

**Regular Meeting Minutes of November 12, 2018**  
**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, 211 Clark Avenue East. Present were: Ron Butikofer, Mandy Hickel, Dennis Portra and Scott Ross. A **quorum** was established. Also present were Clerk, Nikki Rogers; Public Works Director, Lyle Lambert. Absent was City Attorney, Greg Hennessey. Guests included: Chuck Hyatt, David Norton, Billie Pippenger.

Scott Ross moved to approve the agenda as submitted. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Scott Ross moved to approve the minutes dated October 8, 2018 as submitted. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Public Comment

A web complaint was submitted regarding the running of trucks in the winter time and parking on the sidewalk on Clinton Street. Is there an ordinance regarding running trucks and is parking on the sidewalk illegal?

Mayor Portra and the council discussed this complaint. Currently, there is no ordinance regarding the running of the semi-trucks but this property owner has been notified in the past that this continues to be a nuisance to the people living around her property. Parking on the sidewalk next to a state highway is illegal according to Montana Code Annotated and should not be done. The clerk has contacted the Sheriff's office and parking tickets will be issued.

Department or Committee Reports:

Public Works Report

Lyle Lambert, Public Works, reported the following:

- A plastic 8" pipe 80' long has been installed on Evans street between 5<sup>th</sup> and 6<sup>th</sup> Avenues to alleviate water build up on the west side of Evans.
- The building at the lift station has been completed.
- The building at the lagoon is still in the works.
- Badger Meter Update

Clerk Rogers indicated finally all meters are online as the last endpoint was not plugged in. Public Works feels this is a "temporary fix until it happens next time". Mr. Lambert indicated he now has another heat tape to plug in for the endpoint and is not happy. How does the staff address this matter in the future? Council discussed how to handle the matter and suggested it will be handled on a case by case basis.

Mr. Ross mentioned Sidney has a propeller style meter with a sending unit. Would this work for Bainville?

Clerk Rogers indicated the Department of Natural Resources and Conservation (DNRC) is waiting on an answer regarding the remaining money in the loan and forgiveness. Marc Golz is the Town's representative from DNRC and he will be retiring at the end of this month. If the Town of Bainville does not need the money, then he would like to close out the project.

Mr. Ross asked what the options are regarding these meters at this time of year. Mr. Lambert will get an updated quote from Neptune and ask if it is all possible to do the work this year or if the Town must wait until spring. Mr. Ross indicated he is not in favor of having two bills, so it would be to replace them all at once or wait until it is a good time.

Scott Ross moved to approve getting the Neptune meters provided it is within the procurement threshold of \$80,000. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Chuck Hyatt asked the council currently there are accounts in question and asked the council if there is any forgiveness regarding faulty meters. Mayor Portra suggested the council ask the customers to pay base rates but not for the usage for the month in question regarding high usage. By council consensus the customer will pay base rates for the April month and the council will waive the usage due to faulty meters.

- Bobcat of Miles City has chosen the Town of Bainville as a designated place for a replacement Toolcats. Used machines are in high demand so if the Town keeps the hours under 100 they will keep getting a new toolcat to use.

#### Roosevelt County Sheriff's Department Update—No Update

#### Legal Issues:

1. Discussion on a quiet title for the Dorothy Crawley property—Attorney Hennessy
2. MacBain/RL Signor Legal Issues

Clerk Rogers read a statement from Mr. Hennessy as he was unable to make it to the meeting. He needs to finish writing a letter on the Dorothy Crawley property to clear that case. Mayor Portra stated he needs to proceed finding more information regarding the MacBain/RL Signor property at 5862 County Road 405 South.

#### Local Emergency Planning Committee

Next meeting date: November 13, 2018 at 2 PM in Froid

Mr. Lambert stated they are starting to number the county buildings and schools for emergency response. He is also reviewing the Emergency Response Plan for the County.

#### Trail Committee Update—No Update

Community Development Block Grant (CDBG) Planning Grant for Trail's Plan.

#### Old Business

- A. Authorize the Mayor to sign the release of funds for the Department of Natural Resources and Conservation Loan A and Loan B in the total amount of \$110,029—Clerk Rogers
- B. Authorize the Mayor to sign the following forms in regard to the Water System Improvements Project (Clerk Rogers):
  - Construction Completion Certificate
  - Borrower Certification on Payrolls and Statement of Compliance
  - Borrower Certification of American Iron and Steel (AIS)
  - Project Performance standards Certificate
  - One year performance criteria for the Town of Bainville Water System Improvements Project-2016 Construction

Clerk Rogers will let Marc Golz and Anna Miller know the council's decision to replace the meters with a new Neptune meter. Once the purchase has been made then the Town of Bainville will be able to release the remaining funds.

New Business

A. Zoning Permits:

1. Claudia Kummer—2012 Modular house

Mayor and Council reviewed the permit application of moving a new modular home in at 4 Rhea Avenue West. The concerns were if the old house will be torn down or will it remain on the property. She must pay the impact fee if the old house remains on the property and hooked up to the Water/Sewer. She will not have to pay the impact fee if she is disconnecting the services at the old house. Clerk Rogers will need to make sure she understands the difference.

Scott Ross moved to approve the new home building permit at 4 Rhea Avenue West with conditions regarding the existing water/sewer services. Ron Butikofer seconded the motion. All voted in favor and motion carried.

B. Discussion on alarm system at lift station

Mr. Lambert will ask Nemont for a quote regarding the installation of the alarm system at the lift station but for now they will re-wire the red light to the outside of the building.

C. Review the sewer line proposal for Gracie's Bar and Casino at 212 Clinton Street ST N.

Mayor and Council reviewed and discussed the proposed sewer line. They have questions regarding some of the tanks on the pictures. Clerk Rogers will see if Shawn Rowland is willing to visit about the proposal at the next meeting.

D. Treasurer's Report:

- Approve claims with checks dated November 12, 2018 in the amount of \$28,445.93
- Approve JV, UB Vouchers, and Payroll slips

Mayor and Council reviewed the Treasurer's report and claims. Scott Ross moved to approve the claims with checks dated November 12, 2018 in the amount of \$28,445.93. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Scott Ross 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