

**Regular Meeting Minutes of January 17, 2019**  
**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; and Public Works Director, Lyle Lambert. City Attorney, Greg Hennessey was absent. Guests included: David Norton, Eric Newton, Diane Panasuk, Roger Butikofer, Dustin Harvey, Taryn Harvey, Dana Salivar, Devon Hughes (RCSO), Lisa Sullivan, 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 December 10, 2018 minutes as submitted. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Public Comment

- A. Review web complaint regarding running semi-trucks between 11:00 PM and 6:00 AM in a residential area of town and parking on the sidewalks on Clinton Street/Highway 327.

A complaint was received regarding a semi-truck parked on Flynn Avenue running between 11:00 PM and 6:00 AM in a residential area of town. Members of the community asked why the Council even received the complaint? Scott Ross addressed the question as a governing body they hear public complaints to see if there is a valid issue and to have it dealt with. A follow-up question was asked why the land owner was involved and not just the owner of the Semi. The owner of the semi is currently renting from the property owner.

Mayor Portra stated there are several issues about parking the semi on Flynn: 1) the semi is parked the wrong direction and 2) complaints regarding the time the truck starts and how long it runs. Mayor Portra stated he would not like to ban all trucks from parking in town as many people who live in town drive truck for various reasons for work. He feels in this case, if the semi parked in a different place like on Rhea Avenue beside the bank and where it is not bothering the neighbors then the complaint would go away.

A question was raised as to where a person could park without offending a neighbor on that block? Mayor Portra asked what would be the issue if the Semi was parked on the southside of the Rhea Avenue next to the old bank building? After further discussion the Mayor with the consent of the council asked the property owner to notify her tenant to find an alternative place to park his semi and in the correct manner with the flow of traffic.

The second half of the complaint addresses the parking on sidewalks. Members of the community asked for some clarification on the use of the building since it has garage doors. Lyle Lambert, Public Works, stated the building used to be a café originally and there was no driveway there. Mayor Portra stated no matter what the use is for the building, a person can not block the sidewalk. If you park parallel to the sidewalk in the correct direction, then the complaint goes away. Clerk Rogers stated she is currently drafting a letter/sign regarding parking on the sidewalks and on Highway 327/Clinton Street to notify everyone who is living on this street or has a business. She will post the sign in the 3 public places: Welcome Stop, Post Office and the Town Hall as well as Smokey's in order to get the word out. Because of State Highway 327/Clinton Street going through town, this issue is a state issue and not just local jurisdiction.

- B. Review web complaint regarding the Town Hall hours.

Clerk Rogers noted the website stated the hours of operation are 9:00 AM – 12:00 PM and 1:00-4:00 PM. She is usually at the office from 8:30 AM until 5:00 PM most days. She also let her Mayor and Council know that she has too many vacation hours on the books and will be trying to take time off, so she doesn't lose the hours.

Mayor asked the clerk if she will post a sign on the door when she is out of the office.

### Public Works Report

Lyle Lambert, Public Works Director, gave the following report:

- Neptune Installation  
The Town is in the process of putting in the meters. About 26 meters are left to put in the coming weeks. A few other meters will be replaced in the spring due to their location and weather. No new meters will be installed if the water has already been turned off. When the water is turned on, the Town will replace the meter. He has not had any problems with the contractor, and they go above and beyond to make sure everything is working properly.
- Badger Meter Update  
Mr. Lambert asked what does the Town do with the extra new Badger meters? Springline is taking the installed 'old' meters and disposing them for us. Mayor Portra with the council consensus stated try to get Badger to reimburse us for the extra new meters.
- Mr. Lambert asked for authorization to purchase a new 2" meter to replace the existing one at the Bainville School in the amount of \$900.00. He figured since it is so old there is about a 70 percent water use. Mayor and Council gave an ok to purchase the new meter for the school and the school will put the meter in.
- Mr. Lambert met with a representative from Pace Construction about the issue in the alley between Rhea Avenue and Flynn Avenue behind where Mr. Butikofer currently lives. Pace has used a camera and jetted the sewer lines in 2007. There are notes indicating two 90-degree elbows at both ends of the alley which their sewer camera at that time could not go through the line is why it was not cleaned out. This spring Pace will be in the area with their new camera and it should be able to navigate the elbows and show the Town what is there so it can be fixed. Also, while Pace is here, they will clean the lift station in the amount of \$175.00.
- The new Tool Cat arrived on January 16, 2019.
- Mr. Lambert asked the council to start looking at charging a water hookup fee. It currently costs the Town roughly about \$1,000.00 per hookup in materials (curb stop, copper tubing, corp stop, curb box and 20 feet of tubing) with the costs rising due to being AIS (American Iron and Steel) certified. Mr. Butikofer asked if the impact fee money could be used for the hookups. Mayor Portra stated impact fee if from a different enterprise fund.

### Roosevelt County Sheriff's Department Update

Devon Hughes, Deputy from Roosevelt County Sheriff's office, stated the parking on the wrong side of the street within an incorporated city is not a state law but a city ordinance. Culbertson and Wolf Point have initiated a city ordinance regarding parking on the wrong side of the street. Mr. Hughes also stated they have a lot of territory to cover including Brockton, Fort Kipp, Froid, Culbertson, Bainville and the State Line. If there is any issue feel free to contact their office.

### Legal Issues

1. Discussion on a quiet title for the Dorothy Crawley property—Attorney Hennessy
2. MacBain/RL Signor Legal Issue
3. S Panasuk Litigation

Mr. Greg Hennessy was not in attendance. No discussion on the legal items.

Local Emergency Planning Committee

Next meeting date: February 12, 2019 at 2 PM in Poplar.

Mr. Lambert stated they held their January LEPC meeting. There will be a lot of material coming down but with the government shutdown nothing has materialize yet. Leaders of LEPC will need to meet and discuss how to handle a “mass casualty” event during a government shutdown situation.

Trail Committee Update—No Update

Community Development Block Grant (CDBG) Planning Grant for Trails 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 stated items A and B need to be held until the final draw is completed.

- C. Review the sewer line proposal for Gracie’s Bar and Casino at 212 Clinton Street ST N—No Update

New Business

- A. New Permits: None
- B. **Ordinance**—An ordinance amending Title 2 Administration and Personnel Chapter 2.00 Elective and Appointive Officers correcting the number of Alderperson’s on Council; Chapter 2.04 Town Council correcting the number of members for a quorum and Chapter 2.04.070 Meeting Called to Order correcting the time of the Town Council meetings from 7:30 PM to 7:00 PM.

Mayor Portra stated this is the first reading on an ordinance is amending Chapter 2.00 Elective and Appointive Officers correcting the number of Alderperson’s on Council; Chapter 2.04 Town Council correcting the number of members for a quorum and Chapter 2.04.070 Meeting Called to Order correcting the time of the Town Council meetings from 7:30 PM to 7:00 PM. Mr. Ross corrected the language in **2.04.050 Quorum** to read the following:

**2.04.050 Quorum.** The presence of the mayor and ~~one-two~~ members or three (3) members of the council shall constitute a quorum for the transaction of business; but, should state law require all council members to be present, the mayor may compel the attendance of absent members under such rules and penalties as the council may prescribe.

Scott Ross moved to adopt an ordinance amending Title 2 Administration and Personnel Chapter 2.00 Elective and Appointive Officers correcting the number of Alderperson’s on Council; Chapter 2.04 Town Council correcting the number of members for a quorum and Chapter 2.04.070 Meeting Called to Order correcting the time of the Town Council meetings from 7:30 PM to 7:00 PM and set a public hearing on February 14, 2019. Ron Butikofer seconded the motion. All voted in favor and motion carried.

- C. Review Town Council meeting schedule and Federal Holidays for 2019.

Mayor and Council discussed the meeting schedule and Federal Holidays for 2019. Staff indicated they would like to work on Columbus Day in October in exchange for the Friday after Thanksgiving. Mayor Portra indicated that would be ok. Scott Ross indicated he will be working on Mondays and would like to hold Town Council meetings on Thursdays. Clerk Rogers indicated an email from Attorney Hennessy that Thursdays are not a good day for him and Monday's work best.

Clerk Rogers pointed out that Mandy Hickel and Scott Ross are up for re-election this coming November.

D. Appoint members to the following committees:

1. Sewer and Water
2. Streets
3. Fire
4. Police and Public Safety
5. Community Development

Mayor Portra and the council discussed the committees and they will stay the same as last year which are the following:

- Sewer and Water—Ron Butikofer and Scott Ross
- Streets—Dennis Portra and Ron Butikofer
- Fire—Mandy Hickel and Scott Ross
- Police and Public Safety—Scott and Ron
- Community Development—Dennis Portra and Mandy Hickel

E. Approve the Theodore Roosevelt Expressway Association membership dues in the amount of \$500.00.

Mayor and Council discussed the membership dues for the Theodore Roosevelt Expressway Association. Mr. Butikofer does not see what the membership fees have done for Bainville. Mandy Hickel moved to approve paying the Theodore Roosevelt Expressway Association membership dues in the amount of \$500.00. Motion died with the lack of second. Bainville will not pay the membership fees this year.

F. Montana Rural Water 40<sup>th</sup> Annual Water Conference—February 20, 21, & 22, 2019 Great Falls  
Lyle Lambert, Public Works; Dan Lambert, Public Works; and Clerk Rogers will attend the 40<sup>th</sup> Annual Water Conference in Great Falls.

G. Approve Disbursement Number 8 Montana State Revolving Fund program loan B WRF-17377 in the amount of \$63,113 to pay for the new water meters and installation.

Mayor and Council discussed disbursement number 8 Montana State Revolving Fund program loan B WRF-17377 in the amount of \$63,113 to pay for the new water meters and installation. Mr. Butikofer asked why the Town is drawing down the money to pay the contractor before the job is done. Clerk Rogers indicated it would delay the payment to the contractor. Scott Ross moved to approve disbursement number 8 Montana State Revolving Fund program loan B WRF-17377 in the amount of \$63,113 to pay for the new water meters and installation. Mandy Hickel seconded the motion. Ross and Hickel voted Aye. Butikofer voted nay. Motion carried.

H. Approve Disbursement Number 8 Montana State Revolving Fund program loan A WRF-17376 in the amount of \$11,166 from loan forgiveness to pay for the new water meters.

Mayor and Council discussed this is the final amount from the loan forgiveness to pay for the new water meters. Scott Ross moved to approve Disbursement Number 8 Montana State Revolving

Fund program loan A WRF-17376 in the amount of \$11,166 from loan forgiveness to pay for the new water meters. Mandy Hickel seconded the motion. All voted in favor and motion carried.

- I. Approve drawdown from DNRC Bainville Wastewater System Improvements 2015 Grant RRG-17-1668 in the amount of \$28,504.78.

Mayor and Council discussed this was the final drawdown from DNRC from the Wastewater Grant. Scott Ross moved to approve the final drawdown from DNRC for the Bainville Wastewater System Improvements 2015 Grant RRG-17-1668 in the amount of \$28,504.78. Ron Butikofer seconded the motion. All voted in favor and motion carried.

- J. Treasurer's Report:

- Approve claims with checks dated January 17, 2019
- Approve JV, UB Vouchers, and Payroll slips

Mayor and Council discussed the claims. Scott Ross moved to approved paying the claims with checks dated January 17, 2019 in the amount of \$88,897.69. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Scott Ross moved to adjourn the meeting at 8:26 PM. Ron Butikofer seconded motion. All voted in favor and motion carried.

Attest:

Approved By:

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Nikki Rogers, CMC  
Clerk-Treasurer

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Dennis Portra  
Mayor