion. All voted in favor and motion carried.

### New Business

- A. New Permits: --None
- B. Welcome sign proposal by BPA and FFA – Mr. Powell—Tabled to another meeting
- C. Approve and authorize the mayor to sign a contract with Greener by the Yard for the 2020 Lawn Spray Season.

Clerk Rogers presented the annual contract with Greener by the Yard. Mayor and council discussed the options. Chuck Hyatt moved to approve and authorize the mayor to sign a contract with Greener by the Yard for the 2020 Lawn Spray Season for two sprays in the amount of \$320.00. Travis Wills seconded the motion. All voted in favor and motion carried.

- D. Request from Auggie Hollanda to discuss putting in a new home on the west side of Bainville.

Mayor Portra and council discussed the property on the west side of Bainville between Clark Avenue and Flynn Avenue. Auggie Hollanda asked the council and Mayor about the different possibilities with this property as it is currently undeveloped. One instance is the road access to the property and Clark Avenue might have to be switched provided they can get Mrs. Allard to possibly go with the change too. Other items discussed would be sewer and water access.

Chuck Hyatt moved to propose the land swap between the Allards and the Town to create continuous land for the Allards and a roadway north of Romo property. Travis Wills seconded the motion. All voted in favor and motioned carried.

- E. Budget Timeline for FY20-21

1. Review the revenues and expenditures
2. Adopt a preliminary Budget and set a public hearing
3. Adopt a FY20-21 budget
4. Due to the State of Montana by September 3, 2020

Clerk Rogers proposed the timeline. Council consensus for next Special Budget meeting is Monday, May 18, 2020 at 7:00 PM.

Ron Butikofer asked if Valli could be on conference at the next meeting.

- F. Treasurer's Report:

- Approve claims with checks dated May 11, 2020
- Approve JV, UB Vouchers, and Payroll slips

Chuck Hyatt moved to approve the Treasurer's Report. Travis Wills seconded the motion. All voted in favor and motion carried.

Travis Wills moved to adjourn the meeting at 8:15 PM. Ron Butikofer 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