

Regular Meeting Minutes of January 19, 2021 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: Kari Glas, Chanon Romo, Kirk Panasuk.

Chuck Hyatt moved to approve the agenda with the addition of Old Business Letter B. Town Cleanup Letter timeline. Travis Wills seconded the motion. All voted in favor and motion carried.

Chuck Hyatt moved to approve the minutes dated December 14, 2020 as submitted. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Public Comment

Kirk Panasuk, via online, asked if the “Trump 2020” and “paw print” on the side of the culverts on main street were considered a political ad or graffiti. If the Trump 2020 sign is a political ad should it have the endorsement on the bottom of the message according to state law. City Attorney Hennessey stated the Trump 2020 sign is protected by free speech and located on private property. As far as the culverts, this is a separate issue.

Public Works Report

Lyle Lambert, Public Works, gave the following report:

- Sand has been purchased for the sand spreader for the next icy day
- Spoke with Agri Industries regarding the meter at the water house. They are still waiting on the flange
- With the severe windstorm, Public Works has been picking up storm debris and moving dumpsters back to their spots.

Roosevelt County Sheriff's Department Update—None

Court Report

Only one case is pending and another case has been transferred to District Court as it includes a felony.

Legal Issues

1. Discussion on a quiet title for the Dorothy Crawley property—Attorney Hennessey—No Update. The letter needs to be sent from Attorney Hennessey's office.

Policy/Ordinance Review—None

Local Emergency Planning Committee

Next LEPC meeting: Virtual Meeting was held on January 19, 2021. Committee is working on siren project. FEMA has extended the project another year.

Public Hearing

Ordinance Number 123--Second and Final Hearing: Ordinance—An ordinance amending Title 8 Animals Chapter 8.04 Dogs by changing 8.04.005 Definitions; adding new sections 8.04.050 Stray Dogs, 8.04.060 Notice to Owner; Reclaim, 8.04.070 Control of Pets, 8.04.080 Quarantine, 8.04.090 Enforcement and Penalty and repealing 8.04.010 and 8.04.040 to conform it to Roosevelt County Ordinance No. 7.

Clerk Rogers presented the final ordinance without the changes.

Public Comment: Kari Glas asked what the fee would likely be to license a dog and what will be the fine? Council stated at this time there is no fee, but a later discussion needs to be had on the fees. Councilman Hyatt stated the licenses would be provided to get the “ball rolling” but then maybe a

\$5.00-\$10.00 fee might be added to cover administrative costs. Dog Licensing will not a money maker for the Town.

Chuck Hyatt moved to adopt an ordinance amending Title 8 Animals Chapter 8.04 Dogs by changing 8.04.005 Definitions; adding new sections 8.04.050 Stray Dogs, 8.04.060 Notice to Owner; Reclaim, 8.04.070 Control of Pets, 8.04.080 Quarantine, 8.04.090 Enforcement and Penalty and repealing 8.04.010 and 8.04.040 to conform it to Roosevelt County Ordinance No. 7. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Old Business

A. Discussion on proposing a new survey to the Town

Clerk Rogers submitted a copy of the survey for the council review. Mayor and council discussed the survey. Travis Wills moved to direct staff to proceed sending out the surveys. Chuck Hyatt seconded the motion. All voted in favor and motion carried.

B. Town Cleanup Letter timeline

Clerk Rogers stated the timeline for the clean-up letters is as follows (weather permitting):

1. General letter to all property owners sent out March.
2. Town Council will meet in April to discuss out of compliance properties.
3. Out of compliance property owners will be sent out May 15.
4. June 1 will begin the enforcement.

New Business

A. New Permits: None

B. Plat Amendment—Bainville Homestead Properties: Lot 1 thru 24 of Block 8 of Tubman's Addition to Townsite of Bainville within NE 1/4NE ¼, Section 33, Township 28 North, Range 58 East PMM

Chanon Romo discussed the plat amendment as the lots have changed from West-East to North-South on this parcel. Mayor Portra met with Mr. Romo regarding the spaces and they appear to be inline.

Travis Wills moved to approve the plat amendment as presented. Chuck Hyatt seconded. All voted in favor and motion carried.

C. Discussion on a medical marijuana dispensary.

The Town office and Mayor Portra have been asked by an individual to possibly put in a Medical Marijuana dispensary. An individual has asked if the Town has any regulations for putting in the dispensary.

Councilman Hyatt stated he would like to see a business licenses policy. He asked Attorney Hennessy if a business license is a way to control what kind of businesses come into town. Attorney Hennessy stated yes but it needs to be across the board with all businesses. A lot of municipal control comes from zoning. Mayor Portra would like to know how to proceed as the Medical Marijuana and Recreation Marijuana was passed by the voters of Montana.

Mayor Portra would like to get a copy of and review the rules on zoning from the Medical Marijuana Program. Clerk Rogers spoke with the Medical Marijuana Program at the state who stated it is 500' from any place of worship and/or school.

D. Appoint members to the following committees:

1. Sewer and Water
2. Streets
3. Fire
4. Police and Public Safety

5. Community Development

Travis Wills moved to put all council members on all committees. Ron Butikofer seconded the motion. All voted in favor and motion carried.

E. Treasurer's Report:

- Approve claims with checks dated January 19, 2021 in the amount of \$25,547.59.
- Approve JV, UB Vouchers, and Payroll slips
- Review the holiday and town meeting schedule for 2021
- Review delinquent accounts
- Financial Update with Valli—Unable to attend

Travis Wills moved to approve claims with checks dated January 19, 2021 in the amount of \$25,547.59. Chuck Hyatt seconded the motion. All voted in favor and motion carried.

Travis Wills moved to approve JV, UB Vouchers, and Payroll slips. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Travis Wills moved to adjourn the meeting at 8:22 PM.

Attest:

Approved By:

/s/Nikki Rogers
Nikki Rogers, CMC
Clerk-Treasurer

/s/Dennis Portra
Dennis Portra
Mayor