



Bainville Town Council Meeting
City Office
211 Clark Ave. East
Monday December 19, 2022 at 7:00 PM

I. Call Meeting to Order

II. Pledge of Allegiance

III. Roll Call—Establish a quorum

____ Mayor, Toby Romo

____ Councilperson, Nick Tester

____ Councilperson, Carol Rasmussen

____ Councilperson, Will Rathbun

IV. Approval of Agenda

V. Approval of regular meeting minutes dated November 14, 2022.

VI. Treasurers Report

- a. Cash Balance Report
- b. Bank Reconciliation Report
- c. YTD Expense vs Budget
- d. YTD Revenue vs Budget
- e. Receipts from Utility Billing for November 2022.
- f. Review delinquent accounts.
- g. Approve JVs, Payroll slips and claims dated December 19, 2022 in the amount of \$47,455.60.
- h. Discussion on Check 13465 to Tractor and Equipment in the amount of \$2,860.88.

VII. Public Comments or Formal Complaints on items not on agenda.

VIII. Public Hearing

Second reading on an Ordinance—Adopt an Ordinance creating Chapter 9.12 of the Bainville Town Code entitled “noise” to regulate, restrict or prohibit noises which a reasonable person may find offensive.

- A. Request from the Bainville School District to be exempted from the Noise ordinance.
- a. Recommendation from mayor:

➤ Under 9.12.030 Exemptions, the addition of:

(G) Noises resulting from Bainville School District Functions, including sporting events, parades & school activities within the Town limits.

(H) Noises resulting from Maintenance of the Bainville School Building, the two (2) bus barns and the parking lots & access roads for the same structures.

IX. Department or Committee Reports

A. Public Works/Fire Chief Report:

- Report on Water Audit/water loss report/Rate study
 - MAPS personnel met with Mayor, Clerk & Maintenance personnel on 12/7/2022.
- Request from the Fire Department to purchase 3 Turnouts for 3 Volunteers in the amount of \$11,250.00

B. Roosevelt County Sheriff's Department Update.

- Citations—2 in November and 1 in December

C. Local Emergency Planning Committee Update.

D. Other committee reports.

X. Old Business

- a. Local Government Study Commission (2016) recommendation to have 4 council members & a mayor.
- b. Approval of Management Discussion and Analysis for FY 2022.

XI. New Business

- A. **Resolution**—Adopt a resolution to declare certain days to shoot fireworks within Town limits. (Sunset December 30, 2022 until 11:59 PM MDT January 1, 2023)
- B. Review the building permit form including the removal of unusable sidewalks.
- C. Discuss setting up a separate fund for donations to the Cemetery.
 - The Town has many people asking to donate to improve the cemetery and to help out with the maintenance. The Town owns the cemetery and has the ability to hire employees for maintenance & improvements on the property.
- D. Discuss proposing a late fee for late payments on utility bills.
- E. **Resolution**—Adopt a resolution supporting the 2022 Legislative resolutions of the Montana League of Cities and Towns
- F. Building Permits: None
- G. Financial Report:
 - a. Audit FY 22—No update from Bob Denning
 - b. BARSAA Annual Update Report—Due December 31, 2022

XII. Adjourn

Next Regular Meeting will be Monday, January 9, 2023, 7:00pm. City Office

Regular Meeting Minutes of November 14, 2022
Bainville Town Council

The Regular meeting of the Bainville Town Council was called to order at 7:00 p.m. by Mayor Toby Romo at the Bainville Town Hall, 211 Clark Avenue East. Present were: Carol Rasmussen, Will Rathbun, Toby Romo and Nick Tester (arrived at 7:08 PM). A **quorum** was established. Also present were Clerk, Nikki Rogers and Public Works Director, Lyle Lambert. Guests included: David Norton and Darrel Rasmussen.

Will Rathbun moved to approve the agenda as submitted. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

Carol Rasmussen moved to approve the minutes dated October 11, 2022 as submitted. Will Rathbun seconded the motion. All voted in favor and motion carried.

Treasurer's Report:

- a. Cash Balance Report—*included*
- b. Bank Reconciliation Report—*included*
- c. YTD Expense vs Budget—*included*
- d. YTD Revenue vs Budget—*included*
- e. Receipts from Utility Billing for October 2022. —*included*
- f. Review delinquent accounts.
- g. Approve claims with checks dated November 14, 2022 in the amount of \$35,481.37. Mayor and Council reviewed the claims and the Tractor and Equipment invoice seemed a little high. On behalf of the Town of Bainville, Will Rathbun will speak with T&E about Invoice WLW0012569 in the amount of \$2860.88. Nick Tester moved to approve claims with checks dated November 14, 2022 in the amount of \$32,620.49 without check 13465 Tractor and Equipment. Carol Rasmussen seconded the motion. All voted in favor and motion carried.
- h. Approve JVs and October Payroll slips in the amount of \$8,525.88. Carol Rasmussen moved to approve JV's and October Payroll slips in the amount of \$8,525.88. Will Rathbun seconded the motion. All voted in favor and motion carried.
- i. Approve voiding check #13451, 13453, and 13466 due to error in printing. Carol Rasmussen moved to approve voiding check numbers 13451, 13453, and 13466 due to error in printing. Will Rathbun seconded the motion. All voted in favor and motion carried.
- j. Approve mayor & president of council to sign November payroll checks. Carol Rasmussen moved to approve Mayor and President of Council to sign November payroll checks. Will Rathbun seconded the motion. All voted in favor and motion carried.

Public Comment--None

Public Works/ Fire Chief Report

Lyle Lambert, Public Works/Fire Chief, gave the following report:

- Report on Water Audit/water loss report
Josh from MAPS cancelled and rescheduled his visit
- Report on Lead & Copper testing for DEQ. (test between June 1 to September 30)

The Town of Bainville received a warning violation for the Lead and Copper test. The Town of Bainville MUST test between June 1, 2023 and September 30, 2023. The DEQ will not accept any tests outside of the June 1 and September 30 timeframe.

- EOP (Emergency Operations Plan) needs to be updated every year. Montana Rural Water will send an electronic copy of Emergency Response Plan for water and wastewater.
- Water Line Replacement Project Update. –The project will be bid out in February 2023.
- Report on Asbestos waiver—The Asbestos Waiver is included with the CCR.
- Mr. Lambert presented the council with a quote for 3 turnouts for three of the volunteers. He expressed the 3 people who need the turnouts do not have any currently and they will be unable to respond to emergencies. He would like to purchase these 3 in the amount of \$11,250.00. The price will go up 20-25% in December. The Council indicated they would like to wait until the next meeting.

Roosevelt County Sheriff's Report—None

Court Report--None

Local Emergency Planning Committee

- Working on the Hazard Mitigation Plan in LEPC in Bainville November 15, 2022 at 2:00 PM

Old Business

1. **First reading** on an Ordinance—Adopt an Ordinance creating Chapter 9.12 of the Bainville Town Code entitled “noise” to regulate, restrict or prohibit noises which a reasonable person may find offensive and set a public hearing on December 12, 2022.

The Mayor and Council reviewed the ordinance. Nick Tester moved to set a public hearing on December 12, 2022 on an ordinance creating Chapter 9.12 of the Bainville Town Code entitled “noise” to regulate, restrict or prohibit noises which a reasonable person may find offensive. Will Rathbun seconded the motion. All voted in favor and motion carried.

New Business

- a. Local Government Study Commission (2016) recommendation to have 4 council members & a mayor.

Mayor Romo asked the council if they would like to look into adding an additional member to the council.

- b. Request by property owner to remove unusable sidewalks.

Mayor and Council reviewed the code on sidewalks. The property owner would need to go through the building permit process.

- c. Approval of Management Discussion and Analysis for FY2022.—None

- d. Discuss a fee to hook up to Sewer Service and Water Service.

Mayor and Council discussed a possible fee to hook up to water service and sewer service. A possible fee would be \$400.00 for water service and \$400.00 for sewer service. The fees were tabled until the next meeting.

- e. Appointment of committee member to Committee on Fire.

Carol Rasmussen moved to appoint Nick Tester to the Committee on Fire. Will Rathbun seconded the motion. Rasmussen and Rathbun voted aye and Tester abstained from the vote. Motion carried.

- f. **Resolution**—Adopt a resolution to approve Opportunity Bank of Montana and Edward D Jones signature resolution.

Clerk Rogers presented the council with a resolution to add the council president, Will Rathbun, to the bank accounts in Opportunity Bank and Edward D Jones. Carol Rasmussen moved to adopt a resolution to approve Opportunity Bank of Montana and Edward D Jones signature resolution. Nick Tester seconded the motion. Rasmussen and Tester voted aye and Rathbun abstained from the vote. Motion carried.

- g. Building Permits:

- Fence permit – Christian Von Ruden, 511 Flynn Avenue East
Mayor and Council reviewed the fence permit. There were no questions. Nick Tester moved to approve the fence permit at 511 Flynn Avenue East. Will Rathbun seconded the motion. All voted in favor and motion carried.
- Animal permit -Christian Von Ruden, 3 horses and 1 mule
Mayor Romo asked the council since the permit is still in development would it suffice having them sign a copy of Chapter 8.02 Regulation of Animals in the Bainville Town Code. Will Rathbun moved to approve the animal permit for Christian Von Ruden at 511 Flynn Avenue East. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

- h. Financial Report:

- FY20, FY21, FY22 Rural Development Financial forms -due September 1 each year.
- We are working with Bob Denning to compete an audit for FY2022.

Clerk Rogers indicated all reports have been submitted. Bainville is in compliance with the State and Rural Development. She also stated she will be working with the auditor in the upcoming weeks on the second round of the audit.

Carol Rasmussen moved to adjourn the meeting at 8:46 PM.

Attest:

Approved By:

Nikki Rogers, CMC
Clerk-Treasurer

Toby Romo
Mayor

Fund/Account	Beginning Balance	Received	Transfers In	Disbursed	Transfers Out	Ending Balance
1000 GENERAL						
101000 Cash - Operating	78,718.37	2,371.20	0.00	0.00	16,568.18	64,521.39
2230 Ambulance						
101000 Cash - Operating	10,312.48	0.00	0.00	0.00	0.00	10,312.48
2386 Oil Well Fund						
101000 Cash - Operating	77,470.80	0.00	0.00	0.00	85.95	77,384.85
2810 POLICE RESERVE TRAINING						
101000 Cash - Operating	10,492.81	0.00	0.00	0.00	0.00	10,492.81
2820 GAS TAX						
101000 Cash - Operating	5,197.06	3,388.48	0.00	0.00	2,630.63	5,954.91
2821 Gas Tax--HB#473 BARSAA						
101000 Cash - Operating	16,697.83	0.00	0.00	0.00	346.71	16,351.12
2996 Recovery Funds-Federal						
101000 Cash - Operating	39,444.87	0.00	0.00	0.00	0.00	39,444.87
4000 CAPITAL IMPROVEMENTS						
101000 Cash - Operating	32,080.39	0.00	0.00	0.00	0.00	32,080.39
5210 WATER						
101000 Cash - Operating	-3,773.47	9,917.68	0.00	0.00	7,234.60	-1,090.39
102220 Cash - Restricted (Future	24,875.00	0.00	0.00	0.00	0.00	24,875.00
Total Fund	21,101.53	9,917.68			7,234.60	23,784.61
5310 SEWER						
101000 Cash - Operating	202,531.26	5,570.27	111.13	0.00	11,583.17	196,629.49
102220 Cash - Restricted (Future	16,848.31	0.00	0.00	0.00	0.00	16,848.31
Total Fund	219,379.57	5,570.27	111.13		11,583.17	213,477.80
5311 SEWER IMPACT FEES						
102000 Cash/Cash Equivalents -	49,210.00	0.00	0.00	0.00	0.00	49,210.00
102025 Restricted Cash- Sewer Impact	91,390.00	0.00	0.00	0.00	0.00	91,390.00
102030 Restricted Cash-Sewer Impact	7,381.50	0.00	0.00	0.00	0.00	7,381.50
Total Fund	147,981.50					147,981.50
5410 SOLID WASTE						
101000 Cash - Operating	2,502.46	5,122.63	122.65	0.00	5,363.28	2,384.46
7910 PAYROLL FUND						
101000 Cash - Operating	10,822.49	0.00	9,054.37	2,279.42	0.00	17,597.44
7930 CLAIMS FUND						
101000 Cash - Operating	28,052.90	0.00	34,524.37	1,404.00	0.00	61,173.27
Totals	700,255.06	26,370.26	43,812.52	3,683.42	43,812.52	722,941.90

*** Transfers In and Transfers Out columns should match, with the following exceptions:
1) Cancelled electronic checks increase the Transfers In column. Disbursed column will be overstated by the same amount and will not balance to the Redeemed Checks List.
2) Payroll Journal Vouchers including local deductions with receipt accounting will reduce the Transfers Out column by the total amount of these checks.

1000 GENERAL

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
410000 General Government						
410100 Legislative Services	120.00	664.02	1,740.00	1,740.00	1,075.98	38 %
410363 JUDICIAL SERVICES	150.00	600.00	1,800.00	1,800.00	1,200.00	33 %
410500 Financial Services	11,617.22	39,721.41	77,300.00	77,300.00	37,578.59	51 %
410530 Auditing	0.00	0.00	12,000.00	12,000.00	12,000.00	0 %
410600 Elections	0.00	0.00	200.00	200.00	200.00	0 %
411130 COUNSELING SERVICES	500.00	4,735.50	10,800.00	10,800.00	6,064.50	44 %
411200 Facilities Administration	76.55	-15.79	1,100.00	1,100.00	1,115.79	-1 %
Account Group Total:	12,463.77	45,705.14	104,940.00	104,940.00	59,234.86	44 %
420000 Public Safety						
420100 Law Enforcement Services	833.33	3,333.32	10,000.00	10,000.00	6,666.68	33 %
420440 FIRE PREVENTION	1,664.28	3,339.75	4,300.00	4,300.00	960.25	78 %
Account Group Total:	2,497.61	6,673.07	14,300.00	14,300.00	7,626.93	47 %
430000 Public Works						
430240 Road & Street Maintenance	954.63	3,375.43	23,400.00	23,400.00	20,024.57	14 %
430263 Street Lighting	522.36	2,116.12	6,600.00	6,600.00	4,483.88	32 %
430900 Cemetery Services	22.20	153.87	3,300.00	3,300.00	3,146.13	5 %
431100 Weed Control	0.00	225.00	500.00	500.00	275.00	45 %
Account Group Total:	1,499.19	5,870.42	33,800.00	33,800.00	27,929.58	17 %
440000 Public Health						
440700 Insect & Pest Control	0.00	457.21	0.00	0.00	-457.21	*** %
Account Group Total:	0.00	457.21	0.00	0.00	-457.21	*** %
460000 Culture and Recreation						
460400 Parks and Recreation Services	107.61	1,047.39	1,000.00	1,000.00	-47.39	105 %
Account Group Total:	107.61	1,047.39	1,000.00	1,000.00	-47.39	105 %
Fund Total:	16,568.18	59,753.23	154,040.00	154,040.00	94,286.77	39 %

2386 Oil Well Fund

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
510000 Miscellaneous						
510300 Other Unallocated Costs	85.95	314.70	30,000.00	30,000.00	29,685.30	1 %
Account Group Total:	85.95	314.70	30,000.00	30,000.00	29,685.30	1 %
Fund Total:	85.95	314.70	30,000.00	30,000.00	29,685.30	1 %

2810 POLICE RESERVE TRAINING

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
420000 Public Safety						
420100 Law Enforcement Services	0.00	1,200.00	3,100.00	3,100.00	1,900.00	39 %
Account Group Total:	0.00	1,200.00	3,100.00	3,100.00	1,900.00	39 %
Fund Total:	0.00	1,200.00	3,100.00	3,100.00	1,900.00	39 %

2820 GAS TAX

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works						
430200 Road & Street Services	2,630.63	2,799.59	11,800.00	11,800.00	9,000.41	24 %
Account Group Total:	2,630.63	2,799.59	11,800.00	11,800.00	9,000.41	24 %
Fund Total:	2,630.63	2,799.59	11,800.00	11,800.00	9,000.41	24 %

2821 Gas Tax--HB#473 BARSAA

Account	Committed		Committed YTD	Original		Current	Available	
	Current Month			Appropriation			Appropriation	% Committed
430000 Public Works	346.71		1,697.58	16,300.00		16,300.00	14,602.42	10 %
430200 Road & Street Services	346.71		1,697.58	16,300.00		16,300.00	14,602.42	10 %
Account Group Total:	346.71		1,697.58	16,300.00		16,300.00	14,602.42	10 %
Fund Total:								

5210 WATER

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works						
430510 ADMINISTRATION	225.69	1,498.81	2,300.00	2,300.00	801.19	65 %
430530 Source of Supply & Pumping	5,434.99	27,695.14	68,000.00	68,000.00	40,304.86	41 %
430540 Purification and Treatment	0.00	0.00	800.00	800.00	800.00	0 %
430550 Transmission & Distribution	1,340.14	7,471.98	3,500.00	3,500.00	-3,971.98	213 %
Account Group Total:	7,000.82	36,665.93	74,600.00	74,600.00	37,934.07	49 %
490000 Debt Service						
490000 Debt Service	0.00	23,987.50	48,000.00	48,000.00	24,012.50	50 %
Account Group Total:	0.00	23,987.50	48,000.00	48,000.00	24,012.50	50 %
Fund Total:	7,000.82	60,653.43	122,600.00	122,600.00	61,946.57	49 %

5310 SEWER

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works						
430610 SEWER ADMINISTRATION	3,402.00	3,743.40	4,050.00	4,050.00	306.60	92 %
430630 Collection & Transmision	3,827.34	23,761.74	44,900.00	44,900.00	21,138.26	53 %
430640 Treatment and Disposal	2,949.83	5,719.57	9,400.00	9,400.00	3,680.43	61 %
430660 Engineering	0.00	0.00	29,800.00	29,800.00	29,800.00	0 %
Account Group Total:	10,179.17	33,224.71	88,150.00	88,150.00	54,925.29	38 %
490000 Debt Service						
490000 Debt Service	1,404.00	7,020.00	16,850.00	16,850.00	9,830.00	42 %
Account Group Total:	1,404.00	7,020.00	16,850.00	16,850.00	9,830.00	42 %
Fund Total:	11,583.17	40,244.71	105,000.00	105,000.00	64,755.29	38 %

5410 SOLID WASTE

Account		Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works							
430830 Collection		5,363.28	21,898.60	64,400.00	64,400.00	42,501.40	34 %
Account Group Total:		5,363.28	21,898.60	64,400.00	64,400.00	42,501.40	34 %
Fund Total:		5,363.28	21,898.60	64,400.00	64,400.00	42,501.40	34 %
Grand Total:		43,578.74	188,561.84	510,240.00	510,240.00	321,678.16	37 %

1000 GENERAL

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
310000 TAXES					
311010 Real Property Taxes	126.35	11,313.51	71,088.00	59,774.49	16 %
311020 Personal Property Taxes	0.00	1,565.57	5,157.00	3,591.43	30 %
312000 P & I on Delinquent Taxes	0.00	160.44	641.00	480.56	25 %
314140 Local Option Tax	319.65	1,573.43	3,832.00	2,258.57	41 %
Account Group Total:	446.00	14,612.95	80,718.00	66,105.05	18 %
320000 LICENSES AND PERMITS					
323000 Non-Business Licenses and Permits	0.00	25.00	0.00	-25.00	** %
323010 Building & Related Permits	0.00	85.00	70.00	-15.00	121 %
Account Group Total:	0.00	110.00	70.00	-40.00	157 %
330000 INTERGOVERNMENTAL REVENUES					
335120 Gambling Machine Permits	0.00	25.00	6,075.00	6,050.00	0 %
335230 State Entitlement Share	0.00	14,047.11	56,091.00	42,043.89	25 %
Account Group Total:	0.00	14,072.11	62,166.00	48,093.89	23 %
340000 Charges for Services					
343360 Weed Control Charges	0.00	100.00	0.00	-100.00	** %
Account Group Total:	0.00	100.00	0.00	-100.00	** %
350000 Fines and Forfeitures					
351030 City Courts	0.00	890.00	1,000.00	110.00	89 %
Account Group Total:	0.00	890.00	1,000.00	110.00	89 %
360000 Miscellaneous Revenue					
360000 Miscellaneous Revenue	0.00	80.00	0.00	-80.00	** %
362000 Other Miscellaneous Revenue	0.00	768.40	500.00	-268.40	154 %
Account Group Total:	0.00	848.40	500.00	-348.40	170 %
370000 Investment and Royalty Earnings					
371010 Investment Earnings	4.04	20.35	500.00	479.65	4 %
371020 Gain or loss in Fair Value of Investments	1,921.16	-671.06	2,500.00	3,171.06	-27 %
Account Group Total:	1,925.20	-650.71	3,000.00	3,650.71	-22 %
Fund Total:	2,371.20	29,982.75	147,454.00	117,471.25	20 %

2230 Ambulance

Account	Received		Estimated Revenue	Revenue		% Received
	Current Month	Received YTD		To Be Received	Received	
360000 Miscellaneous Revenue						
365000 Contributions and Donations	0.00	0.00	500.00	500.00	500.00	0 %
Account Group Total:	0.00	0.00	500.00	500.00	500.00	0 %
Fund Total:	0.00	0.00	500.00	500.00	500.00	0 %

2386 Oil Well Fund

Account	Received		Estimated Revenue	Revenue	
	Current Month	Received YTD		To Be Received	% Received
370000 Investment and Royalty Earnings					
372010 Oil Royalties	0.00	3,276.96	5,000.00	1,723.04	66 %
Account Group Total:	0.00	3,276.96	5,000.00	1,723.04	66 %
Fund Total:	0.00	3,276.96	5,000.00	1,723.04	66 %

2810 POLICE RESERVE TRAINING

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
330000 INTERGOVERNMENTAL REVENUES					
335050 Insurance Premium Apportionment	0.00	0.00	500.00	500.00	0 %
Account Group Total:	0.00	0.00	500.00	500.00	0 %
Fund Total:	0.00	0.00	500.00	500.00	0 %

2820 GAS TAX

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
330000 INTERGOVERNMENTAL REVENUES					
335040 Gasoline Tax Apportionment	983.43	4,917.10	11,800.00	6,882.90	42 %
335065 Oil & Gas Production Tax	2,405.05	3,837.40	500.00	-3,337.40	767 %
Account Group Total:	3,388.48	8,754.50	12,300.00	3,545.50	71 %
Fund Total:	3,388.48	8,754.50	12,300.00	3,545.50	71 %

2821 Gas Tax--HB#473 BARSAA

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
330000 INTERGOVERNMENTAL REVENUES					
335041 Special Road Allocation	0.00	15,692.66	16,450.00	757.34	95 %
Account Group Total:	0.00	15,692.66	16,450.00	757.34	95 %
Fund Total:	0.00	15,692.66	16,450.00	757.34	95 %

5210 WATER

Account	Received		Estimated Revenue	Revenue		% Received
	Current Month	Received YTD		To Be Received		
340000 Charges for Services						
343021 Metered Water Sales	-18,418.91	32,312.37	126,600.00	94,287.63	26 %	
343023 Bulk and Irrigation Water Sales	0.00	35.00	0.00	-35.00	** %	
Account Group Total:	-18,418.91	32,347.37	126,600.00	94,252.63	26 %	
Fund Total:	-18,418.91	32,347.37	126,600.00	94,252.63	26 %	

5310 SEWER

Account	Received		Estimated Revenue	Revenue	
	Current Month	Received YTD		To Be Received	% Received
340000 Charges for Services					
343031 Sewer Service Charges	-9,902.82	16,604.23	75,300.00	58,695.77	22 %
Account Group Total:	-9,902.82	16,604.23	75,300.00	58,695.77	22 %
Fund Total:	-9,902.82	16,604.23	75,300.00	58,695.77	22 %

5410 SOLID WASTE

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
340000 Charges for Services					
343041 Garbage Collection Charges	4,593.33	24,363.33	60,300.00	35,936.67	40 %
Account Group Total:	4,593.33	24,363.33	60,300.00	35,936.67	40 %
Fund Total:	4,593.33	24,363.33	60,300.00	35,936.67	40 %
Grand Total:	-17,968.72	131,021.80	444,404.00	313,382.20	29 %

UTILITY BILLING SYSTEM Report ID: 1014

ACCOUNTS RECEIVABLE SUMMARY For AP-Year 11-2022

TOWN OF BAINVILLE
10:33:18 - 12/01/2022

Service	Fund	Old Balance	Billings	Payments	[- ----- Adjustments ----- -]			New Balance
					Autodistribute	Other		
WATER	5210	44314.14	0.00	10651.22	-192.61	-100.54		33369.77
SEWER	5310	28391.30	0.00	6043.02	-111.13	-59.04		22178.11
GARBAGE	5410	9339.73	0.00	5452.63	-122.65	0.00		3764.45
MISC WATER	5210	0.00	0.00	0.00	0.00	0.00		0.00
MISC SEWER	5310	0.00	0.00	0.00	0.00	0.00		0.00
MISC GARBAGE	5410	0.00	0.00	0.00	0.00	0.00		0.00
OVERPAYMENT	5210	-820.63	0.00	649.73	426.39	0.00		-1043.97
Grand Totals by Service:		81224.54	0.00	22796.60	0.00	-159.58		58268.36
Grand Total by Fund:		Old Balance	New Balance					
5210		43493.51		32325.80				
5310		28391.30		22178.11				
5410		9339.73		3764.45				

UTILITY BILLING SYSTEM Report ID: 1024

ADJUSTMENT JOURNAL SUMMARY

For AP and Year 11 - 2022

TOWN OF BAINVILLE

09:53:31 - 12/02/2022

JV NUMBER

Fund	Account	Debit Amount	Credit Amount
JV: UB 984 [AUTODISTRIBUTE] Autodistribute Adjustment			
5210	122000	233.78	
5210	101000		233.78
	Debits and Credits for Fund 5210:	233.78	233.78
5310	101000	111.13	
5310	122000		111.13
	Debits and Credits for Fund 5310:	111.13	111.13
5410	101000	122.65	
5410	122000		122.65
	Debits and Credits for Fund 5410:	122.65	122.65
	Debits and Credits for JV: UB 984 [AUTODISTRIBUTE]	467.56	467.56
JV: UB 985 Regular Adjustment			
5210	343021	27890.85	
5210	122000		27890.85
	Debits and Credits for Fund 5210:	27890.85	27890.85
5310	343031	16349.43	
5310	122000		16349.43
	Debits and Credits for Fund 5310:	16349.43	16349.43
5410	343041	536.67	
5410	122000		536.67
	Debits and Credits for Fund 5410:	536.67	536.67
	Debits and Credits for JV: UB 985	44776.95	44776.95
	Total Debits and Credits:	45244.51	45244.51

Net Adjustments to Charges: -44776.95

UTILITY BILLING SYSTEM Report ID: 1026

BILLING JOURNAL SUMMARY

For AP and Year 11 - 2022

TOWN OF BAINVILLE

09:53:50 - 12/02/2022

JV NUMBER

Fund	Account	Debit Amount	Credit Amount
JV: UB 986 Billing JV			
5210	122000	9471.94	
5210	343021		9471.94
	Subtotal of Charges for Fund 5210:	9471.94	9471.94
5310	122000	6446.61	
5310	343031		6446.61
	Subtotal of Charges for Fund 5310:	6446.61	6446.61
5410	122000	5130.00	
5410	343041		5130.00
	Subtotal of Charges for Fund 5410:	5130.00	5130.00
	Total Debits and Credits:	21048.55	21048.55

Net Charges: **21048.55**

UTILITY BILLING SYSTEM Report ID: 1133

TOWN OF BAINVILLE

ADJUSTMENTS

For Postdate from 12/02/2022 to 12/02/2022 Ordered by ADJUSTMENT NUMBER from AP and Year 11 - 2022

09:46:36 - 12/02/2022

JOURNAL

ALL ADJUSTMENT NUMBERS

ALL ACCOUNTS

ADJUSTMENT TYPES: ALL

Adjustment Type	Service	Amount
WRITE-OFF		
	GARBAGE	-136.67
	SEWER	-323.99
	WATER	-443.43
	Total for : WRITE-OFF	-904.09
Grand Total of Adjustments:		-904.09

SECTION:

STATUS: ALL

Page 1

Route - Meter Customer Name	Account	Service Address Meter Serial #	Last Reading	Current Reading	Route Comments Past Due by 180 DAYS	Balance
00-1380.04 INNOTION ENTERPRISES, INC.	006-04	308 TUBMAN ST	0	0	278.68	278.68
00-0470.04 MAYER, PATRICIA	037-04	6 FLYNN AVE W	0	36994	625.41	625.41
Total Balance:						904.09
Total Past Due by 180 DAYS						904.09

UTILITY BILLING SYSTEM Report ID: 1086

TOWN OF BAINVILLE

ADJUSTMENTS

For Postdate from 12/02/2022 to 12/02/2022 Ordered by ADJUSTMENT NUMBER from AP and Year 11 - 2022

09:46:25 - 12/02/2022

JOURNAL - Specific

ALL ADJUSTMENT NUMBERS

Type

ALL ACCOUNTS

ADJUSTMENT TYPES: ALL

Adjustment Number	Customer Name	Account	Route - Meter	Type	Post Date
Description	Service			Amount	
12533	INNOTION ENTERPRISES, INC.	006-04	00-1380.04	WRITE-OFF	
ADJUSTMENT (Write-Off)	WATER			-175.95	12/02/2022
ADJUSTMENT (Write-Off)	SEWER			-102.73	12/02/2022
COMMENTS:			Subtotal for Account 006-04	:	-278.68
12534	MAYER, PATRICIA	037-04	00-0470.04	WRITE-OFF	
ADJUSTMENT (Write-Off)	WATER			-267.48	12/02/2022
ADJUSTMENT (Write-Off)	SEWER			-221.26	12/02/2022
ADJUSTMENT (Write-Off)	GARBAGE			-136.67	12/02/2022
COMMENTS:			Subtotal for Account 037-04	:	-625.41
Grand Total of Adjustments:					-904.09

UTILITY BILLING SYSTEM Report ID: 1014

ACCOUNTS RECEIVABLE SUMMARY

For AP-Year 11-2022

TOWN OF BAINVILLE
09:54:40 - 12/02/2022

Service	Fund	Old Balance	Billings	Payments	[------ Adjustments -----]		New Balance
					Autodistribute	Other	
WATER	5210	44314.14	9471.94	10651.22	-192.61	-27890.85	15051.40
SEWER	5310	28391.30	6446.61	6043.02	-111.13	-16349.43	12334.33
GARBAGE	5410	9339.73	5130.00	5452.63	-122.65	-536.67	8357.78
MISC WATER	5210	0.00	0.00	0.00	0.00	0.00	0.00
MISC SEWER	5310	0.00	0.00	0.00	0.00	0.00	0.00
MISC GARBAGE	5410	0.00	0.00	0.00	0.00	0.00	0.00
OVERPAYMENT	5210	-820.63	0.00	649.73	426.39	0.00	-1043.97
Grand Totals by Service:			21048.55	22796.60	0.00	-44776.95	34699.54
Grand Total by Fund:			New Balance				
		Old Balance					
5210		43493.51	14007.43				
5310		28391.30	12334.33				
5410		9339.73	8357.78				

12/16/22
10:35:16

For dates posted from 11/15/22 to 12/16/22
* ... Over spent expenditure

Claim/	Check	Invoice #	Vendor #/Name/ Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
6148	13472M	22	Bowker Enterprises, LLC	302.25								
	Bowker Sanitation, Fuel Surcharge for November											
	5536 12/03/22 Garbage Fuel Surcharge	11/22		302.25			5410		430830	350		101000
6161	13472M	22	Bowker Enterprises, LLC	5,165.64								
	Bowker Sanitation, city garbage collection, November 2022											
	November 22 12/16/22 city garbage	11/22		5,165.64			5410		430830	350		101000
			Total for Vendor:	5,467.89								
6158		366	Carol Rasmussen	30.00								
	Councilperson; January 1, 2022 to December 31, 2023;											
	November 22 12/31/22 Councilperson, 11/22			30.00			1000		410100	350		101000
			Total for Vendor:	30.00								
6163		372	Christoffersen & Knierim, P.C.	609.38								
	General Matters for City Attorney											
	3122 12/09/22 General Matters			609.38			1000		411130	350		101000
			Total for Vendor:	609.38								
6164		334	Community News	26.00								
	Legal Ad Public hearing on budget amendment											
	2022-22439 10/31/22 Legal Ad			26.00			1000		410500	330		101000
			Total for Vendor:	26.00								
6165		209	Dave Winn Trucking	2,263.44								
	Hill Avenue and Clark Avenue (Tubman to Evans); BARSAA 2022 Funds											
	793 11/17/22 Gravel			2,263.44			2821		430200	200		101000
			Total for Vendor:	2,263.44								
6166		333	Denning, Downey, & Associates	3,125.00								
	FY2022 Audit											
	15772 11/27/22 FY22 Audit 25%			3,125.00			1000		410530	350		101000
			Total for Vendor:	3,125.00								

12/16/22
10:35:16

For dates posted from 11/15/22 to 12/16/22
* ... Over spent expenditure

Claim/	Check	Invoice #	Vendor #/Name/ Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
6167		999999	DEPARTMENT OF TREASURY	600.78								
	Tax Period March 31, 2015 Form number 941											
	March15 10/17/22 Mar 31 2015 Form Number 941			600.78*			1000		410500	350		101000
			Total for Vendor:	600.78								
6150			14 Dry Prairie Rural Water	4,741.75								
	Dry Prairie Rural Water, City Water Supply, November 2022											
	November22 12/31/22 citywater11/22DryPrairieRu			4,741.75			5210		430530	340		101000
			Total for Vendor:	4,741.75								
6157		347	Ecolab Pest Elimination Division	125.00								
	Rodent Program for office and shop											
	8392371 12/14/22 Rodent Program-Shop			90.00			5310		430630	350		101000
	8392371 12/14/22 Rodent Program-Office			35.00			1000		411200	350		101000
			Total for Vendor:	125.00								
6143			6 Energy Laboratories	343.00								
	BacT tests, January 2022, Energy Labs											
	517972 11/16/22 Bac T tests 11/22EnergyLab			52.00			5210		430510	200		101000
	522098 12/11/22 Bac T tests 12/22EnergyLab			52.00			5210		430510	200		101000
	518668 11/22/22 Lead N Copper			239.00			5210		430510	200		101000
			Total for Vendor:	343.00								
6168			38 Finnicum's	34.97								
	Supplies											
	A99838 11/09/22 WD 40			18.98			1000		411200	200		101000
	A99910 11/14/22 Trailer Ball			15.99			1000		411200	200		101000
			Total for Vendor:	34.97								
6169			237 Hi-Line Services & Hydraulics	59.62								
	Oil Change on Generator at Lift Station											
	157002036 11/03/22 Oil Change Generator			59.62			5310		430630	200		101000
			Total for Vendor:	59.62								

12/16/22
10:35:16

For dates posted from 11/15/22 to 12/16/22
* ... Over spent expenditure

Claim/	Check	Invoice #	Vendor #/Name/ Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
6144	Lagoon pivot electricity, Lower Yellowstone Rural Electric November22 12/25/22 Lagoon pivot electricity11		212 Lower Yellowstone Rural Electric November22 12/25/22 Lagoon pivot electricity11	764.00 764.00*			5310		430640	360		101000
			Total for Vendor:	764.00								
6151	Fire chief, \$30, November 2022, Lyle Lambert November22 11/30/22 Firechief 11/14 LLambert		198 Lyle Lambert November22 11/30/22 Firechief 11/14 LLambert	30.00 30.00			1000		420440	350		101000
			Total for Vendor:	30.00								
6170	Propane for City Office 55936 12/09/22 City Office 11/22		28 Miller Oil Co. 55936 12/09/22 City Office 11/22	246.60 246.60			1000		410500	340		101000
			Total for Vendor:	246.60								
6152	Electricity, November 2022, Montana Dakota Utilities Co. November22 12/24/22 townhallelectricity 11/22 November22 12/24/22 streetelectricity 11/22 November22 12/24/22 gazeboelectricity 11/22 November22 12/24/22 watertreatplantelec 11/22 November22 12/24/22 lagoon 11/22 November22 12/24/22 Lift Station 11/22 November22 12/24/22 Cemetery 11/22 November22 12/24/22 Shop Building 11/22		119 MONTANA-DAKOTA UTILITIES CO. November22 12/24/22 townhallelectricity 11/22 November22 12/24/22 streetelectricity 11/22 November22 12/24/22 gazeboelectricity 11/22 November22 12/24/22 watertreatplantelec 11/22 November22 12/24/22 lagoon 11/22 November22 12/24/22 Lift Station 11/22 November22 12/24/22 Cemetery 11/22 November22 12/24/22 Shop Building 11/22	856.54 37.44 514.66 22.32 24.28 77.36 139.43 20.05 21.00			1000 1000 1000 5210 5310 5310 1000 2820		410500 430263 460400 430510 430630 430630 430900 430200	340 340 340 340 340 340 340 340		101000 101000 101000 101000 101000 101000 101000 101000
			Total for Vendor:	856.54								
6156	Nemont telephone city office November 22 November22 12/16/22 Nemont 11/22 phone November22 12/16/22 Nemont 11/22 phone		11 Nemont November22 12/16/22 Nemont 11/22 phone November22 12/16/22 Nemont 11/22 phone	227.66 180.46 47.20			1000 5310		410500 430640	340 340		101000 101000
			Total for Vendor:	227.66								

For dates posted from 11/15/22 to 12/16/22
* ... Over spent expenditure

Claim/	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
6160			365 Nick Tester	30.00								
		Council person January 2022 - December 2025; November 2022										
		November22 12/11/22 Councilperson NTester 11/2		30.00			1000		410100	350		101000
		Total for Vendor:		30.00								
6145			216 Oasis Petroleum North America	46.00								
		Oasis Oil owner production costs 6530/2014, \$536.34 invoice S2022111000729										
		111000729 12/05/22 OasisOilproductioncost 11/2		46.00			2386		510300	300		101000
		Total for Vendor:		46.00								
6171			999999 OZARK WELDING & FABRICATION LLC	400.00								
		Repair cracks and reinforce skidsteer grader attachment										
		1145 11/16/22 Repair and reinforce skidsteer		400.00			2820		430200	360		101000
		Total for Vendor:		400.00								
6147			84 PENNY HENDRICKSON	150.00								
		City judge & clerk, November 2022, Penny Hendrickson										
		November22 12/28/22 CityJudge & Clerk 11/22		150.00			1000		410363	350		101000
		Total for Vendor:		150.00								
6146			2 Roosevelt County	833.33								
		Roosevelt County Sheriff contract, November 22										
		November22 12/30/22 Roos Co Sheriff Contract 1		833.33			1000		420100	300		101000
		Total for Vendor:		833.33								
6153			305 Roosevelt County Attorney	500.00								
		County Attorney Services for the Town of Bainville;										
		November22 12/30/22 Attorney Services November		500.00			1000		411130	350		101000
		Total for Vendor:		500.00								
6172			120 ROOSEVELT COUNTY TREASURER	21.73								
		ROOSEVELT CO TREASURER - 2019 REAL TAXES N 70' LOTS 1, 2 & 3 BLK 2 SOUTHSIDE										
		ADDN, Dorothy Crawley										
		506408013- 10/24/22 2022 TAX N70'LOTS1,2,3 BLK		21.73			1000		410500	200		101000

For dates posted from 11/15/22 to 12/16/22

* ... Over spent expenditure

Claim/	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
6173			120 ROOSEVELT COUNTY TREASURER	182.70								
			ROOSEVELT CO TREASURER - 2022 Comford add Lots 1, 2, 3, 4 & S35' of Lot 5 BLK 1;									
			Dakotaland Trailer Court									
		506405195 10/24/22 2022 TAX Dakotaland		182.70			1000		410500	200		101000
			Total for Vendor:	204.43								
6149			E 53 Rural Development	1,404.00								
			USDA Rural Development sewer loan payments, November 2022									
		November22 12/30/22 sewerloan11/15RuralDevelop		1,404.00			5310		490000	610		101000
			Total for Vendor:	1,404.00								
6159			364 Toby Romo	30.00								
			Mayor January 2022 - December 2025; November 2022									
		November22 12/31/22 Mayor T Romo 11/22		30.00			1000		410100	350		101000
			Total for Vendor:	30.00								
6154			E 258 U.S. Bank Montana	23,775.00								
			State of Montana General Obligation bonds; Revolving Fund Program Payment; Water									
			Main Replacement: Project Number WRF-15332 \$156,000 loan; Water Revolving Fund									
		Loan WRF-15331 \$260,000; Loan Commitment WRF-17377 \$368,000.00										
		December22 12/31/22 WRF-15332 SPA Lockbox CM96		4,000.00			5210		490000	610		101000
		December22 12/31/22 WRF-15332 Interest & Fees		1,350.00			5210		490000	620		101000
		December22 12/31/22 WRF-15331 SPA Lockbox CM96		5,000.00			5210		490000	610		101000
		December22 12/31/22 WRF-15331 Interest & Fees		2,375.00			5210		490000	620		101000
		December22 12/31/22 WRF-17377 SPA Lockbox CM96		8,000.00			5210		490000	610		101000
		December22 12/31/22 WRF-17377 SPA Lockbox CM96		3,050.00			5210		490000	620		101000
			Total for Vendor:	23,775.00								
6155			326 WEX Bank	501.21								
			Gas for Operators and Equipment; Clerk									
		85545592 12/30/22 Clerk		58.02			1000		410500	230		101000
		85545592 12/30/22 Sewer Gas		156.32			5310		430630	200		101000
		85545592 12/30/22 Machines DSL		286.87			2820		430200	200		101000
			Total for Vendor:	501.21								

For dates posted from 11/15/22 to 12/16/22
* ... Over spent expenditure

Claim/	Check	Invoice	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
6162		377	William Rathbun	30.00								
			Council Member August 2022 - December 2022									
			November22 12/31/22 Council Member W Rathbun 1	30.00								
			Total for Vendor:	30.00								
			# of Claims	31								
			Total Electronic Claims		47,455.60							
			Total Non-Electronic Claims		25,179.00							
					22276.60							
						# of Vendors	26					
							1000		410100	350		101000

Fund/Account	Amount
1000 GENERAL	
101000 Cash - Operating	\$7,348.44
2386 Oil Well Fund	
101000 Cash - Operating	\$46.00
2820 GAS TAX	
101000 Cash - Operating	\$707.87
2821 Gas Tax--HB#473 BARSAA	
101000 Cash - Operating	\$2,263.44
5210 WATER	
101000 Cash - Operating	\$28,884.03
5310 SEWER	
101000 Cash - Operating	\$2,737.93
5410 SOLID WASTE	
101000 Cash - Operating	\$5,467.89
Total:	\$47,455.60

12/16/22
10:35:17

TOWN OF BAINVILLE
Claim Approval Signature Page
For the Accounting Period: 12 / 22

Page: 8 of 8
Report ID: AP100A

Claims were approved on December 19, 2022 by Town Council:

Claims

Check #	Check Type	Vendor/Employee/Payee Number/Name	Check Amount	Period	Date Issued	CL #/Payroll	Notes
-99804	E	53 Rural Development	1404.00	12/22	12/19/22	CL 6149	1404.00
-99803	E	258 U.S. Bank Montana	23775.00	12/22	12/19/22	CL 6154	23775.00
13472	MC	22 Bowker Enterprises, LLC	5467.89	12/22	12/12/22	CL 6148	302.25
						CL 6161	5165.64
13473	SC	366 Carol Rasmussen	30.00	12/22	12/16/22	CL 6158	30.00
13474	SC	372 Christoffersen & Knierim, P.C.	609.38	12/22	12/16/22	CL 6163	609.38
13475	SC	334 Community News	26.00	12/22	12/16/22	CL 6164	26.00
13476	SC	209 Dave Winn Trucking	2263.44	12/22	12/16/22	CL 6165	2263.44
13477	SC	333 Denning, Downey, & Associates CPA	3125.00	12/22	12/16/22	CL 6166	3125.00
13478	SC	999999 DEPARTMENT OF TREASURY	600.78	12/22	12/16/22	CL 6167	600.78
13479	SC	14 Dry Prairie Rural Water	4741.75	12/22	12/16/22	CL 6150	4741.75
13480	SC	347 Ecolab Pest Elimination Division	125.00	12/22	12/16/22	CL 6157	125.00
13481	SC	6 Energy Laboratories	343.00	12/22	12/16/22	CL 6143	343.00
13482	SC	38 Finnicum's	34.97	12/22	12/16/22	CL 6168	34.97
13483	SC	237 Hi-Line Services & Hydraulics	59.62	12/22	12/16/22	CL 6169	59.62
13484	SC	212 Lower Yellowstone Rural Electric	764.00	12/22	12/16/22	CL 6144	764.00
13485	SC	198 Lyle Lambert	30.00	12/22	12/16/22	CL 6151	30.00
13486	SC	28 Miller Oil Co.	246.60	12/22	12/16/22	CL 6170	246.60
13487	SC	119 MONTANA-DAKOTA UTILITIES CO.	856.54	12/22	12/16/22	CL 6152	856.54
13488	SC	11 Nemont	227.66	12/22	12/16/22	CL 6156	227.66
13489	SC	365 Nick Tester	30.00	12/22	12/16/22	CL 6160	30.00
13490	SC	216 Oasis Petroleum North America LLC	46.00	12/22	12/16/22	CL 6145	46.00
13491	SC	999999 OZARK WELDING & FABRICATION LLC	400.00	12/22	12/16/22	CL 6171	400.00
13492	SC	84 PENNY HENDRICKSON	150.00	12/22	12/16/22	CL 6147	150.00
13493	SC	2 Roosevelt County	833.33	12/22	12/16/22	CL 6146	833.33
13494	SC	305 Roosevelt County Attorney	500.00	12/22	12/16/22	CL 6153	500.00
13495	SC	120 ROOSEVELT COUNTY TREASURER	204.43	12/22	12/16/22	CL 6172	21.73
						CL 6173	182.70
13496	SC	364 Toby Romo	30.00	12/22	12/16/22	CL 6159	30.00
13497	SC	326 WEX Bank	501.21	12/22	12/16/22	CL 6155	501.21
13498	SC	377 William Rathbun	30.00	12/22	12/16/22	CL 6162	30.00
Claims Total # of Checks:			47455.60	Total:			
			29				

Check Types: MC=Manual Claim, SC=System Claim, V=Void (never in system), E=ACH
P=Payroll, C=Cancelled (cancelled in system), R=Reissued, D=Deleted (deleted in system)

Payroll

Check		Vendor/Employee/Payee Number/Name	Check Amount	Period	Date Issued	CL #/Payroll	Notes
Check #	Type						
-89768	P	FIT	1908.42	11/22	11/30/22		
-89767	P	SIT	371.00	11/22	11/30/22		
13469	P	4 Dan Lambert	2080.92	11/22	11/30/22		
13470	P	5 Lyle Lambert	1649.11	11/22	11/30/22		
13471	P	11 Nikki Rogers	2712.90	11/22	11/30/22		
Payroll Total # of Checks:		5	Total:	8722.35			
Grand Total # of Checks:		34	Total:	56177.95			

ORDINANCE NUMBER XXX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAINVILLE, MONTANA CREATING CHAPTER 9.12 OF THE BAINVILLE TOWN CODE ENTITLED "NOISE" TO REGULATE, RESTRICT OR PROHIBIT NOISES WHICH A REASONABLE PERSON MAY FIND OFFENSIVE.

WHEREAS, the Town Council finds that the regulation of noise to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of the Town of Bainville through the reduction, control, and prevention of any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of normal sensitivity.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bainville, Montana, that a new chapter of the Bainville Town Code, 9.12, shall be created to read as follows:

Chapter 9.12

NOISE

9.12.010 GENERALLY

It is unlawful for any person to make or cause to be made any excessive or unusually loud noise or any noise measured or unmeasured which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivity within the Town.

9.12.020 PROHIBITED ACTS

It is unlawful to perform any of the following acts within the Town:

- (A) ***Sound amplifying equipment.*** Using, operating or permitting the use of any radio receiving set, musical instrument, television, stereo or other machine or device for the production or reproduction of sound in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person;
- (B) ***Yelling, shouting.*** Yelling, shouting, hooting, whistling or loud verbalizations between the hours of 11:00 p.m. and 7:00 a.m. so as to annoy or disturb the quiet, comfort or repose of any normally sensitive and reasonable person;
- (C) ***Exhausts.*** Discharging into the open air the exhaust of any stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- (D) ***Defect in vehicle or load.*** Operating any truck, trailer, automobile, motorcycle or vehicle so out of repair or so loaded in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise;
- (E) ***Loading, unloading, opening containers.*** Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person between the hours of 11:00 p.m. and 6:00 a.m.;

(F) **Construction projects or repair of buildings.** Operating equipment or performing any construction or repair work on buildings, structures or projects or operating any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other construction type device in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person;

(G) **Exemption clause.** Any of the above acts performed for emergency work for the safety, welfare and public health of the citizens of the Town will not be construed to be in violation of this chapter.

9.12.030 EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- (A) Noise of safety signals and warning devices;
- (B) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
- (C) Noise resulting from emergency work or noise for which a special permit has been granted, as hereafter provided for;
- (D) Noise resulting from the operating of motorized lawnmowers fitted with equipment-type mufflers between the hours of 7:00 a.m. and 10:00 p.m.;
- (E) Noise caused by home or building repair or grounds maintenance between the hours of 7:00a.m. and 9:00 p.m.;
- (F) Athletic events held in parks or other events approved by permit.

9.12.040 PERMIT FOR RELIEF

Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Town. Any permit granted by the Town shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The Town may grant the permit applied for if it finds:

- (A) That additional time is necessary for the applicant to alter or modify his or her activity or operation to comply with this chapter;
- (B) The activity, operation or noise source will be of temporary duration, and cannot be performed in the manner that would comply with other subsections of this section;
- (C) That no other reasonable alternative is available to the applicant;
- (D) The Town may prescribe any conditions or requirements it deems necessary to minimize adverse effects upon the community or surrounding neighborhood.

9.12.050 VIOLATIONS; REMEDIES

(A) Whenever in any section of this chapter or rule or regulation promulgated hereunder, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person who is convicted of a violation of any such section shall, for each offense, be punished by a fine of not more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue constitutes a separate offense.

(B) As an additional remedy, the operation or maintenance of any noise source in violation of any provision of this chapter and which causes discomfort and annoyance to any reasonable person of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area is a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Effective Date: This ordinance shall be effective 30 days after adoption.

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading on the 14th day of November, 2022, by a vote of 3 Ayes, 0 Nays, 0 Abstain, and 0 Absent

Second reading and final adoption on the ____ day of ____ 2022, by a vote of ____ Ayes, ____ Nays, ____ Abstain, and ____ Absent.

ATTEST

APPROVED

Nikki Rogers, CMC-CMMC
Clerk-Treasurer

Toby Romo,
Mayor

Dana Berwick
Chairman
berwickhay@nemont.net

Kt Northington
Clerk
ktnorthington@bainvilleschool.k12.mt.us

Tanya Wilson
Activities Director
twilson@bainvilleschool.k12.mt.us

BAINVILLE PUBLIC SCHOOL

Phone (406) 769-2321 FAX (406) 769-3291

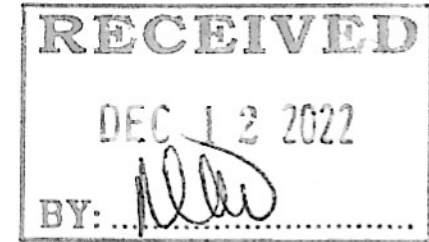
409 Tubman PO Box 177
Bainville, MT 59212

Darin Hannum
Superintendent
dhannum@bainvilleschool.k12.mt.us

Rhiannon Beery
Principal
rbeery@bainvilleschool.k12.mt.us

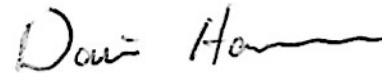
Melissa Bonebrake
District Secretary
mbonebrake@bainvilleschool.k12.mt.us

Honorable Mayor Romo,
Bainville City Council Members,



Bainville Public School District #64 respectfully requests an exemption of any and all inclusion of Noise Ordinance Chapter 9.12. School District functions and maintenance of facilities are not limited to the parameters listed in the ordinance, so an exception is the reasonable solution to operating and maintaining the district. Thank you for your consideration in this matter.

Respectfully Submitted,



Superintendent, Bainville Public Schools

Agency: Bainville Police Department

Finding: Dismissed by Court					
Citation	Issued	Charge	Plea	Fine	Case
A32709	11/29/2022	8.04.070	None	0.00	TK-755-2022-0000320
Sealed					
Control of Pets					
Officer: Moore, Joe, BVPD					
Finding Totals: Dismissed by Court		Citations:	1	Fines:	0.00
Finding: None					
Citation	Issued	Charge	Plea	Fine	Case
A32707	11/20/2022	8.06.060	Not Guilty	0.00	TK-755-2022-0000286
Control of Vicious Dogs					
Officer: Moore, Joe, BVPD					
Finding Totals: None		Citations:	1	Fines:	0.00
Totals for: Bainville Police Department		Citations:	2	Fines:	0.00
Report totals:		All Citations:	2	Fines:	0.00

Agency: Bainville Police Department

Finding: None					
Citation	Issued	Charge	Plea	Fine	Case
A32708	12/10/2022	61-13-103	None	0.00	TK-755-2022-000032'
Seatbelt Violation					
Officer: Moore, Joe, BVPD					
Finding Totals: None			Citations:	1	Fines: 0.00
Totals for: Bainville Police Department			Citations:	1	Fines: 0.00
Report totals:			All Citations:	1	Fines: 0.00

TOWN OF BAINVILLE
COMPARISON OF SPECIFIC CHARACTERISTICS OF THE
MAYOR-COUNCIL AND AMENDED MAYOR COUNCIL FORM OF
GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	MAYOR-COUNCIL Elected council performs policy-making functions. Elected mayor administers government with the advice and consent of the council.	AMENDED MAYOR-COUNCIL Elected council performs policy making functions. Elected mayor administers government with the advice and consent of the council.	No change.
POWERS	General government powers	General government powers	No change.
GOVERNING BODY	Council and mayor responsible for all legislative executive and administrative functions.	Council and mayor responsible for all legislative, executive, and administrative functions.	No change.
Size	3 council members elected from wards in partisan elections.	4 council members elected from wards in nonpartisan elections.	Add one (1) Council member. Elections to be conducted on a nonpartisan basis.
Term	Four-year overlapping terms	Same	No change.
Presiding Officer	Mayor	Mayor	No change.
CHIEF EXECUTIVE OFFICER	The mayor elected at-large on a partisan basis administers the government on a part time basis.	The mayor elected at-large on a nonpartisan basis administers the government on a part-time basis.	Mayor to be elected on a nonpartisan basis.
Powers and Duties	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	No change.
Appointment Powers	The mayor appoints department heads and members of boards and commissions with the consent of the council.	The mayor appoints department heads including the clerk-treasurer, and members of boards and commissions with the consent of the council.	No change.
Budget Preparation	Mayor prepares budget in cooperation with council and department heads.	Mayor prepares budget in cooperation with council and department heads.	No change.

CERTIFICATE C
ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE AMENDED PLAN OF GOVERNMENT SHALL BE
PRESENTED
TO THE ELECTORS OF THE
TOWN OF BAINVILLE

The amended plan of government proposed by the Local Government Study Commission shall be submitted to the voters of the Town of Bainville at a special election to be held with the general election on November 8, 2016.

We, the Study Commissioners of the Town of Bainville do hereby certify that this is the date of the special election approved by the Study Commissioners of Bainville.

In testimony whereof, we set our hands.

Done at Bainville Town Hall this ____ day of _____.

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

ATTEST: _____
Bainville TOWN CLERK

CERTIFICATE D

**ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 8, 2016 SPECIAL ELECTION**

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE AMENDED PLAN OF BAINVILLE TOWN GOVERNMENT

Proposed ballot language:

**THE TOWN OF BAINVILLE ELECTIONS ARE CURRENTLY HELD ON A
PARTISAN BASIS (I.E. DEMOCRAT, REPUBLICAN, INDEPENDENT,
CONSTITUTIONAL, ETC.). IT IS THE RECOMMENDATION OF THE TOWN
LOCAL GOVERNMENT STUDY COMMISSION THAT THE TOWN SHOULD
HOLD NON-PARTISAN ELECTIONS.**

LOCAL GOVERNMENT ELECTION

"VOTE FOR ONE"

☐ FOR adoption of the amendment to the existing plan of government to
provide for the nonpartisan election of the Mayor and members of the
Bainville Town Council, as proposed by the Bainville Local
Government Study Commission.

☐ FOR the existing plan of government with partisan election of the Mayor
and members of the Bainville Town Council.

THE TOWN OF BAINVILLE CURRENTLY HAS THREE (3) TOWN COUNCIL MEMBERS PLUS A MAYOR. IT IS THE RECOMMENDATION OF THE TOWN STUDY COMMISSION TO HAVE FOUR (4) TOWN COUNCIL MEMBERS PLUS A MAYOR.

SIZE OF LOCAL GOVERNMENT TOWN COUNCIL

“VOTE FOR ONE”

☐ FOR adoption of the amendment to the existing plan of government to provide for FOUR (4) town council member plus a mayor to the Bainville Town Council, as proposed by the Bainville Local Government Study Commission.

☐ FOR the existing plan of government with three (3) members of the Bainville Town Council plus a mayor.

SEAL

ATTEST: _____
Bainville TOWN CLERK

From: [Kent, Ashley](#)
To: [Nikki Rogers - CMC-CMMC](#); [Toby Romo](#)
Cc: [Clark, Daniel](#)
Subject: RE: LGSC--4th Member of Council
Date: Friday, December 16, 2022 11:37:19 AM

Hi Nikki,

As we are not attorneys and therefore not able to give legal advice, I would definitely check with the election administrator. Here are some thoughts to consider in preparation for that conversation:

The study commission, not the local government body, has the authority to propose an amendment or alternative form of government for placement on a ballot (see the highlighted case notes below under 7-3-187, MCA). Since the question was not placed on the ballot before the 2014-2016 study commission was statutorily dissolved there is currently no entity with the authority to propose the question, the body with the authority to place the question on the ballot no longer exists. The town cannot place the question on the ballot since it has not adopted a Charter or alternative form of government (7-3-103,MCA).

The study commission should have created a timetable that was published in the local newspaper, per 7-3-186, MCA, that would have included the date for an election on the question of adopting a new plan of government. The study commission would also have defined the date of the election in the final report that was submitted after the review was complete, consistent with the requirements of 7-3-187,MCA. In looking at the final report you included in the original email, I see the study commission did define a date for the election on page 3, "The question of adopting this amendment to plan of Town Government will be placed on the ballot November 8, 2016."

Based on our non-legal review of the statutes and the study commission's final report, we believe it would not be appropriate to try to add the question proposed by the 2014-2016 study commission to the ballot without the body that authorized the question and after the declared date of the election on the question. The options currently available to ask the voters if they would like to amend the plan of government to add an additional council member are either 1) engage in the voter review process again by petition or in the 2024-2026 cycle, or 2) place the question on the ballot by petition of the citizens.

I have included the referenced MCA statutes below for your review.

7-3-103. Amendment of self-government charter or adopted alternative form of government — proposed change in type of election — election. (1) An amendment to a self-government charter or an adopted alternative form of government may only be made by submitting the question of amendment to the electors of the local government as provided in 7-3-149. An amendment approved by the electors becomes effective on the first day of the local government fiscal year following the fiscal year of approval unless the question submitted to the electors provides otherwise.

(2) An amendment to a self-government charter or an adopted alternative form of government may be proposed by:

(a) petition as provided in 7-3-125;

(b) the local government by ordinance; or

(c) a study commission recommendation pursuant to 7-3-192.

(3) The local government, by ordinance, may provide procedures for the submission and verification of initiative petitions.

(4) The question to change the type of election held under an elected county official government provided for in 7-3-111 from being conducted on a partisan basis to being conducted on a nonpartisan basis or from being conducted on a nonpartisan basis to being conducted on a partisan basis may, by ordinance, be submitted to the electorate of the local government as provided in 7-3-149. A change to the type of election requires an affirmative vote of a simple majority of those voting on the question, pursuant to 7-3-149.

History: En. 47A-3-209 by Sec. 4, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-209; amd. Sec. 2, Ch. 319, L. 1993; amd. Sec. 7, Ch. 387, L. 1995; amd. Sec. 33, Ch. 49, L. 2015; amd. Sec. 1, Ch. 242, L. 2017; amd. Sec. 1, Ch. 345, L. 2019.

7-3-186. Study commission timetable. (1) Each local government study commission shall, within 90 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable must be published in a local newspaper of general circulation. The timetable may be revised, but each revision must be republished.

(2) The timetable must provide, at a minimum, the following provisions, to be accomplished chronologically in the order presented:

(a) conduct one or more public hearings for the purpose of gathering information regarding the current form, functions, and problems of local government;

(b) formulate, reproduce, and distribute a tentative report, containing the same categories of information required to be included in the final report;

(c) conduct one or more public hearings on the tentative report; and

(d) adopt the final report of the commission and set the date for an election on the question of adopting a new plan of government pursuant to 7-3-192 or, if the study commission is not recommending any changes, publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is adopted.

History: En. Sec. 18, Ch. 697, L. 1983; amd. Sec. 10, Ch. 387, L. 1995; amd. Sec. 46, Ch. 49, L. 2015.

7-3-187. Final report. (1) A study commission shall adopt a final report. If the study commission recommends an alteration of a local government, the final report must contain the following materials and documents, each signed by a majority of the study commission members:

(a) those materials and documents required of a petition proposing an alteration of a local government in 7-3-142;

(b) a certificate establishing the date of the election pursuant to 7-3-192 at which the alternative form of government or change in a plan of government is presented to the electors and a certificate establishing the form of the ballot question or questions; and

(c) a certificate establishing the dates of the first primary and general elections for officers of a new government if the proposal is approved and establishing the effective date of the proposal if approved.

(2) The final report must contain any minority report signed by members of the commission who do not support the majority proposal.

(3) If the study commission is not recommending any changes, its final report must indicate

that changes are not recommended.

(4) The study commission shall file two copies of the final report with the department of administration, one of which the department shall forward to the state library. A copy of the final report must be certified by the study commission to the municipal or county records administrator within 30 days after the adoption of the final report.

(5) Sufficient copies of the final report must be prepared for public distribution. The final report must be available to the electors not later than 30 days prior to the election on the issue of adopting the alternative form or plan of government. Copies of the final report may be distributed to electors or residents of the local government or governments affected.

(6) After submission of the final report, the commission shall deposit copies of its minutes and other records with the county clerk and recorder.

History: En. Sec. 19, Ch. 697, L. 1983; amd. Sec. 5, Ch. 435, L. 1985; amd. Sec. 11, Ch. 387, L. 1995; amd. Sec. 28, Ch. 483, L. 2001; amd. Sec. 17, Ch. 521, L. 2007; amd. Sec. 47, Ch. 49, L. 2015.

Case Notes:

Study Commission to Establish Election Date on Question of Amendments: A local government study commission, rather than a Board of County Commissioners, is authorized to call for and establish an election date on the question of amendments to the existing form of government proposed in the study commission's final report. (See 1995 amendment.) 41 A.G. Op. 44 (1986).

I hope this is helpful.

Thanks,
Ashley

Ashley Kent
Associate Director
Local Government Center
Montana State University Extension
406.994.6694

Montana State University Extension is an ADA/EO/AA/Veteran's Preference Employer and Provider of Educational Outreach

From: Nikki Rogers - CMC-CMMC <nrogers@townofbainville.com>
Sent: Friday, December 16, 2022 9:25 AM
To: Kent, Ashley <ashleykent@montana.edu>; Toby Romo <tromo@townofbainville.com>
Cc: Clark, Daniel <daniel.clark@montana.edu>
Subject: RE: LGSC--4th Member of Council

****External Sender****

Thank you Ashley!!

Do you know if there is a timeline for putting the change on the ballot ie. LGSC voted to do it in

November of 2016 and it still hasn't been to a vote? Or would this be a question for the election administrator?

Thanks again for all the information.

Nikki Rogers, CMC-CMMC

Town Clerk/Treasurer

Town of Bainville

PO Box 92

Bainville MT 59212

Email: nrogers@townofbainville.com (**New Email address please update your records**)

PH: (406) 769-2621

Fax: (406) 769-2622

www.townofbainville.com

All Town of Bainville emails are subject to the Right to Know provisions of Montana's Constitution (Art. II, Sect. 9) and may be considered a "public record" per Sect. 2-6-202 and Sect. 2-6-401, Montana Code Annotated. As such, this email, its sender and receiver, and the contents may be available for public disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information related to individual privacy may be protected from disclosure under law.

From: Kent, Ashley <ashleykent@montana.edu>

Sent: Friday, December 16, 2022 9:18 AM

To: Nikki Rogers - CMC-CMMC <nrogers@townofbainville.com>

Cc: Clark, Daniel <daniel.clark@montana.edu>

Subject: RE: LGSC--4th Member of Council

Hi Nikki,

Thanks for your question about the process to change the number of council members. As you know, we are not attorneys and provide information for educational purposes only. For interpretations of the law, please seek legal counsel. I am happy to share some information and references that will hopefully help answer your question. In Montana, a change to the plan or form of local government can only be done by a vote of the citizens of that jurisdiction. There are three ways in which the question can be placed on the ballot for a vote:

1. Local government voter review

A study commission, comprised on citizens of the jurisdiction, reviews the available alternatives and decides whether to propose an alternative to the existing form. If the study commission proposes an alternative, the local government must put it on the ballot for the citizens to vote on directly.

A vote to establish a study commission can be included on the ballot any time by petition of the electors or by resolution of the local government, or during the every-ten-year Local Government Voter Review cycle. Once a study commission is established, the study commissioners develop a timeline for their work, conduct the review, and provide a final report (with or without a proposed alternative). After they submit the report, the study commission dissolves.

The next scheduled Local Government Voter Review cycle will take place in 2024-2026. At that time (spring 2024 election) the Town of Bainville will need to ask the citizens if they wish to conduct a voter review of the town's form and plan of government. If they elect to establish a study commission, they group will be able to recommend a proposed alternative to be placed on the ballot no later than the November 2026 election.

7-3-173. Establishment of study commissions. (1) A study commission may be established by an affirmative vote of the people. An election on the question of conducting a local government review and establishing a study commission must be held if:

(a) the governing body of the local government unit calls for an election by resolution;

(b) a petition signed by at least 15% of the electors of the local government calling for an election is submitted to the governing body; or

(c) 10 years have elapsed since the electors voted on the question of conducting a local government review and establishing a study commission.

(2) The governing body shall call for an election on the question of conducting a local government review and establishing a study commission, as required by Article XI, section 9(2), of the Montana constitution, within 1 year after the 10-year period referred to in subsection (1)(c).

History: En. Sec. 3, Ch. 697, L. 1983; amd. Sec. 11, Ch. 130, L. 2005; amd. Sec. 41, Ch. 49, L. 2015.

7-3-192. Election on recommendation. (1) An alternative form or plan of government recommended by a study commission must be submitted to the voters in the same manner as provided in 7-3-149.

(2) Ballot requirements and treatment of suboptions on an alternative form or plan of government recommended by a study commission must be the same as for recommendations by petition as provided in 7-3-150 and 7-3-151.

History: En. Sec. 24, Ch. 697, L. 1983; amd. Sec. 7, Ch. 250, L. 1985; amd. Sec. 12, Ch. 387, L. 1995; amd. Sec. 18, Ch. 521, L. 2007; amd. Sec. 48, Ch. 49, L. 2015.

2. Ordinance by the council (if applicable)

As you can see in the highlighted text below, 7-3-103, MCA provides the option for local governments with a Charter or adopted alternative form of government to place the question to change the plan of government on the ballot by ordinance of the local government. However, if the town has never adopted an alternative form of government, this option is not available. It appears, from our records, the Town of Bainville has never adopted a Charter or an alternative form of government, so this option does not apply to your situation.

7-3-103. Amendment of self-government charter or adopted alternative form of government — proposed change in type of election — election. (1) An amendment to a self-government charter or an adopted alternative form of government may only be made by submitting the question of amendment to the electors of the local government as provided in 7-3-149. An amendment approved by the electors becomes effective on the first day of the local government fiscal year following the fiscal year of approval unless the question submitted to the electors provides otherwise.

(2) An amendment to a self-government charter or an adopted alternative form of government may be proposed by:

(a) petition as provided in 7-3-125;

(b) the local government by ordinance; or

(c) a study commission recommendation pursuant to 7-3-192.

(3) The local government, by ordinance, may provide procedures for the submission and verification of initiative petitions.

(4) The question to change the type of election held under an elected county official government provided for in 7-3-111 from being conducted on a partisan basis to being conducted on a nonpartisan basis or from being conducted on a nonpartisan basis to being conducted on a partisan basis may, by ordinance, be submitted to the electorate of the local government as provided in 7-3-149. A change to the type of election requires an affirmative vote of a simple majority of those voting on the question, pursuant to 7-3-149.

History: En. 47A-3-209 by Sec. 4, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-209; amd. Sec. 2, Ch. 319, L. 1993; amd. Sec. 7, Ch. 387, L. 1995; amd. Sec. 33, Ch. 49, L. 2015; amd. Sec. 1, Ch. 242, L. 2017; amd. Sec. 1, Ch. 345, L. 2019.

3. Petition by the citizens

If the citizens would like to propose a change without conducting a local government voter review, they can do so by petition. The petition must be signed by 15% of the electors of the local government who were registered at the last general election. If the petition requirements are met, the governing body must put the question to a vote of the citizens.

7-3-123. Alteration of existing forms of local government. An alteration of an existing form of local government may be proposed by a petition of the electors.

History: En. Sec. 3, Ch. 675, L. 1979.

7-3-125. Petition for alteration. (1) A petition for the alteration of an existing form of local government may be presented to the governing body of the local government. The petition must meet the requirements of 7-3-142 through 7-3-145.

(2) The petition must be signed by at least 15% of the electors of the local government registered at the last general election. Whenever county-municipal consolidation is proposed, the petition must be signed by at least 15% of the electors residing within the municipality or municipalities proposed to be consolidated and at least 15% of the electors residing in the remainder of the county.

History: En. Sec. 5, Ch. 675, L. 1979; amd. Sec. 36, Ch. 49, L. 2015.

7-3-142. Requirements for petition. A petition proposing an alteration of a local government must contain:

- (1) a certificate containing the plan of government of the existing form of local government;
- (2) a certificate containing the plan of government of the proposed new form of government or amendments to the existing plan;
- (3) a certificate containing the plan of apportionment of commissioner districts if districts are contained in the plan of government; and
- (4) a comparison of the existing form of government and plan of government and proposed form of government and plan of government, including, if desired, a statement of the strengths and weaknesses of the existing and proposed forms and plans of government, information that supports the adoption of the proposed form and plan, and information that supports retention of the present form and plan.

History: En. Sec. 7, Ch. 675, L. 1979; amd. Sec. 3, Ch. 521, L. 2007.

I hope this information is helpful. Let me know if you have any follow up questions.

Thanks,
Ashley

Ashley Kent
Associate Director
Local Government Center
Montana State University Extension
406.994.6694

Montana State University Extension is an ADA/EO/AA/Veteran's Preference Employer and Provider of Educational Outreach

From: Nikki Rogers - CMC-CMMC <nrogers@townofbainville.com>
Sent: Tuesday, December 13, 2022 3:43 PM
To: Kent, Ashley <ashleykent@montana.edu>
Subject: LGSC--4th Member of Council

****External Sender****

Ashley

As we discussed, could you please send me some info on adding a fourth member for Town Council?

Thanks,

Nikki Rogers, CMC-CMMC
Town Clerk/Treasurer
Town of Bainville

PO Box 92

Bainville MT 59212

Email: nrogers@townofbainville.com (**New Email address please update your records**)

PH: (406) 769-2621

Fax: (406) 769-2622

www.townofbainville.com

All Town of Bainville emails are subject to the Right to Know provisions of Montana's Constitution (Art. II, Sect. 9) and may be considered a "public record" per Sect. 2-6-202 and Sect. 2-6-401, Montana Code Annotated. As such, this email, its sender and receiver, and the contents may be available for public disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information related to individual privacy may be protected from disclosure under law.

Town of Bainville

Management's Discussion and Analysis (un-audited figures used)

Our discussion and analysis of the Town of Bainville's financial performance provides an overview of the Town's financial activities for the fiscal year ended June 30, 2022.

Financial Highlights

- The Town of Bainville used American Rescue Plan Act of 2021 funding to purchase and install a water meter for the Maintenance Shed to monitor the water flowing from Dry Prairie Rural Water.
- The town's total net position decreased from FY 20-21 to FY 21-22 by \$120,495 over the course of this year's operations.

Overview of the Financial Statements

The Town of Bainville's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. The statement of net position presents information on all the Town's assets and liabilities. The difference between assets and liabilities is reported as net position. Over time, increases and decreases in net position may provide an indication of whether the Town's financial position is improving or deteriorating. There was a decrease from FY 20-21 to FY 21-22 by \$120,495 in net position.

The statement of activities presents information reflecting how the Town's net position have changed during the fiscal year ending June 30, 2022. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of the related cash flows. Thus, revenue and expenses are reported in this statement for some items that will only result in cash flows in a future period.

The government wide financial statements distinguish functions into business type activities and governmental activities.

Business-type activities:

Business type activities include water, wastewater and solid waste collection. Consumers are billed on a monthly basis for these services. The rates for the water, sewer and solid waste remained as they were in FY 20-21 without an increase.

Governmental activities:

Most of the Town's basic services are reported here including but not limited to the finance office, Mayor, Council, Roads and Streets, Police, Fire, Parks and Recreation, Judicial system, Cemetery and Facilities administration. Property taxes, House Bill 124 reimbursement, licenses, franchise fees, intergovernmental revenue, fines and forfeitures and miscellaneous interest and investment earnings finance the majority of these activities.

Fund Financial Statements:

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town of Bainville, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All the funds for the Town of Bainville can be divided into three categories: governmental, proprietary and fiduciary funds.

Government Funds:

Governmental funds are used to report those same functions reported as government activities in the government-wide financial statements. However, unlike the government-wide statements, the fund financial statements are prepared on the modified accrual bases. Under the modified accrual basis of accounting, revenues are recognized when they become measurable and available, and expenditures are recognized when the related fund liability is incurred, with the exception of long-term debt and similar long-term items which are recorded when due. Therefore, the focus of the governmental fund financial statements is on near-term inflows and outflows of spendable resources as well as on the balance of spendable resources available at the end of the fiscal year.

The Town adopts an annual appropriated budget for all its governmental funds. There were two budget amendments in FY 22.

Some of the accounts within the General fund show a final account balance of percent committed being low compared to what was budgeted. This is due to the future Capital Improvement set aside budgeted for but not expended until the year of the actual expenditure. This in effect is a saving account for that portion of the Town's operations. With certain expenditures so unpredictable, based on the volatile utility and fuel costs, the Town has taken a pro-active approach and are budgeting for worst case scenario. We have been fortunate that the expenses have not been as high or exceeded what we budgeted for. The Town feels it is better to have an excess budgeted for, especially in these line items than to fall short.

Debt Service Funds – The Town currently has no SID's.

Proprietary Funds: The Town charges customers for services it provides. The Town of Bainville has three major services it provides to consumers. These services are for water, wastewater and solid waste. The solid waste fund, per the calculations, is not considered to be a major fund. However, the Town of Bainville chooses to report it as a major fund on its financials. The Town adopts an annual appropriated budget based on projected revenue and expenditures for all its proprietary funds.

Fiduciary Funds:

Fiduciary fund financial statements show assets, liabilities and where appropriate, changes in assets and liabilities for funds which the Town operates in a trust or agency capacity. Net positions of these funds are not available to the Town to satisfy Town obligations.

THE TOWN AS A WHOLE

Condensed financial information for the Town is outlined in the following Tables I through IV:

Comparative governmental assets and liabilities were as follow:

	2022	2021
Current Assets	\$303,200.00	\$262,366.00
Capital Assets-Net	\$ 72,204.00	\$ 85,591.00
Total Assets	\$375,404.00	\$347,957.00
Current Liabilities	\$ 52,146.00	\$ 10,281.00
Noncurrent Liabilities	\$ 2,977.00	\$ 2,853.00
Total Liabilities	\$ 55,123.00	\$ 13,134.00
Net Position		
Net Investment in Capital assets	\$ 72,204.00	\$ 85,591.00
Restricted net position	\$ 24,361.00	\$ 27,648.00
Unrestricted net position	\$223,715.00	\$221,584.00
Total net Position	\$320,281.00	\$334,823.00

As shown in Table I, for the year ended June 30, 2022 net position in governmental funds decreased \$14,542

Comparative business assets and liabilities were as follows:

	2022	2021
Current Assets	\$ 263,565.00	\$ 469,068.00
Capital Assets-Net	\$3,543,837.00	\$3,662,336.00
Noncurrent Assets	\$ 189,705.00	\$ 41,723.00
Total Assets	\$3,997,106.00	\$4,173,127.00
Current Liabilities	\$ 67,046.00	\$ 94,960.00
Noncurrent Liabilities	\$ 722,162.00	\$ 764,315.00
Total Liabilities	\$ 789,208.00	\$ 859,275.00
Net Position		
Net Investment in Capital assets	\$2,781,405.00	\$2,858,115.00
Restricted net position	\$ 189,705.00	\$ 41,723.00
Unrestricted net position	\$ 236,789.00	\$ 414,013.00
Total net Position	\$3,207,898.00	\$3,313,851.00

As shown in Table II, net position of business-type funds decreased by \$105,953.00 from 2021 to 2022.

Comparative governmental revenues and expenses were as follows:

	2022	2021
Revenues		
Program revenues:		
Charges for services, fines, licenses & permits	\$ 790.00	\$ 2,275.00
Operating grants and contributions	\$30,846.00	\$ 29,237.00
General Revenues:		
Property taxes	\$75,233.00	\$ 64,413.00
Licenses and permits	\$ 155.00	\$ 210.00
Unrestricted Federal/State shared revenue	\$ 64,523.00	\$ 62,431.00
Unrestricted investment earnings	\$ 153.00	\$ 2,537.00
Miscellaneous	\$ 892.00	\$ 1,224.00
Total Revenues	\$172,592.00	\$162,327.00
Expenses:		
General government	\$104,455.00	\$ 92,429.00
Public Safety	\$ 22,913.00	\$ 18,416.00
Public Works	\$ 54,860.00	\$ 70,685.00
Culture and recreation	\$ 2,616.00	\$ 5,989.00
Miscellaneous	\$ 2,290.00	\$ 903.00
Total Expenses	\$187,134.00	\$188,422.00
Changes in net position	\$ (14,542.00)	\$ (26,095.00)

As shown in Table III, net position decreased by \$11,553 from 2022 from prior year, due to an increase in revenue and a decrease in expenses.

Comparative business-type revenues and expenses were as follows:

	Table IV	
	2022	2021
Revenues		
Program revenues:		
Charges for services, fines, licenses & permits	\$256,311.00	\$239,585.00
Operating Grants	\$ 33,863.00	
General Revenues:		
Unrestricted Federal/State shared revenue		
Unrestricted investment earnings		
Miscellaneous		
Gain on sale of capital assets		
Total Revenues	\$290,174.00	\$239,585.00
Expenses:		
Water	\$247,597.00	\$215,579.00
Sewer	\$ 91,531.00	\$ 83,162.00
Solid Waste	\$ 60,599.00	\$ 58,170.00
Total Expenses	\$399,728.00	\$356,911.00
Changes in net position	\$(117,326.00)	\$(109,533.00)

As shown in Table IV, business-type receipts for water and sewer charges increase by \$7,793.00 during the 2022 year.

Financial Position:

The overall financial position of the Town of Bainville remains stable. The Cash Report at FYE showed a decrease in FY 21-22 when compared to FY 20-21 of \$50,282. This cements the philosophy of the council, through good fiscal management, even though the value of the mill continues to decline you can operate the Town effectively. This increase is declining as revenues decrease and expenses increase overall. There were no major changes in the overall financial position of the Town in FY 21-22.

Capital Assets and Debt Administration:

Capital Assets:

The Town's investment in capital assets for its governmental and business-type activities as of June 30, 2021 totals \$1,928,881 and as of June 30, 2022 totals \$1,890,475 (net of accumulated depreciations). The Town's capital investment includes land, buildings, improvements, machinery and equipment, infrastructure and construction in progress. The current year depreciation expense of capital assets is reported on the Statement of Activities in the various governmental and business-type expense functions.

No new additions were added to the capital assets for the General fund.

Additions to the capital assets for the business-type activities included the following:

- Water meter installation and water line fix at the Water Maintenance Shed in the amount of \$28,280.

Debt Administration:

The Water, Sewer and Solid Waste departments remained constant with no major changes.

Contacting the Town's Financial Management

This financial report is designed to provide our citizens, taxpayers, customers and investors and creditors with a general overview of the Town's finances and to show the Town's accountability for the funds and assets it receives. If you have questions about this report, or should you need additional financial information, contact Town Hall at 211 Clark Avenue East; Bainville, MT 59212, or phone (406) 769-2621.

RESOLUTION NUMBER XXX

A resolution of the Bainville Town Council to declare certain days to shoot fireworks within Town limits.

WHEREAS, on June 13, 2016 the Bainville Town Council passed an ordinance amending the following:

9.06.030 Unlawful to Shoot or Fire; Exceptions

It shall be unlawful for any person to shoot or fire any fireworks or other pyrotechnics within the town limits at any period of the year inclusive of each year or otherwise noticed by the Town Council, subject to state and county fire regulations; and

WHEREAS, in accordance with §50-37-106 MCA Sale of fireworks restricted to certain dates from December 29 through December 31; and

WHEREAS, Roosevelt County and the State of Montana do not currently have an open burning ban; and

NOW THEREFORE BE IT RESOLVED that Bainville Town Council declares sunset December 30, 2022 until 11:59 PM MDT January 1, 2023 the period to be able to shoot or fire any fireworks or other pyrotechnics in Town limits. If there is a County or State open burning ban in effect it will nullify and supersede this time period.

PASSED AND ADOPTED this 19th day of December, 2022.

ATTEST:

APPROVED:

Nikki Rogers, CMC CMMC
City Clerk

Toby Romo
Mayor

(SEAL)

RESOLUTION NUMBER XXX

A RESOLUTION SUPPORTING THE 2022 LEGISLATIVE RESOLUTIONS OF THE MONTANA LEAGUE OF CITIES AND TOWNS

WHEREAS, The Montana League of Cities and Towns (“League”) is a nonpartisan, nonprofit association of all 127 incorporated cities and towns of Montana. Since 1931, the League has provided technical support, research, and advocacy at the state and federal levels. Along with its strategic partners, the League is the clearinghouse through which Montana’s communities work cooperatively to build and maintain vibrant, healthy, and safe communities;

WHEREAS, on October 6, 2022, the League Board of Directors unanimously approved the 2022 Legislative Resolutions which guide the legislative goals and positions of the League; and

WHEREAS, the Town of Bainville desires to express its support for the League’s 2022 Legislative Resolutions and the principles expressed therein.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BAINVILLE, MONTANA:

Section 1. The Bainville Town Council hereby recognizes, concurs, and supports the principles expressed in the League’s 2022 Legislative Resolutions, listed in Exhibit “A” attached hereto and which can be accessed at <https://mtleague.org/2022-resolutions/>.

PASSED AND EFFECTIVE BY THE TOWN COUNCIL OF BAINVILLE, MONTANA, THIS ____ DAY OF DECEMBER, 2022.

**Toby Romo,
MAYOR**

ATTEST:

**Nikki Rogers, CMC-CMMC
Town Clerk**

EXHIBIT “A”

Resol.

Resolution 2022-1 General

Resolution 2022-2 Property Taxes

Resolution 2022-3 Housing

Resolution 2022-4 Land Use Environment

Resolution 2022-5 Infrastructure

Resolution 2022-6 Retirement Benefits

Resolution 2022-7 Support Natural Resource Communities

Resolution 2022-8 Support Public Safety

Resolution 2022-9 Support Military Operations

Resolution 2022-10 Building Code Reserve

Resolution 2022-11 Coronavirus