

**Special Meeting Minutes of October 19, 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 was absent; City Attorney, Greg Hennessey via phone. Guests included: Kirk Panasuk, James Walling.

Chuck Hyatt moved to approve the agenda as submitted. Travis Wills seconded the motion. All voted in favor and motion carried.

Minutes will be available at a later date.

Public Comment—None

New Business

A. Public Nuisances

1. Review Chapter 7.06 Nuisances

Mayor and Council reviewed and discussed the meaning of nuisance in chapter 7.06 Nuisances. Attorney Hennessey states from the Black's Law Dictionary the definition of nuisance is a nuisance occurs when a party's action significantly affects, interferes or otherwise negatively impacts another's ability to use and enjoy their own property and which may affect health, safety and welfare.

Some discussion and concern regarding the cost of cleanup could be more than the value of the property. How does the Town pay for the cleanup before then property owner is assessed?

2. Review MCA 75-10-501 Definitions and 75-10-505 Shielding and Removal of Junk Vehicles Generally

Mayor and Council discussed the definition of shielding and removal of Junk Vehicles. Attorney Hennessey clarified if you are running a junk yard then you will need a fence around it and a license from the State of Montana. Mr. Hyatt asked if this pertains to certain zoning like commercial or residential. Mr. Hennessey stated there is no zoning pre-requisites. What classifies as used car sales versus junk

3. Develop procedures and timeline for sending letters to property owners for cleaning up properties.

Mayor and Council discussed a tentative timeline and procedures for sending letters out to the property owners to clean up their lots. The tentative timeline will go as follows:

- In March, the general clean up letter will be sent out.
- Last Saturday in April will be an "inspection" by town council.
- May 15 a letter to the out of compliance property owners will be sent out
- June 1 will start the enforcement

Ron Butikofer moved to adjourn the meeting at 8:53 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