

**Regular Meeting Minutes of August 12, 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, Dennis Portra and Scott Ross. Mandy Hickel was absent. A **quorum** was established. Also present were: Clerk, Nikki Rogers; Public Works Director, Lyle Lambert; and City Attorney, Greg Hennessey. Guests included: Jason Morgan, Beth Morgan, Diane Panasuk, Bernie Popp, Joe Popp, Chuck Hyatt, Travis Wills, Eric Newton, and Matt Giese.

Scott Ross moved to approve the agenda with additions of Old Business Letter B. Diane Panasuk discussion on Water Bill and Letter C. Timeclock. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Scott Ross moved to approve the minutes dated July 8, 2019 and July 23, 2019 as submitted. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Public Comment--None

Public Works Report

Lyle Lambert, Publics Works, gave the following report:

- Evans Street Repair between 5th and 7th Avenue
Mr. Lambert asked the council what they would like to do to repair Evans Street. His recommendation would be to replace the plastic culvert with a 15" Steel Culvert and build the road up 3-4 inches. Beth Morgan gave a little background on the issue at hand. The water would naturally like to go between the Superintendent's house and their existing old buildings. The Town put in an 8-inch plastic culvert in October and in March the plastic pipe froze.

The Council discussed and by consensus told Public Works to go ahead and put the bigger culvert in and raise the road.

- Purchase of City Vehicle for Summer Maintenance

Mr. Lambert stated Culbertson Fire Department has an old command unit up for bid but the bids were due at 5:00 PM on August 12, 2019. He also noticed Mr. Matt Giese has a vehicle, 1995 GMC ½ Ton 4X4 Automatic, for sale for \$3,900.00. Mr. Ross stated he would like Public Works to keep shopping around.

- Mr. Butikofer asked Mr. Lambert if they could grade Highway Avenue as it has several potholes.
- Grazing the lagoon

Mr. Dan Lambert asked Kirk Panasuk to see if he would be interested in grazing at the lagoon at a price of \$15.00/AUM. He would put up his own fencing.

Mr. Butikofer indicated he would like to refrain from utilizing Mr. Panasuk's services until we get the legal issue resolved. Mayor Portra indicated they are two separate issues. Mr. Ross stated with all the problems they have had with Mr. Panasuk, he does not want to do business with him. Mayor Portra indicated the lagoon should be grazed rather than wasting time in mowing. Mr. Ross indicated he is not opposed in letting it be grazed but is opposed to entering into business with Mr. Panasuk at this point in time.

Roosevelt County Sheriff's Department Update—None

Legal Issue

1. Discussion on a quiet title for the Dorothy Crawley property—Attorney Hennessy—Still pending
2. MacBain/ RL Signor Legal Issue—Travis Kelly will be at the next council meeting to begin discussions on disconnecting the services.
3. S. Panasuk Litigation Update—Day 1 is in the books on the depositions. Mayor Portra will have his deposition on Tuesday, August 13, 2019.

Local Emergency Planning Committee

Next Meeting will be Tuesday, August 13, 2019 in Froid.

Mr. Lambert asked the council where they would like to have the new siren. Council indicated at the lagoon.

Trail Committee Update—No Update

Community Development Block Grant (CDBG) Planning Grant for Trails Plan

Public Hearing

Resolution—A resolution fixing the annual appropriations for the Town of Bainville, Montana for the Fiscal Year 2019-2020 budget

Clerk Rogers indicated the updated resolution is not ready at this time. A budget meeting will be held on August 19, 2019 at 7:00 PM.

Resolution—A resolution setting and adopting the mill levy on all real and personal property within the Town of Bainville for the 2019-20 Fiscal Year

Old Business

- A. Review the sewer line proposal for Gracie's Bar and Casino at 212 Clinton Street St N—None
- B. Diane Panasuk Water bill at Welcome Court
Clerk Rogers presented Mr. Newton with copy of the new updated Neptune Meter reports. Mr. Lambert suggested calling Neptune to have them explain the water usage. Ms. Rogers explained to the council that this particular meter was replaced in January with the original install by Springline Construction. Ms. Panasuk indicated to Ms. Rogers there was no one living in these units so Ms. Rogers did not bill for any usage from January until May when the Pit Meters were replaced. Upon observation of the meter, there had been 4,913 gallons of water that went through the meter, so Ms. Rogers billed for the usage. Mr. Portra asked how the usage could in one day be 4000 gallons. Mr. Ross asked if anyone has inspected Springline's work? Mr. Lambert indicated both him and Dan Lambert.

Mayor Portra indicated Public Works will check into the meter.

- C. Discussion on an Ipad/Timeclock
Mr. Ross indicated he would like to know what happened to getting an Ipad/Timeclock? Ms. Rogers indicated there was not a definite answer given to what brand, kind, etc. Mayor Portra indicated all hourly employees will be on the time clock except for Mr. Lyle Lambert. Ms. Rogers indicated Mr. Lambert is an hourly employee who is also part time. Is he a salaried employee? She would like to correct the payroll system. Mayor Portra indicated it would stop the snipping of why someone isn't in the office or why Dan was here or there. Ms. Rogers indicated interfacing with Black Mountain will cost \$1,100.00 to get started for 5-7 employees. Mayor Portra asked the council members what kind of timeclock. Mr. Ross indicated an easy fix would be to mount an Ipad on the wall with Fareclock App. It is facial recognition software. Ms. Rogers asked how the facial recognition timeclock app will work for afterhours workers.

Mr. Ross indicated there will be a small form to fill out as to why they were unable to clock in or out. He also suggested the Mayor or Council President to be the administrator.

New Business

A. New Permits:

- Bainville School: Construct new playground equipment
 - Bainville School: Construct window wells and sidewalk at 402 Tubman Street
- The work was completed after the permit was obtained but before the council approved it in a formal meeting.

Mayor Portra asked Mr. Chuck Hyatt if the new playground equipment fits within the school's footprint. Clerk Rogers indicated there was concrete taken out and replaced with both building permits. Mr. Hyatt asked for some clarification on if he replaces a piece of 30-year-old sidewalk and puts in a new one does he need a permit? Mayor Portra indicated yes, he does. Mr. Ross asked if the work is being done within their own footprint then why do they need a permit. Mayor Portra and City Attorney Hennessy indicated it is a change in infrastructure. Scott Ross moved to approve both of the Bainville School permits. Mr. Hyatt asked for "forgiveness" on not obtaining a separate building permit. Mr. Ross indicated one of the permits indicated it had concrete, so it was ok. Mr. Butikofer commented in a separate building permit the property owner called each of the council members before proceeding with the work. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Mr. Butikofer asked to review the building permit process at the next council meeting.

- Dennis Doyle: Movable Storage Container at 101 Tubman Street
- Mr. Doyle indicated he would like to purchase a storage container and put it within the 10-foot setbacks at 101 Tubman. Mayor Portra asked if he knows where the property lines are, and Clerk Rogers indicated he does. Scott Ross moved to approve the movable storage container. Ron Butikofer seconded the motion. All voted in favor and motion carried.

B. Discussion on properly disconnecting water and sewer permanently for the following addresses:

- V. Pacovsky, 407 1st Street
- Mark Pacovsky submitted a letter wanting to terminate his water and sewer rights at 407 1st Street. The property was for sale but has not sold. Mayor Portra indicated if someone purchases the property, they will have to restore the water sewer rights by paying the Sewer Impact Fee. Clerk Rogers asked, what is the proper way to vacate the water? Does the Town of Bainville dig up the water then sever the line and cap it? Mayor Portra indicated it is his opinion to shut the water off to the property that someone will purchase the property then be able to restore water easily. Mr. Lambert indicated the water has been turned off.

Mr. Lambert asked if the council ok's the vacation. Is he to dig up the curb stop, sever, and cap the line? Mr. Lambert feels it is necessary to do this action due to the circumstances that have risen from the current lawsuit. Scott Ross moved to cut and cap the line about 2 feet after the curb stop on property owner's side at 407 1st Street. Ron Butikofer seconded the motion. All voted in favor and motion carried.

- S. Pfeil, 413 Clinton Street
- Ms. Diane Panasuk indicated they would continue the water/sewer hookup and pay the monthly bill.

- Target Hospitality, 5862 County Road 405 South (Tabled until next meeting)
- C. Treasurer's Report:
- Approve claims with checks dated August 12, 2019 in the amount of \$19,452.19
 - Approve JV, UB Vouchers, and Payroll Slips

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

Ron Butikofer moved to adjourn the meeting at 8:00 PM. Scott Ross seconded motion. All voted in favor and motion carried.

Attest:

Approved By:

Nikki Rogers, CMC
Clerk-Treasurer

Dennis Portra
Mayor