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**Formal Agenda
Bainville Town Council Meeting
Town Hall
211 Clark Avenue East
Monday, February 8, 2021 at 7:00 PM**

I. Call to Order

II. Pledge of Allegiance

III. Roll Call—Establish a quorum

___ Mayor, Dennis Portra

___ Councilman, Ron Butikofer

___ Councilman, Travis Wills

IV. Approve Agenda

V. Approval of Minutes dated January 19, 2021

[Recommended Motion: I move to approve the minutes dated January 19, 2021 as submitted/corrected.]

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

VII. Department or Committee Reports

A. Public Works Report:

- Purchase Mag Chloride

B. Roosevelt County Sheriff's Department Update

C. Court Report

D. Legal Issues

1. Discussion on a quiet title for the Dorothy Crawley property—Attorney Hennessy

E. Policy/Ordinance Review

F. Local Emergency Planning Committee

Next LEPC meeting: Cancelled

VIII. Old Business

A. Discussion on proposing a new survey to the Town

- Review Final Survey and Letter
- Timeline for responses

B. Discuss update on a medical marijuana dispensary.

IX. New Business

A. New Permits: None

B. Approve and authorize the Mayor to sign a new contract with Bowker Sanitation revising the term of the contract.

C. Select a new council President

- D. Discuss appointing a new council member to fill Chuck Hyatt's remaining term.
- E. Discuss a budget timeline for FY 21-22
- F. Discuss Summer Help Recruitment and Timeline
- G. Treasurer's Report:
 - Approve claims with checks dated February 9, 2021
 - Approve JV, UB Vouchers, and Payroll slips
 - Review delinquent accounts
 - Financial Update with Valli

X. Adjourn

Next Meeting will tentatively be March 8, 2021

Join us virtually:

Regular Town Council Meeting

Mon, Feb 8, 2021 7:00 PM - 9:00 PM (MST)

Please join my meeting from your computer, tablet or smartphone.

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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:

Nikki Rogers, CMC
Clerk-Treasurer

Dennis Portra
Mayor

Mayor, Dennis Portra
Town Clerk, Nikki Rogers, CMC
Ph: (406) 769-2621
Fax: (406) 769-2622

Town of Bainville

PO Box 92
Bainville, MT 59212
Townofbainville@live.com

Councilperson:
Travis Wills
Ron Butikofer

February 5, 2021

Dear Bainville Resident:

The Town of Bainville is conducting a needs survey and is seeking your help. By completing the enclosed questionnaire, you are guaranteed that the Council and I will hear the concerns and hopes shared by you and your neighbors. This survey will greatly help in securing future grants and is very important in developing a Town Capital Improvements Plan and update the Growth Policy.

The importance of your response cannot be overstated—it is extremely important. In fact, this survey, may help lead to grants in excess of \$500,000. But we need your response.

Please fill out the survey and return it to the office ***by March 31st***, 2021. If you have questions please call Nikki Rogers, Town Clerk, at 769-2621. Your time is appreciated, and **your response will be used in planning.**

All responses are numbered when tabulated Please help your community by speaking out now. Additional Comment boxes are at the end of each section. We welcome any and all comments!

Thank you!

Sincerely,

Bainville Town Council

Encl.

BAINVILLE COMMUNITY OPINION SURVEY
GENERAL

Using the grade: ((A = excellent, B=Good, C = average, D = below average, F = poor)

1. How would you grade Bainville as a place to live? A B C D F
2. How would you grade Roosevelt County? A B C D F
3. How would you grade sewer service? A B C D F
4. How would you grade local law enforcement? A B C D F
5. How many years have you lived in Bainville? _____ Years

6. What is the age of the head of household (check the appropriate box)

| | | |
|----------------|----------------|----------------|
| _____ 18 to 29 | _____ 30 to 39 | _____ 40 to 49 |
| _____ 50 to 59 | _____ 60 to 65 | _____ 66 to 70 |
| _____ 70 to 80 | _____ Over 80 | |

7. How much education has the head of household had? (check one box)

___ High School ___ Vocational Training ___ College ___ Graduate School

8. Does our public school system offer a quality educational program comparable to other public schools of similar size in Montana? _____ Yes _____ No

9. Are you satisfied with the quality of the following education programs?

| | | |
|--------------------|-----------|----------|
| General Education: | _____ Yes | _____ No |
|--------------------|-----------|----------|

Music: _____ Yes _____ No

Athletics: _____ Yes _____ No

10. Head of household is: _____ Male _____ Female

Additional Comments. Describe improvements you would or would not like to see in the Bainville area. Discuss any other County or Town related issues you would like the council and commissioners to consider or tell us what you like (recent improvements that went well) and don't like. Use additional paper if needed.

HOUSING---BAINVILLE AREA

11. Please indicate if you believe the condition of housing in Bainville is average, below average, or above average with respect to other housing in the Roosevelt County region.
_____ Below Average _____ Average _____ Above Average
12. Does the Town need additional subsidized low-cost housing for lower income families or senior citizens in the Bainville Area? _____ Yes _____ No
13. Should additional area rental housing units be provided? _____ Yes _____ No
14. Should the Town and/or County pursue a plan for elderly housing in the Bainville Area?
_____ Yes _____ No
15. Should the Town and/or County seek grant assistance for a project to provide elderly housing in the Bainville Area? _____ Yes _____ No
16. Please indicate if you feel your dwelling unit has any of the following (check as many as applicable):
- _____ Inadequate plumbing (leaks in water, sewer or gas piping).
- _____ Inadequate wiring (bare or exposed wires, lights dim when other appliances turn on, less than two outlets in each room, inoperable outlets, etc.).
- _____ Soot or smoke from fireplace or heater, kitchen stove, or fumes from furnace or heaters, etc.
- _____ Walls or ceilings with holes, falling plaster or peeling paint, or stains (unremovable or unpaintable), etc.
- _____ Cracked or missing window panes or plastic/cardboard in place of panes.
- _____ Doors or windows that stick or do not open.
- _____ Air leaks around windows or doors from cracks or other broken or missing parts.
- _____ Roof sags, has missing shingles or materials or needs patching or in any way allows water to drain into dwelling.
- _____ Cracked foundation.
- _____ Inadequate heating
- _____ Other (indicate) _____
17. If low interest loans or grants were available to improve your dwelling unit, and you were eligible for these, would you apply for this assistance? (Check one).
- _____ No, I do not own my dwelling unit _____ Yes, I would consider applying
- _____ No, I would not apply _____ No opinion
18. A. Are any members of your household physically or mentally disabled or handicapped?
_____ Yes _____ No

B. If you responded "yes" above, does your dwelling need any special modifications to improve access or living conditions for the handicapped person(s).

_____ Yes _____ No

19. How many people live in your residence? (include yourself)

_____ 1 _____ 2 _____ 3 _____ 4
_____ 5 _____ 6 _____ 7 _____ Greater than 7

20. Do you own or rent you residence? _____ Own _____ Rent

21. How old is your residence since original construction (approximately)? _____ Years

22. Should the Town adopt an ordinance prohibiting the parking of campers or recreational vehicles from parking on public roads? _____ Yes _____ No

23. Please check which health services are needed in Bainville (check as appropriate)?

_____ Women, infant and children programs _____ Convalescent Homes
_____ Nursing homes _____ Assisted Living Facilities
_____ Dentists _____ Visiting nurses
_____ Emergency Medical Technicians
_____ Specialty Physicians (which) _____

24. Do you feel improved alcohol and drug dependence programs should be implemented?
_____ Yes _____ No

25. What facilities require the most improvements or developments? Please put a 1 on what single item you feel is the highest priority, a 2 for the next highest and a 3 for the third highest

_____ Playground and Community Parks _____ Pedestrian/Bicycle Paths
_____ Ice Skating Rinks _____ Swimming Pool
_____ Basketball/Tennis Courts _____ Sports Playing Fields (type) _____
_____ Golf Courses _____ Camping Sites
_____ Picnic Areas and public rest rooms
_____ Sports Playing Fields (type) _____
_____ Other _____

26. Are the community's existing recreation opportunities adequate for the following age groups?

| | | | | | |
|-------------|---------|--------|--------------|---------|--------|
| Preschool | ___ Yes | ___ No | Elementary | ___ Yes | ___ No |
| High School | ___ Yes | ___ No | Young Adults | ___ Yes | ___ No |
| Seniors | ___ Yes | ___ No | Middle Age | ___ Yes | ___ No |

27. What additional recreation programs should be offered or organized?

28. Please check funding sources you feel should be considered for recreational facilities (check as many as you feel appropriate).

- Mill levy (property owners would pay)
- User fees (users of improvements would pay)
- Bank loans and/or revenue bonds
- Membership fee
- Additional fee paid by all residents
- Donations

Additional Comments. Describe improvements you would or would not like to see in the Bainville area. Discuss any other County or Town related issues you would like the council and commissioners to consider, or tell us what you like (recent improvements that went well) and don't like. Use additional paper if needed.

PUBLIC FACILITIES---BAINVILLE AREA

29. Please indicate what you feel should be the top 5 priorities for the Town to improve on. Please rank in the order with 1 being the top priority, and 5 being the fifth priority. Only Select 5 items to rank (mark the highest priority a 1, the next highest 2, etc., **(until you have marked 5 items)**).

- School - structural repairs
- School - quality of education
- Streets - road repairs
- Streets - town bypass
- Streets – railroad crossing or overpass
- Parks - open land
- Parks - ball fields (indicate type -- football, baseball, other)
- Parks – restrooms at existing park
- Parks - for ages 2-10, adding play equipment at the County Park
- Cemetery – Upkeep/Watering System
- Recreation - ice skating
- Recreation – swimming pool
- Recreation - handicap accessibility
- Recreation - teen activities
- Recreation - senior activities/senior center (improve or expand)
- Water System
- Wastewater - treatment capacity
- Health Care - general
- Health Care - senior care
- Housing - general senior
- Housing - general need for more
- Housing - need for more low-income
- Housing - need for apartments
- Need for Senior or Community Center
- Attracting New Business
- Sidewalks, Curb and Gutter
- Fire Protection System
- Animal Control
- Library
- Street Lights
- Police Protection
- Drug Control
- Storm Drainage
- Trash Pick-up and Disposal
- Other Utilities (indicate) _____
- Snow Removal
- Other _____

Additional Comments:

30. Do you feel the Town of Bainville should pursue a financial plan for funding any of the priorities checked: Yes No

31. Should the Town establish Impact Fees where developers would pay for expansion of facilities? Yes No

32. What types of Impact Fees would be appropriate? You may check more than one type.
 Water Sewer Parks Roads Emergency Services

33. How do you see the recent growth in the area?
 Great Good Necessary Bad

34. Does the Town need additional Stop signs? If so where (list up to three locations)?
 No, no new signs needed

Yes at: 1. _____
2. _____
3. _____

35. Which streets (if any) do you feel require the most attention for improvements?

36. Where would you like to see sidewalks placed or improved?

37. At what intersections would you like to see curb ramps used (for wheelchair access, and ease of walking)?

38. Please check funding sources you feel should be considered for water, sewer, roads and sidewalk improvements (check all or as many as you feel appropriate).

_____ Mill levy (property owners would pay)

_____ State and federal grants

_____ State and federal loans

_____ User fees (users of improvements would pay)

_____ Bank loans and/or revenue bonds

Additional Comments. Describe improvements you would or would not like to see in the Bainville area. Discuss any other County or Town related issues you would like the council and commissioners to consider, or tell us what you like (recent improvements that went well) and don't like. Use additional paper if needed.

ECONOMIC DEVELOPMENT—BAINVILLE AREA

39. Do you feel the Town should try to attract new businesses? _____ Yes _____ No

40. Should the Town or County use tax dollars to support additional business development in Bainville _____ Yes _____ No

41. What percentage of your family purchases are made in the Bainville community?

_____ Less than 50% _____ 50 to 75% _____ More than 75%

42. What additional commercial services are needed in our community? Please put a 1 on what single item you feel is the highest priority, a 2 for the next highest and a 3 for the third highest.

Family Restaurants Hardware Adult Clothing Shops
 Children's Clothing Shops Discount Stores Casinos
 Fast-Food Franchises Hotels Entertainment Establishments
 Other _____

43. Do you rent a room or a space to someone? Yes No

44. Do you feel the following kinds of financing are sufficiently provided by sources in the Bainville area? Please put in a "y" for yes and a "n" for no.

Mortgages Home Improvement Loans Business Loans

45. Are members in your household looking for work in the area? Yes No

a. if so how many? _____

46. Are more employment opportunities needed in the community? Yes No

47. Please specify the types of employment opportunities most desirable, placing a 1 on what single item you feel is the highest priority, a 2 for the next highest and a 3 for the third highest

Agricultural Product Processing (Meat, Feed) Heavy Industry
 Forest Product Processing (Lumber, Specialty Wood Products) Mining
 Light Manufacturing Construction
 Retail Trade Tourism
 Other _____

48. What economic development activities should be considered to promote new and existing industry? Check all activities you feel would be appropriate.

Issuing industrial development revenue bonds to help industries acquire land and Construct buildings, without a County-wide tax increase for local citizens
 Business Development and Management Assistance
 Lower Taxes for New Industry
 Offset training costs for new employees
 Tourism Promotion Programs
 Other (explain) _____

Where can a marijuana dispensary be located?

Montana dispensaries may not be located within a zone of a city, town, or county where activity related to medical marijuana use is prohibited. Additionally, dispensaries may not be located within 500 feet of any church, synagogue, or other place of worship, or of a school or post-secondary school.

From Casey Burke County Planner on Thu 9:20 AM:

Nikki,

I asked the Commissioners about county marijuana regulations, he said the county will follow the state regulations, each town can do their own regulations. Hope this helps.

Thanks,

Casey

From Casey Burke County Planner on Thu 10:32 AM:

Nikki,

Roosevelt County isn't zoned, we have a work force housing zoning regulations but that is it. The state would not dictate our zoning. The following link should take you to the state regulations: <https://dphhs.mt.gov/marijuana/rulesandregulations>

Bainville may have its own zoning regulations but I don't have any involvement in the enforcement of them and I would assume they would be filed in the city office. I apologize for not being more help but I can only speak for the county planning office.

Thanks,

Casey

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 46. USE OF MARIJUANA FOR DEBILITATING MEDICAL CONDITIONS

Part 3. Montana Medical Marijuana Act

50-46-301 Short title -- purpose

50-46-302 Definitions

50-46-303 Medical marijuana registry -- department responsibilities -- issuance of cards and licenses -- confidentiality

50-46-304 Department responsibility to monitor and assess medical marijuana production, testing, and sales -- license revocation

50-46-305 Canopy tiers -- requirements

50-46-306 reserved

50-46-307 Individuals with debilitating medical conditions -- requirements -- minors -- limitations

50-46-308 Provider types -- requirements -- limitations -- activities

50-46-309 Marijuana-infused products provider -- requirements -- allowable activities

50-46-310 Written certification -- accompanying statements

50-46-311 Testing laboratories -- licensing inspections

50-46-312 License as privilege -- criteria

50-46-313 Terminated

50-46-314 through 50-46-316 reserved

50-46-317 Registry card or license to be exhibited on demand -- photo identification required

50-46-318 Health care facility procedures for patients with marijuana for use

50-46-319 Legal protections -- allowable amounts

50-46-320 Limitations of act

50-46-321 through 50-46-325 reserved

50-46-326 Testing of marijuana and marijuana-infused products

50-46-327 Prohibitions on physician affiliation with providers and marijuana-infused products providers -- sanctions

50-46-328 Local government authority to regulate

50-46-329 Inspections -- procedures -- prohibition on inspector affiliation with licensees

50-46-330 Unlawful conduct by cardholders or licensees -- penalties

50-46-331 Fraudulent representation -- penalties

50-46-332 Confidentiality of registry information -- penalty

50-46-333 through 50-46-338 reserved

50-46-339 Law enforcement authority

50-46-340 Forfeiture

50-46-341 Advertising prohibited

50-46-342 Hotline

50-46-343 Legislative monitoring

50-46-344 Rulemaking authority -- fees

50-46-345 Medical marijuana state special revenue account -- operating reserve -- transfer of excess funds

50-46-346 Pain management education and treatment special revenue account
50-46-347 Provider licensing fees

Created by **LAWS** 

Solid Waste Disposal Contract

The city of Bainville awards the solid waste disposal contract to Allen and Melanie Bowker, dba, Bowker Enterprises, LLC for the following year(s): _____.

The above-named contractors agree that they will pick up and remove garbage from all family dwellings, residential buildings, and all commercial establishments. In the event that road conditions are impassable, they shall not be obligated to remove such garbage until conditions improve.

They will require the following details to be included in this contract:

1. The city will be responsible for keeping all roads and alleys passable.
2. All garbage containers need to remain in place or they will not be serviced.
3. Metal, tires, ashes, yard waste (including brush, tree branches, or grass clippings), or any items not allowed for disposal at the landfill will not be serviced.
4. Bowker Enterprises, LLC will supply the garbage containers.
5. Landfill charges will be paid for by Bowker Enterprises, LLC.
6. All dogs will be in an enclosed area or on a leash and be unable to reach the garbage pickup area.
7. Either party may request to revisit this contract at any time.
8. Residences and businesses will be serviced once a week.

The city of Bainville, agrees to pay the sum of **\$4,783.00** per month, subject to change due to increased operating costs or number of residents at any time and may be retroactive. Payment shall be made promptly following the regularly scheduled town council meeting.

It is agreed that the above is understood by both parties to govern and regulate the garbage disposal with the city of Bainville.

Dated this _____

Signed by: _____

Attest: _____

Contractor: _____

Allen and Melanie Bowker
Dba, Bowker Enterprises, LLC
5957 Road 1017
Culbertson, MT 59218
(406)787-7514

2.00 Elective and appointive officers

2.00.020 Qualifications. All elective and appointive officers shall possess the qualifications provided by law and the council shall have the power, at any time, to abolish any office, the appointment to which is made by the mayor, with the advice and consent of the council, and to discharge, at any time, any officer so appointed by a majority vote of the council; and it may consolidate any office, the appointment to which is made by the mayor, with the advice and consent of the council, and may require any elective or appointive officer to perform any duties of any officer whose office has been abolished , or the duties of any other office now or hereafter created.