

**Regular Meeting Minutes of May 17, 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 (arrived at 7:34PM), Mandy Hickel, Dennis Portra and Scott Ross. A **quorum** was established. Also present were Clerk, Nikki Rogers; Public Works Director, Lyle Lambert; City Attorney, Greg Hennessey. Guests included: Joe Popp.

Scott Ross moved to approve the agenda with the addition of the following:

- New Business Letter A Number 2. Eric Newton—Fence permit;
- New Business Letter A Number 3. Dennis Portra—Building permit extension for garage.
- New Business Letter C.—Approve and authorize the Mayor to sign the construction and maintenance agreement with the Montana Department of Transportation in regards to the JCT US2 – South Bainville project.

Mandy Hickel seconded the motion. All voted in favor and motion carried.

Scott Ross moved to approve the minutes dated April 9, 2018 as submitted. Mandy Hickel seconded the motion. All voted in favor and motion carried.

Public Comment

Joe Popp discussed some health and safety concerns of some yards and buildings around town. He indicated the yellow house across the street from his place has siding falling off the side and the weeds in front of the house are getting tall. He also mentioned the deterioration of the Civic Center and Borge building. Mayor Portra and the council discussed the situations and directed staff to issue a letter to property owners about cleaning up their property.

A. Review 4 dog complaints

The council reviewed four different dog complaints. The mayor with the consent of the council directed the clerk to issue letters to the dog owners and send a copy to the sheriff's department notifying them of the complaints against their animals.

B. Roosevelt County Day of Service on Wednesday, May 23, 2018 Roosevelt County Fairgrounds in Culbertson—For your information

Public Works Report

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

- The city office furnace has been repaired from a gas leak.
- Public Works would like to enlist in Allen Engelke's help in repairing the frozen water issues from this last winter at Mannings, Beards, Lambert's sewer and Anderson. Each service will be dug up and replace then filled with flowable fill from Sidney Ready Mix.
- Dave Winn Trucking will haul two loads of gravel for Second Street and haul three loads of gravel for stock pile.
- Bainville Faith Fellowship would like to replace the three culverts in their parking lot to help with the area drainage. The culverts will be paid from private donations, so they are asking the city for labor only to make sure they are properly in place.
- Tom Robinson, OneOk, donated a 1000-gallon tank to use for spraying dust control for the 7<sup>th</sup> Avenue and Highway 327 to the lagoon.
- Mr. Lambert indicated the new tank is currently sitting on his trailer and would like the town to think about getting a trailer to haul the tank around on. Mayor Portra asked Mr. Lambert to do some checking with some area oil companies to see if they would like to donate to the town.

- Discussion was held regarding the lights in the park and how to fix them.
- Mr. Lambert asked the council if it would be ok to clean up the parking area at the park. Mayor Portra directed staff to haul in gravel and clean up the parking area at Simard Park.
- Mr. Lambert called C&B (formally known as FES Equipment) to get a quote on a bagger system for the zero-turn mower. He stated it will cost \$1,460 for a power bagger. After council discussion Mr. Lambert will order the equipment.
- Interstate Engineering has been working on the new portions of the cemetery.

Roosevelt County Sheriff's Department Update—No update

Legal Issues

1. Discussion on a quiet title for the Dorothy Crawley property—Attorney Hennessy—No update
2. Update on Water System Improvement Project lawsuit from C&C Excavation.

**Closed executive meeting to discuss lawsuit strategy** per *(Conference call with Ryan Browne from Hall and Evans)* The Mayor closed the meeting to go into executive session at 7:15 PM regarding a legal discussion with Ryan Browne from Hall and Evans. The Mayor opened the meeting at 7:25 PM.

Ryan Brown asked the council for \$1500.00 additional in settlement authority to settle the lawsuit with C&C Excavation.

Scott Ross moved to approve the request of \$1500.00 additional in settlement authority to settle the lawsuit with C&C Excavation. Mandy Hickel seconded the motion. All voted in favor and motion carried.

Local Emergency Planning Committee

Next meeting date: June 12, 2018 at 2 PM in Froid

Trail Committee Update—Committee has not met yet

Old Business

A. Training updates:

1. Water and Wastewater Operator Workshop in Culbertson April 10-11, 2018 attended by Lyle Lambert

Mr. Lambert stated the workshop was the best one he has been to regarding Water and Wastewater.

2. MMCT/FOA 2018 Municipal Institute May 6-11, 2018 attended by Clerk Rogers

Clerk Rogers stated she learned a lot of information from networking with other clerks around the state.

3. Elected Officials 2018 Montana Municipal Institute May 8-10, 2018 attended by Ron Butikofer

New Business

A. Zoning Permits:

1. Special Use Permit—Bainville Community Association—Heritage America Annual Event June 30 and July 1, 2018

The mayor and council discussed the permit application. Scott Ross moved to approve the special use permit. Mandy Hickel seconded the motion. All voted in favor and motion carried.

2. Building Permit—Eric Newton—Fence Permit  
The mayor and council discussed and approved the permit.

3. Building Permit Extension—Dennis Portra—Garage

Mr. Portra asked the council for one-year extension on his building permit. The council discussed and approved the extension.

B. Approve the contract with Greener by the Yard for spraying Simard Park—Lyle Lambert

Mr. Lambert stated the contract is with Alan Aspenlieder from Culbertson who runs Greener by the Yard. He has sprayed Simard Park for the last several years. Scott Ross moved to approve the contract with Greener by the Yard for spraying Simard Park 2 times in the amount of \$320.00. Ron Butikofer seconded the motion. All voted in favor and motion carried.

C. Approve and authorize the Mayor to sign the construction and maintenance agreement with the Montana Department of Transportation in regard to the JCT US2 – South Bainville project.

Clerk Rogers indicated this construction and maintenance agreement with Montana Department of Transportation regarding the JCT US2 – South Bainville project. Scott Ross moved to approve the construction and maintenance agreement. Ron Butikofer seconded the motion. All voted in favor and motion carried.

D. Resolution authorizing the Notice of Lien Filing for Delinquent Water &/or Sewer Charges—Clerk Rogers

Clerk Rogers presented to the council the next year of Notice of Lien Filings for Delinquent Water &/or Sewer Charges. Scott Ross moved to approve the resolution authorizing the Notice of Lien Filing for Delinquent Water &/or Sewer Charges. Mandy Hickel seconded the motion. All voted in favor and motion carried.

E. Discussion on introducing a Community Decay Ordinance—Clerk Rogers

Clerk Rogers presented the council with a draft Community Decay Ordinance. She indicated several people have verbally commented on how bad the town looks regarding people's properties. She would like the council to look over the ordinance and make changes to the ordinance for the next meeting. This is a starting place to add more strength to what is already in the Town Code.

F. Treasurer's Report:

- Approve claims with checks dated May 17, 2018 in the amount of \$64,995.45
- Approve JV, UB Vouchers, and Payroll slips
- Budget Calendar

Scott Ross moved to approve the Treasurer's Report. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Scott Ross asked the mayor and council to hold the next meeting on Thursday June 14, 2018 due to his new work schedule. Mayor Portra indicated arrangements can be made to temporary accommodate this change in meeting day from the second Monday of the month.

Scott Ross moved to adjourn the meeting at 8:45 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