

**Regular Meeting Minutes of August 10, 2020  
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, Chuck Hyatt, Dennis Portra and Travis Wills. A **quorum** was established. Also present were Clerk, Nikki Rogers; Public Works Director, Lyle Lambert; City Attorney, Greg Hennessey. Guests included: Diane Panasuk, Bernie Popp, Jason Morgan, Beth Morgan, Kirk Panasuk, Tommy Johnson, Norton. Deputy Russ Corbell, Scott Ross

Ron Butikofer moved to approve the agenda with the addition of public comment and new permits. Travis Wills seconded the motion. All voted in favor and motion carried.

Chuck Hyatt moved to approve the minutes dated July 13, 2020 and July 20, 2020 as submitted. Travis Wills seconded the motion. All voted in favor and motion carried.

Public Comment

- Web Complaint: Dog complaint on Rhea Avenue  
Clerk Rogers indicated a web complaint had been received in the office on 08/09/2020. The complainant stated her neighbor's dog has repeatedly come over to their house and even spoke that it may bite. The complainant states the dog comes over barks at my dogs and lunges at my kids if they try to get it out of our yard

Mayor and Council directed staff to forward a letter to the dog owner and the property owner regarding the complaint. A copy of the complaint was forwarded to the sheriff's office for their files as well.

- Diane Panasuk asked the council about a tree on Evans which was struck by lightning in one of the last storms. She feels this could be a hazard as many children like to play on the sidewalk by Trent Panasuk's house which is next to the tree. Mayor and Council directed Public Works to find someone to come look at the tree but in the meantime put up cones around the tree until the tree company gets here.

Chuck Hyatt moved to get an estimate to have tree removed and an estimated cost of the repair to the sidewalk. Travis Wills seconded the motion. All voted in favor and motioned carried.

Public Works Report

Lyle Lambert, Public Works, stated the lagoon has been repaired and is working correctly.

- The Emergency Response for water and the Emergency Response for wastewater have been completed. The Vulnerability Assessments as also been completed and is waiting for the mayor's signature
- Culvert extensions are being in place at the Post Office and at Rustic N More.
- Sewer line repair for Rhea Avenue to Flynn Avenue. The sewer Line repair is on hold pending on an estimate from Alan Engelke.
- The abandoned manhole has been concrete it.
- Highway 327/ Clinton Street Update—The culverts and extensions are in around the ADA corners.
- Mr. Lambert has contacted with Mr. Ulmer about an estimate on doing the east side of the highway.

Roosevelt County Sheriff's Department Update

Deputy Russ Corbell was in attendance but did not have an update for the council.

### Court Report

Only one citation reported in our city limits during the last month.

### Legal Issues

1. Discussion on a quiet title for the Dorothy Crawley property—Attorney Hennessy—No update

### Policy/Ordinance Review

1. Dog at Large Ordinance—Discussion on a leash law—Tabled

### Local Emergency Planning Committee—No Update

Next LEPC meeting: Cancelled due to COVID-19

### Trail Committee Update—No Update

- Committee Recruitment
- Community Development Block Grant (CDBG) Planning Grant for Trails Plan

### **Public Hearing:**

**Ordinance**— An ordinance amending Title 15 Buildings and Construction Chapter 15.02 Building Regulations to include shipping containers as movable storage structures.

The public hearing on this ordinance is to fix some language in our current ordinance which will allow Shipping containers or Connex boxes be allowed as movable storage. The other portion of the language filled the placing on the property to follow 10-foot setback rules and not have to adhere to the front setbacks.

Chuck Hyatt moved to adopt the ordinance amending Title 15 Building and Construction Chapter 15.02 Building Regulations to include shipping containers as moveable storage units. Travis Wills seconded the motion. Mr. Hyatt asked what happens to people who have purchased containers “are they grandfather in”? Some discussion ensued. Roll call vote was Chuck Hyatt was for the motion with 2 votes against, Travis Wills and Ron Butikofer. Motion failed

**Resolution**—Adopt a resolution fixing the annual appropriations for the Town of Bainville, Montana for the Fiscal Year 2020-2021 budget.

Mayor and council reviewed the numbers from the preliminary budget. Chuck Hyatt moved to adopt resolution fixing the annual appropriations for the Town of Bainville, Montana for the Fiscal Year 2020-2021 budget. Travis Wills seconded the motion. Motion passed with a vote of 2-1 and Mr. Butikofer voting nay.

### Old Business

A. Discussion on a Town vehicle and possible changes to Vehicle Policy. –Tabled pending quotes and a follow-up policy

B. Update from new property owner regarding 5862 County Road 405 North

Tommy Johnston agrees to pay for 2 water/sewer hook-ups for water and sewer at 5862 County Road 405 North. He will be forfeiting the other 38 hookups. He will pay the town from February forward and the Memorandum of Understanding will go away. Mr. Lambert reiterated that the 12 inch water and sewer line will not be suitable for potable water. Mr. Hennessy will draw up an agreement.

C. Discussion on the EDU (Equivalent Dwelling Unit) count with Dry Prairie.--Tabled

D. Yard Clean-up List Update

Mayor and Council discussed the letter and problems with letter we need to address. Clerk Rogers designed a spreadsheet to indicate the status of the list of yards from the prior meeting. Mr. Butikofer wanted a date as to when the spreadsheet was created to know what day this list was comprised and why some people who should be on the list but wasn't.

Mr. Ross chimed in and wondered why the Council would pick a time like this when there is an oilfield crash, and a high suicide rate would the council throw this at their population. Mr. Ross asked Mr. Hyatt why his son drove by his house for a week because "you called us a nuisance". Mr. Ross stated he is flat broke and he is about to lose his house so he is unable to clean anything up. Mr. Ross stated he does not have to give a report to the town office on what he is doing with his property. He also stated in the year 2020 and the COVID-19 the town should back off and let people lead their owns lives.

Mr. Portra spoke up and stated the Ordinance books was put into place before anyone in the room. These are rules and guidelines to follow for the town of Bainville. Mr. Ross used the word discretion to decide on when or where this

### New Business

#### A. New Permits:

1. Fence permits—Diane Panasuk  
205 Clinton Street  
311 Clinton Street  
413 Clinton Street

Mayor and Council discussed the various fence permits. ~~The property owner needs to find property pins before the permits are approved~~

311 Clinton Street—Council consensus on approval pending property line location.

413 Clinton Street—Council consensus on approval pending property line location.

205 Clinton Street—Council consensus approved by vote: Ron Butikofer-yes, Travis Wills-yes, Chuck Hyatt-yes.

2. Addition to apartments at 415 7<sup>th</sup> Avenue—Toby Romo

Mayor and Council discussed this permit Mr. Romo would like to add a 3rd room on to both levels of 415 7<sup>th</sup> Avenue. By council consensus the rooms will be added to one side and not the other. If the applicant would like to add to the other side, he will need to reapply for a building permit.

#### B. **Resolution**—Resolution setting and adopting the mill levy on all real and personal property within the town of bainville for the 2020-21 fiscal year.

According to the state mill levy sheet, the general fund mill levy calculates to be 225.14. Ron Butikofer moved to adopt a resolution setting and adopting the mill levy on all real and personal property within the town of Bainville for the 2020-21 fiscal year. Chuck Hyatt seconded the motion. All voted in favor and motion carried.

#### C. Treasurer's Report:

- Approve claims with checks dated August 10, 2020
- Approve JV, UB Vouchers, and Payroll slips
- Review delinquent accounts
- Financial Update with Valli

Chuck Hyatt moved to accept the treasurer's report. Travis Wills seconded the motion. All voted in favor and motion carried.

Ron Butikofer moved to adjourn the meeting at 9:11 PM. Travis Wills 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