

**Regular Meeting Minutes of September 9, 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 (arrived at 7:08 PM). A **quorum** was established. Also present were Clerk, Nikki Rogers; and Public Works Director, Lyle Lambert. City Attorney, Greg Hennessey was absent. Guests included: Terry Legions, Ray Crump, Merna Panasuk, Kirk Panasuk, Dennis Doyle, Chuck Hyatt, Bernie Popp, Diane Panasuk, Rhiannon Beery, Andy Powell, Cora Norton, Dustin Harvey, Taryn Harvey, Eric Newton, and Juan Sierra.

Ron Butikofer moved to approve the agenda as corrected with addition of Kirk Panasuk under Public Comment. Mandy Hickel seconded the motion. Motion carried.

Scott Ross moved to approve the minutes dated August 12, 2019 and August 19, 2019 as submitted. Mandy Hickel seconded the motion. All voted in favor and motion carried.

Public Comment

Kirk Panasuk would like to revisit the grazing lease at the lagoon discussed at the August 12, 2019 meeting. He would like to know why the council has a problem with him. He is not delinquent on his bill and he has been doing the grazing at the lagoon for the last couple of years. Mr. Ross and Mr. Butikofer asked if the Town is currently in a lawsuit with Mr. Panasuk. Mr. Panasuk stated no. They clarified with the Panasuk family. Mr. Panasuk stated the lawsuit is between the Town and his mother, Sophie with his brother as her Power of Attorney. He has nothing to do with the lawsuit. Mayor Portra further clarified the lawsuit is a separate issue from the grazing lease. Mr. Butikofer asked what is the current status of the lagoon? Mr. Lambert stated it has not been mowed and is extremely rough for the mowers.

Mr. Butikofer asked where do they put the mobile fences? Mr. Lambert states it is a way from the lagoon, and it doesn't hinder the Public Works in any way. Mr. Butikofer asked how much land would need to be grazed? Mr. Lambert stated at a rough estimate 20-30 acres. Mr. Butikofer showed some concern if the cows were to get out of the fence, who would be liable if they were to damage part of the lagoon?

Scott Ross moved to approve a grazing lease between the Town of Bainville and Kirk Panasuk with the stipulation of liability for damages be a part of the contract. Mandy Hickel seconded the motion. All voted in favor and motion carried.

Public Works Report

Lyle Lambert, Public Works Director, stated they have fixed Evans Street between 5<sup>th</sup> and 7<sup>th</sup> Avenues only to have someone drive through it and rip up the work. Evans Street is currently closed between 5<sup>th</sup> and 6<sup>th</sup> Avenues.

He stated Agri Industries will come from Sidney to give the Town a quote on an alarm system for the Lift Station. The system currently in place is outdated and the company is no longer in business.

Next project which needs repaired is the drainage on Evans Street and Rhea Avenue.

Public Works received kudos from Mr. Lyle Knudsen regarding the drainage by the alley way between Clinton Street and Duval Street on 5<sup>th</sup> Avenue/Highway 327. Mr. Knudsen said this was the first time the drainage is actually working correctly.

Mr. Butikofer asked if Highway Avenue got bladed and filled with dirt and gravel yet. Mr. Lambert stated no due to not being able to get gravel.

Roosevelt County Sheriff's Department Update—None

Legal Issues—No Update

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

Local Emergency Planning Committee—None

Next LEPC meeting: Tuesday September 10, 2019 in Wolf Point

Trail Committee Update—None

Old Business

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

Mr. Lambert indicated the proposal is at the Department of Environmental and Quality. It must be approved before it comes before the town.

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

- Target Hospitality, 5862 County Road 405 South

Terry Legions and Ray Crump, Target Hospitality, attended the meeting to discuss the options for the property at 5862 County Road 405 South. Travis Kelley, Vice President, was unable to attend due to the weather conditions. Mayor Portra gave some background on the process MacBain said they would do if they sell the property.

Mayor Portra stated Target Hospitality needs to send a letter of vacation if they intend to vacate the property.

New Business

- A. New Permits:

- Matt Helms—Shed at 14 Rhea Avenue West

Mayor and Council discussed this permit and have no issues. Scott Ross moved to approve the shed at 14 Rhea Avenue West. Ron Butikofer seconded the motion. All voted in favor and motion carried.

- B. Review and discuss the Building Permit process

Clerk Rogers provided the council a copy of what is on the website regarding the building permit process.

- C. **Resolution** – A resolution for requesting distribution of Bridge and Road Safety and Accountability (BaRSAA) program funds.

Clerk Rogers stated this is the resolution to be able to request the funds for BARSAA. Scott Ross moved to adopt resolution for requesting distribution of Bridge and Road Safety and Accountability (BaRSAA) program funds. Ron Butikofer seconded the motion. All voted in favor and motion carried.

- D. Discuss a Cardboard Recycling dumpster.

Clerk Rogers had discussions with Mr. Bowker regarding the enormous amount of cardboard in the dumpsters. One solution would be to have a dumpster by the Storage building at the office for cardboard only. The dumpster will be locked at night and open during the day with a chain and lock. Clerk Rogers will unlock it in the morning and lock it. Mayor and Council discussed having a cardboard dumpster. As long as there is no additional cost to the town for having the dumpster council gives their consent.

- E. Approve and authorize the Mayor to sign the Compliance Certificate for Bainville A Loan WRF-17376 in the amount of \$500,000.

Clerk Rogers stated this will be the final paperwork to close out the Loan A WRF-17376. Scott Ross moved to approve and authorize the Mayor to sign the Compliance Certificate for Bainville A Loan WRF-17376 in the amount of \$500,000.

- F. Approve and authorize the Mayor to sign the Compliance Certificate for Bainville B Loan WRF-17377 in the amount of \$335,693.

Clerk Rogers stated this will be the final paperwork to close out the Loan B WRF-17377. Scott Ross moved to approve and authorize the Mayor to sign the Compliance Certificate for Bainville B Loan WRF-17377 in the amount of \$335,693.

- G. Bainville School student body request to hold a Bon Fire for Homecoming

Rhiannon Beery, Bainville High School Principal, and Andy Powell, Student Council, represented the BHS student body to formally request holding a bon fire at the Lagoon for homecoming. The Town of Bainville has a tree rubbish pile to burn and it would be a good time to burn it with all the moisture received. The School will use a bus to shuttle the students back and forth from the school.

Scott Ross moved to approve using the storm tree rubbish pile at the lagoon for the use of a bon fire for homecoming. Ron Butikofer seconded the motion. All voted in favor and motion carried.

- H. Update on Timeclock

Clerk Rogers provided the council with information from Timeclock Plus and Black Mountain. Mayor and Council would like to review the information given to them so this item will appear on the next agenda.

I. Treasurer's Report:

- Approve claims with checks dated September 9, 2019
- Approve JV, UB Vouchers, and Payroll slips
- Review Accounts Receivable

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

Scott Ross moved to adjourn the meeting at 8:08 PM. Mandy Hickel 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