

**Regular Meeting Minutes of October 14, 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, Mandy Hickel and Scott Ross. 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, K. Shepherd, Eric Newton, Diane Panasuk, Bernie Popp, Chuck Hyatt, Travis Wills, Taryn Harvey and Dustin Harvey.

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 September 9, 2019 as submitted. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Public Comment--None

Department or Committee Reports

Public Works

Lyle Lambert, Publics Works, gave the following report:

- Finished Evans Street and is open to public again. The culverts have been installed and the road has been built up with gravel.
- Flushing hydrant was fixed at 700 block of Flynn Avenue and was able to turn off the water at the owner's request.
- MacBain property is up for auction
- The liftstation is in need of repairs. The town has seen an increase in flow to about 55,000 to 70,000 gallons per day. The current pumps cannot keep up with the increase in flow and are running continuously. The debris in the liftstation has the pumps worn out. Flushable wipes are creating a huge problem. Mayor Portra asked him to check out a different style of pump. Mr. Ross asked what it would cost to upgrade the liftstation. Mr. Lambert stated he has a quote of \$37,800.
- Agri Industries will work on the float system and the alarm system to get the lift station up and running.
- Highway Avenue is still waiting on gravel which Dave Winn Trucking will bring when it is ready. Patrick Construction will replace the culvert this next week.
- Mr. Lambert asked for a load of Scoria to dump behind the Catholic Church. The good gravel they have been dumping in the alley way disappears after it is packed down. Council gave their consensus to try scoria.

Roosevelt County Sheriff's Department Update—None

Legal Issue

1. Discussion on a quiet title for the Dorothy Crawley property—Attorney Hennessey—Still pending
2. MacBain/ RL Signor Legal Issue—
  - Discussion on properly disconnecting water and sewer permanently for the following addresses:
    - Target Hospitality, 5682 County Road 405 South

3. S. Panasuk Litigation Update—Town Council went into executive session to discuss the possible settlement on the lawsuit at 7:20 PM. Reconvened at 7:38 PM with the regular meeting.

Local Emergency Planning Committee

Next Meeting will be Tuesday, November 12, 2019 in Culbertson.

Trail Committee Update—No Update

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

Old Business

- A. Review the sewer line proposal for Gracie's Bar and Casino at 212 Clinton Street St N—None
- B. Review Water Usage Bill—Diane Panasuk

Mr. Lambert gave Mr. Newton a printout of when the water usage happened on what day and time. Water did go through the meter. Clerk Rogers clarified Ms. Panasuk's \$1,400.00 bill is for 3 combined meters. In the Welcome Court, there are 2 pit meters and 1 regular meter. The North Meter or the regular meter was put in service in January 2019 by the Contractor who did the Neptune meter install. Ms. Panasuk indicated to the Clerk there was no one using any water as the water was shut off at the time, so no usage was billed from January until June 2019 on the North meter. Mayor Portra suggested Clerk Rogers, Mr. Lambert, Diane Panasuk, Eric Newton, and himself sit down and review the accounts.

- C. Review and discuss the Building Permit process.

Clerk Rogers suggests to the Mayor and Council to define "movable sheds" to include the Shipping containers or Connex boxes.

Clerk Rogers asked Mr. Butikofer in regard to a time limit on the red shed on the corner of his property which was moved in without a permit. It has already been a month since it was moved in. He asked Clerk Rogers to speak with him after the meeting.

- D. Discuss the purchase and implementation of Timeclock Plus

Clerk Rogers asked if the council would like to proceed in purchasing the Timeclock Plus and Black Mountain interface. Mr. Butikofer asked who the local contact person for Timeclock Plus that will be implementing the software.

New Business

- A. New Permits:

- Jess Malkuch—Movable Storage Container at 309 Evans Street  
Clerk Rogers stated this is a movable storage container. Council approved the building permit according to the 10-foot set back requirements.
- Matthew Arps—New Home at 619 Evans Street  
Mayor and Council discussed the permit. Mr. Lambert asked Mayor Portra if there is a pipe for water and sewer big enough to hook his residence. Mayor Portra indicated there should be an eight-inch line.

Mayor Portra indicated the trailer house is a 2012 mobile home. Pending the check for the impact fees for the permits was approved by council consensus.

Mr. Arps will also put in a driveway and the culvert must be an 18-inch culvert.

- Diane Panasuk—Storage Containers behind Gracies

Eric Newton stated they are trying to put in a shop building with five storage containers. The containers will be 8 by 20 foot to be used as a storage for the tires. There will be 4 foot in between the containers.

Mayor and Council approved the permit as long as he is within his 10-foot setbacks.

- Diane Panasuk—Fence at 413 Clinton Street

Mr. Newton stated they are putting up a fence around 413 Clinton Street. The property owner will do a 'Call before you dig' 811 call to make sure everything is marked. She was concerned about the water and sewer. Mr. Lambert will mark it for her.

Mayor and Council approved the permit via council consensus.

- B. Review and discuss the procedures regarding living in RV Campers.

Mayor Portra indicated the Town of Bainville has an Ordinance and a procedure in place. Clerk Rogers clarified there is no ordinance regarding living in RV's. The problem was addressed in 2013 with a public notice and if RV Owners were in still living in their RVS passed a certain day then they were in violation of the Public Nuisance ordinance. Mayor Portra stated the ball was dropped then because the RV's belong in a RV Park and not randomly throughout town. It is an infrastructure nightmare. RV's need to be clarified as to who is living in them versus who is visiting in them. Ms. Panasuk stated she does not see the difference when someone wants to stay in a RV while they are bringing income to the community versus family members visiting spending money. Mr. Hennessy stated in the Town of Culbertson, any resident can have 2 weeks of someone staying in their RV on their property. Mr. Lambert also cautioned everyone if a RV dumps down the sewer lines and it kills the lagoon then the Town of Bainville is looking for at least a couple of million dollars to fix it.

Clerk Rogers and Attorney Hennessy will draft a RV Ordinance.

- C. Discuss the water and sewer hookup fees.

Ron Butikofer stated the impact fee resolution states it needs to be revisited every two years. There are several items in the resolution that the Town needs to look at and take under advisement. Mayor Portra gave a brief overview of how the impact fee resolution was brought to their attention. ~~Mr. Butikofer~~ Mr. Ross asked if there was a way to lower or do away with the impact fee for a temporary period of time. Mayor Portra stated they are unable to change the fee or eliminate it for any period of time. The impact fee is for an expansion of the wastewater system. Mr. Lambert asked if the impact fee money could be used for the lift station because it would increase capacity by getting bigger pumps. Mayor Portra asked Mr. Lambert to investigate using the money for the upgrade.

- D. Purchase Cash Receipting module and printer from Black Mountain in the amount of \$3,220.00

Clerk Rogers asked the council to purchase the cash receipting module and printer from Black Mountain in the amount of \$3,220.00. The current way of receipting opens up for fraud. This is a finding on the audit. Mayor Portra had a meeting with the auditor and stated the Town needs to start clearing up the findings.

Scott Ross moved to approve the purchase cash receipting module and printer from Black Mountain in the amount of \$3,220.00. Ron Butikofer seconded the motion. All voted in favor and motion carried.

- E. Treasurer's Report:

- Approve claims with checks dated August 12, 2019 in the amount of \$28,336.99
- Approve JV, UB Vouchers, and Payroll Slips

- The next meeting will be on Wednesday, November 13, 2019 at 7:00PM

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 8:51 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