



Bainville Town Council Meeting
City Office
211 Clark Ave. East
Monday November 14, 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 October 11, 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 October 2022.
- f. Review delinquent accounts.
- g. Approve claims with checks dated November 14, 2022 in the amount of \$35,481.37.
- h. Approve JVs and October Payroll slips in the amount of \$8,525.88.
- i. Approve voiding check #13451, 13453, and 13466 due to error in printing.
- j. Approve mayor & president of council to sign November payroll checks.

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

VIII. Department or Committee Reports

- a. Public Works/Fire Chief Report:
 - Report on Water Audit/water loss report
 - Report on Lead & Copper testing for DEQ. (test between June 1 to September 30)
 - Water Line Replacement Project Update.
 - Report on Asbestos waiver
- b. Local Emergency Planning Committee Update.
- c. Roosevelt County Sheriff's Department Update.
 - Citations
- d. Sewer Impact Fee Committee Report.
- e. Community Development committee report.
- f. Cemetery Advisory Committee Report.

IX. 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.

X. New Business

- a. Local Government Study Commission (2016) recommendation to have 4 council members & a mayor.
- b. Request by property owner to remove unusable sidewalks.
- c. Approval of Management Discussion and Analysis for FY2022.
- d. Discuss a fee to hook up to Sewer Service and Water Service.
- e. Appointment of committee member to Committee on Fire.
- f. **Resolution**—Adopt a resolution to approve Opportunity Bank of Montana and Edward D Jones signature resolution.
- g. Building Permits:
 - Fence permit – Christian Von Ruden, 511 Flynn Avenue East
 - Animal permit -Christian Von Ruden, 3 horses and 1 mule
- 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.

XI. Adjourn

Next Regular Meeting will be Monday, December 12, 2022, 7:00pm. Town Office

Regular Meeting Minutes of October 11, 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, Toby Romo, Nick Tester (via phone) and Will Rathbun. A **quorum** was established. Also present were Clerk, Nikki Rogers and Public Works Director, Lyle Lambert. Guests included: Darrel Rasmussen, Patti Malkuch, Jess Malkuch, David Norton.

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 September 12, 2022 as submitted. Will Rathbun seconded the motion. All voted in favor and motion carried.

Carol Rasmussen moved to approve the special meeting minutes dated September 26, 2022 as corrected. 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 September 2022. —*included*
- f. Review delinquent accounts.
- g. Approve claims with checks dated October 11, 2022 in the amount of ~~\$21,862.40~~ \$26,769.90.
Mayor and Council reviewed the claims. Will Rathbun moved to approve claims with checks dated October 11, 2022 in the amount of \$26,769.90. Carol Rasmussen seconded the motion. All voted in favor and motion carried.
- h. Approve JV and Payroll slips in the amount of ~~\$9,967.05~~ \$10,689.61.
Carol Rasmussen moved to approve JV and Payroll slips in the amount of \$10,689.61. Will Rathbun seconded the motion. All voted in favor and motion carried.
- i. Approve mayor to sign October payroll checks.
Will Rathbun moved to approve Mayor Romo to sign October payroll checks. Carol Rasmussen seconded the motion. All voted in favor and motion carried.
- j. Clerks report on MLCT Conference.
Clerk Rogers gave a report from the Montana League of Cities and Towns Conference held in Kalispell. She advised the Mayor and Council to attend the Conference at least once to network with fellow elected officials and various staff members from other towns. Next year the conference will be held in Helena. She provided a copy of the 11 resolutions from the League Board regarding the upcoming legislative session. She indicated the League recognized Jim Nugent, City of Missoula City Attorney, for the 2022 Alec Hansen Lifetime service award his service and knowledge. The keynote speaker was

Public Comment—None

Public Works/Fire Department Report

Lyle Lambert, Public Works, gave the following report:

- Report on Water Audit findings.
- He is working on the Hazard Mitigation Plan

- He is also working on a mutual aid agreement.
- The 4 Way stop signs have been installed at Rhea Ave. & Tubman St and Flynn Ave. & 1st St.
- Water Line Replacement Project Update—Jordan Mayer will be here on Friday to meet with the Mayor and staff.

Roosevelt County Sheriff's Report—None

Local Emergency Planning Committee—Chief Lyle Lambert did a presentation at the school.

Sewer Impact Fee Committee Report

Carol Rasmussen gave a report from the Sewer Impact Committee. She signed the corrected minutes and visited with Attorney Christoffersen. Ms. Christoffersen is drafting the 30 day letter to send out to the customers who paid the impact fee.

Public Hearing

Resolution— A resolution providing an amendment of the Fiscal Year 2021-2022 budget to acknowledge amending expenditures exceeding the original appropriations.

Clerk Rogers indicated this resolution will reduce the appropriations to balance the 2021-2022 budget. Carol Rasmussen moved to adopt a resolution providing an amendment of the Fiscal Year 2021-2022 budget to acknowledge amending expenditures exceeding the original appropriations. Nick Tester seconded the motion. All voted in favor and motion carried.

Old Business—None

New Business

A. Approve FY22 Annual Financial Report.

Mayor Romo presented the FY22 Annual Financial Report from Chet McLean. Clerk Rogers will submit the report to the state once the council approves the report. Will Rathbun moved to approve the FY22 Annual Financial Report. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

B. Approval of Management Discussion and Analysis for FY2022.—None

C. Appointment of committee member to Sewer Impact Fee Committee.

Carol Rasmussen moved to appoint Will Rathbun to the Sewer Impact Fee Committee to replace Matt Giese. Nick Tester seconded the motion. All voted in favor and motion carried.

D. Discuss the hook up fee for Sewer and Water

- Review the process of implementing a fee. Draft an Ordinance changing 4.02.040 Connection Fee in Sewer Connection Regulations and creating a similar section in the Water Regulations

E. **Resolution**—Adopt a resolution to cancel outstanding municipal warrants.

Clerk Rogers stated the resolution is to cancel outstanding municipal warrants or claims. Currently, the Town of Bainville has some outstanding checks in the amount of \$927.00 dating back to October of 2019. The process would send these check amounts to the Department of Revenue for collection. If the Town does not pass the resolution, then they will be liable for the amount for up to 7 years. Mayor Romo asked if these checks could be reissued to some of the check holders. Clerk Rogers indicated they can be reissued.

Will Rathbun moved to reissue checks to the following people:
Penny Hendrickson in the amount of 150.00
Ron Butikofer in the amount of \$30.00
Travis Wills in the amount of \$30.00
Dennis Portra in the amount of \$30.00

And cancel check and stop pay for VictoryStore.com in the amount of \$442.00 and cancel checks for Montana Department of Administration in the amount of \$275.00. Carol Rasmussen seconded the motion. All voted in favor and motion carried.

F. Building Permits:

1. Pat Wilson—Extension of Building Permit ~~325~~-326

Mayor Romo asked if there was a deadline on the permit. Clerk Rogers indicated she puts a year on the permits if they are building a structure and the past council has issued extensions at \$10.00 per permit. Mayor Romo will look at the policy. Council consensus was to agree to a one year extension of the permit.

G. Financial Report:

- a. FY22 Annual Financial Report by Chet McLean is completed.
- b. FY22 Budget has been turned into the state.
- c. FY23 Budget has been turned into the state on time.
- d. Bob Denning has sent a request for information for the FY2022 audit.

Mayor Romo moved to adjourn the meeting at 8:42 PM.

Attest:

Approved By:

Nikki Rogers, CMC
Clerk-Treasurer

Toby Romo
Mayor

For the Accounting Period: 10/22

Fund/Account	Beginning Balance	Received	Transfers In	Disbursed	Transfers Out	Ending Balance
1000 GENERAL						
101000 Cash - Operating	90,663.55	927.37	0.00	0.00	13,589.55	78,001.37
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	76,685.51	852.79	0.00	0.00	67.50	77,470.80
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	4,334.61	983.43	0.00	0.00	120.98	5,197.06
2821 Gas Tax--HB#473 BARSAA						
101000 Cash - Operating	1,758.79	15,692.66	0.00	0.00	753.62	16,697.83
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	-7,593.71	12,552.47	0.00	0.00	8,732.23	-3,773.47
102220 Cash - Restricted (Future	24,875.00	0.00	0.00	0.00	0.00	24,875.00
Total Fund	17,281.29	12,552.47	142.22	0.00	8,732.23	21,101.53
5310 SEWER						
101000 Cash - Operating	203,787.96	5,918.81	142.22	0.00	7,317.73	202,531.26
102220 Cash - Restricted (Future	16,848.31	0.00	0.00	0.00	0.00	16,848.31
Total Fund	220,636.27	5,918.81	142.22	0.00	7,317.73	219,379.57
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	0.00	0.00	0.00	0.00	147,981.50
5410 SOLID WASTE						
101000 Cash - Operating	3,230.06	4,457.62	145.98	0.00	5,331.20	2,502.46
7910 PAYROLL FUND						
101000 Cash - Operating	4,192.11	0.00	8,854.71	2,224.33	0.00	10,822.49
7930 CLAIMS FUND						
101000 Cash - Operating	2,000.00	0.00	26,769.90	2,808.00	0.00	25,961.90
Totals	661,094.24	41,385.15	35,912.81	5,032.33	35,912.81	697,447.06

*** 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.

Reconciliation for Bank Account 1ST COMMUNITY BANK -

Reconciliation Period 9/22

Account #		
Cash Account 101000	- Cash - Operating	
Cash Account 101025	- Cash - Sewer Impact Fees	
Cash Account 101030	- Cash - Sewer Impact Administrative Fees	
Cash Account 102000	- Cash/Cash Equivalents - Restricted	
Cash Account 102025	- Restricted Cash- Sewer Impact Fees	
Cash Account 102030	- Restricted Cash-Sewer Impact Admin Fees	
Cash Account 102110	- WATER OP. - CONSTRUCTION CASH	
Cash Account 102220	- Cash - Restricted (Future Payment)	
Cash Account 102240	- Cash - Replacement & Depreciation	
Cash Account 106000	- Valuation of Investments to Fair Value	
Balance from Bank Statement		659,353.69
Deposits in Transit		0.00
Outstanding Checks		-6,011.34
Other Cash Items		0.00
OS Payroll Liabilities		-180.77
Adjusted Bank Balance		653,161.58
General Ledger Balance		654,902.13
Manual Adjustments		1,404.00 - Rural Development Check 1404.00
		404.00 - SIT for Sept 404.00
		90.26 - Unemployment Ins for Sept 90.26
		-157.71 - Unknown at this time
Total Manual Adjustments		1,740.55
Difference		0.00
Total checks and other credit items cleared:		37,290.97
Total deposits and other debit items cleared:		40,771.87

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	7,789.40	35,893.59	77,300.00	77,300.00	41,406.41	46 %
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:	8,635.95	41,877.32	104,940.00	104,940.00	63,062.68	40 %
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	0.00	2,420.80	23,400.00	23,400.00	20,979.20	10 %
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:	544.56	4,915.79	33,800.00	33,800.00	28,884.21	15 %
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:	11,785.73	54,970.78	154,040.00	154,040.00	99,069.22	36 %

2230 Ambulance

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
420000 Public Safety	0.00	0.00	3,000.00	3,000.00	3,000.00	0 %
420000 Public Safety	0.00	0.00	3,000.00	3,000.00	3,000.00	0 %
Account Group Total:	0.00	0.00	3,000.00	3,000.00	3,000.00	0 %
Fund Total:						

2386 Oil Well Fund

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
510000 Miscellaneous	85.95	314.70	30,000.00	30,000.00	29,685.30	1 %
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:						

2810 POLICE RESERVE TRAINING

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
420000 Public Safety	0.00	1,200.00	3,100.00	3,100.00	1,900.00	39 %
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	2,630.63	2,799.59	11,800.00	11,800.00	9,000.41	24 %
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:					9,000.41	24 %

2821 Gas Tax--HB#473 BARSAA

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available 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:					14,602.42	10 %

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	0.00	6,131.84	3,500.00	3,500.00	-2,631.84	175 %
Account Group Total:	5,660.68	35,325.79	74,600.00	74,600.00	39,274.21	47 %
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:	5,660.68	59,313.29	122,600.00	122,600.00	63,286.71	48 %

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 & Transmission	895.56	20,829.96	44,900.00	44,900.00	24,070.04	46 %
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:	7,247.39	30,292.93	88,150.00	88,150.00	57,857.07	34 %
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:	8,651.39	37,312.93	105,000.00	105,000.00	67,687.07	36 %

5410 SOLID WASTE

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works	5,363.28	21,898.60	64,400.00	64,400.00	42,501.40	34 %
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:					42,501.40	34 %
Grand Total:	34,524.37	179,507.47	510,240.00	510,240.00	330,732.53	35 %

Fund	Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
1000	GENERAL					
310000	TAXES					
311010	Real Property Taxes	0.00	11,187.16	71,088.00	59,900.84	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	0.00	1,253.78	3,832.00	2,578.22	33 %
	Account Group Total:	0.00	14,166.95	80,718.00	66,551.05	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	0.00	16.31	500.00	483.69	3 %
371020	Gain or loss in Fair Value of investments	0.00	-2,592.22	2,500.00	5,092.22	** %
	Account Group Total:	0.00	-2,575.91	3,000.00	5,575.91	-86 %
	Fund Total:	0.00	27,611.55	147,454.00	119,842.45	19 %
2230	Ambulance					
360000	Miscellaneous Revenue	0.00	0.00	500.00	500.00	0 %
365000	Contributions and Donations	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 %

Fund	Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
2386	Oil Well Fund					
370000	Investment and Royalty Earnings	0.00	3,276.96	5,000.00	1,723.04	66 %
372010	Oil Royalties	0.00	3,276.96	5,000.00	1,723.04	66 %
	Account Group Total:					
	Fund Total:	0.00	3,276.96	5,000.00	1,723.04	66 %
2810	POLICE RESERVE TRAINING					
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					
330000	INTERGOVERNMENTAL REVENUES					
335040	Gasoline Tax Apportionment	0.00	3,933.67	11,800.00	7,866.33	33 %
335065	Oil & Gas Production Tax	0.00	1,432.35	500.00	-932.35	286 %
	Account Group Total:	0.00	5,366.02	12,300.00	6,933.98	44 %
	Fund Total:	0.00	5,366.02	12,300.00	6,933.98	44 %
2821	Gas Tax--HB#473 BARSAA					
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					
340000	Charges for Services					
343021	Metered Water Sales	0.00	50,731.28	126,600.00	75,868.72	40 %
343023	Bulk and Irrigation Water Sales	0.00	35.00	0.00	-35.00	** %
	Account Group Total:	0.00	50,766.28	126,600.00	75,833.72	40 %
	Fund Total:	0.00	50,766.28	126,600.00	75,833.72	40 %

Fund	Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
5310 SEWER						
340000	Charges for Services					
343031	Sewer Service Charges	0.00	26,507.05	75,300.00	48,792.95	35 %
	Account Group Total:	0.00	26,507.05	75,300.00	48,792.95	35 %
	Fund Total:	0.00	26,507.05	75,300.00	48,792.95	35 %
5410 SOLID WASTE						
340000	Charges for Services					
343041	Garbage Collection Charges	0.00	19,770.00	60,300.00	40,530.00	33 %
	Account Group Total:	0.00	19,770.00	60,300.00	40,530.00	33 %
	Fund Total:	0.00	19,770.00	60,300.00	40,530.00	33 %
	Grand Total:	0.00	148,990.52	444,404.00	295,413.48	34 %

UTILITY BILLING SYSTEM Report ID: 1014 TOWN OF BAINVILLE
 ACCOUNTS RECEIVABLE SUMMARY For AP-Year 10-2022 20:23:12 - 11/10/2022

Service	Fund	Old Balance	Billings	Payments	Autodistribute	Adjustments	Other	New Balance
WATER	5210	46020.13	10852.45	12198.37	-360.07		0.00	44314.14
SEWER	5310	27833.87	6618.46	5918.81	-142.22		0.00	28391.30
GARBAGE	5410	8988.33	4980.00	4457.62	-145.98		-25.00	9339.73
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	-1114.80	0.00	354.10	648.27		0.00	-820.63
Grand Totals by Service:		81727.53	22450.91	22928.90	0.00		-25.00	81224.54
Grand Total by Fund:		Old Balance	New Balance					
5210		44905.33	43493.51					
5310		27833.87	28391.30					
5410		8988.33	9339.73					

For dates posted from 10/12/22 to 11/11/22, 1ST COMMUNITY BANK
* ... Over spent expenditure

Claim/	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
6133	Fuel Fleet HD	76 BAINVILLE VOLUNTEER FIRE		14.28						
	157001924	10/25/22 Reimbursement Fuel Fleet		14.28			1000 420440	360		101000
		Total for Vendor:		14.28						
6113	Bowker Sanitation,	22 Bowker Enterprises, LLC		197.64						
	5383 11/05/22	Fuel Surcharge		197.64			5410 430830	350		101000
		Total for Vendor:		5,165.64						
6125	Bowker Sanitation,	22 Bowker Enterprises, LLC		5,165.64						
	October22 11/14/22	city garbage collection, October 2022		5,165.64			5410 430830	350		101000
		Total for Vendor:		5,363.28						
6122	Councilperson;	366 Carol Rasmussen		30.00						
	October22 11/14/22	January 1, 2022 to December 31, 2023;		30.00			1000 410100	350		101000
		Total for Vendor:		30.00						
6127	Notice of Public	334 Community News		48.00						
	2022-20773 09/30/22	hearing--Budget		22.00			1000 410500	330		101000
	2022-22438 09/30/22	Legal Ads		26.00			1000 410500	330		101000
		Total for Vendor:		48.00						
6128	Custom Lawn &	223 Custom Lawn & Landscape		80.00						
	October22 10/31/22	winterize Simard Park sprinklers,		80.00*			1000 460400	200		101000
		Total for Vendor:		80.00						
6115	Dry Prairie Rural	14 Dry Prairie Rural Water		5,434.99						
	October22 11/14/22	City Water Supply, October 2022		5,434.99			5210 430530	340		101000
		Total for Vendor:		5,434.99						

For dates posted from 10/12/22 to 11/11/22, 1ST COMMUNITY BANK
* ... Over spent expenditure

Claim/	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
6135		238 Nikki Rogers Postage for Lead and Copper Test and Phosphate Test October22 11/02/22 Postage Reimbursement		149.15 149.15			5210 430510	310		101000
6136		238 Nikki Rogers Adobe Subscription Renewal-Town doesn't have Credit Card 2301745974 11/04/22 Adobe Reimbursement		287.88 287.88			1000 410500	330		101000
		Total for Vendor:		437.03						
6110		216 Oasis Petroleum North America Oasis Oil owner production costs 6530/2022, \$85.95 invoice S2022101000731 101000731 11/03/22 OasisOilproductioncost 10/2		85.95 85.95			2386 510300	300		101000
		Total for Vendor:		85.95						
6137		260 ODP Business Solutions, LLC Envelopes, Paper Clips, Folders 2722009460 10/21/22 Office Supplies		109.47 109.47			1000 410500	200		101000
6138		260 ODP Business Solutions, LLC Stamp 2722018220 10/21/22 Office Supplies		11.99 11.99			1000 410500	200		101000
		Total for Vendor:		121.46						
6112		84 PENNY HENDRICKSON City judge & clerk, October 2022, Penny Hendrickson October22 11/14/22 CityJudge & Clerk 10/22		150.00 150.00			1000 410363	350		101000
		Total for Vendor:		150.00						
6111		2 Roosevelt County Roosevelt County Sheriff contract, October 2022 October22 11/14/22 Roos Co Sheriff Contract 10		833.33 833.33			1000 420100	300		101000
		Total for Vendor:		833.33						

For dates posted from 10/12/22 to 11/11/22, 1ST COMMUNITY BANK
* ... Over spent expenditure

Claim/	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash
6118		305 Roosevelt County Attorney County Attorney Services for the Town of Bainville; October22 11/14/22 Attorney Services Oct 2022		500.00 500.00 500.00			1000		411130	350		101000
6114	E	53 Rural Development USDA Rural Development sewer loan payments, October 2022 October22 11/14/22 sewerloan10/22RuralDevelop		1,404.00 1,404.00 1,404.00			5310		490000	610		101000
6139		243 S.Y.N.C.B./Amazon Stop Signs for Tubman and Rhea & First and Flynn Intersections, 4795849688 09/15/22 Sign Posts 6786453746 09/15/22 Sign Posts 5359874486 09/19/22 Restricted Area Sign		346.71 182.75* 124.01* 39.95* 346.71			2821 2821 2821		430200 430200 430200	360 360 360		101000 101000 101000
6141		68 SEITZ INSURANCE AGENCY SEITZ INSURANCE - 2022-2023 Commercial property- office, water treatment; Inland Marine-Bobcat,backhoe,JD tractor; Business Auto - fire truck,trailer COMMERCIAL		13,438.00								
INS.		4777 11/01/22 SEITZ INS. 2022-23 INS PROP 4777 11/01/22 SEITZ INS. 2022-23 INS PROP 4777 11/01/22 SEITZ INS. 2022-23 INS PROP 4777 11/01/22 SEITZ INS. 2022-23 INS PROP		6,191.00* 2,225.00 1,620.00* 3,402.00* 13,438.00			1000 2820 1000 5310		410500 430200 420440 430610	510 510 510 510		101000 101000 101000 101000
6123		364 Toby Romo Mayor January 2022 - December 2025; October 2022 October22 11/14/22 Mayor T Romo 10/22		30.00 30.00 30.00			1000		410100	350		101000
6140		353 Tractor & Equipment Co. Generator Repair--Eng Low Oil Pressure WLW0012569 10/18/22 Generator Repairs		2,860.88 2,860.88* 2,860.88			5310		430640	360		101000

Fund/Account	Amount
1000 GENERAL	
101000 Cash - Operating	\$11,785.73
2386 Oil Well Fund	
101000 Cash - Operating	\$85.95
2820 GAS TAX	
101000 Cash - Operating	\$2,630.63
2821 Gas Tax--HB#473 BARSAA	
101000 Cash - Operating	\$346.71
5210 WATER	
101000 Cash - Operating	\$5,660.68
5310 SEWER	
101000 Cash - Operating	\$8,651.39
5410 SOLID WASTE	
101000 Cash - Operating	\$5,363.28
Total:	\$34,524.37

11/11/22
10:51:48

TOWN OF BAINVILLE
Claim Approval Signature Page
For the Accounting Period: 11 / 22

Page: 8 of 8
Report ID: AP100A

Claims were approved on November 14, 2022 by Town Council:

Claims

Check #	Type	Vendor/Employee/Payee Number/Name	Check Amount	Period	Date Issued	CL #/Payroll	Notes
-99805	E	53 Rural Development	1404.00	11/22	11/11/22	CL 6114	1404.00
13433	SC	84 PENNY HENDRICKSON	150.00	10/19	11/11/22	CL 4981	150.00
13434	SC	315 Ron Butikofer	30.00	2/20	11/11/22	CL 5107	30.00
13435	SC	341 Travis Wills	30.00	9/20	11/11/22	CL 5327	30.00
13436	SC	5 Dennis Portra	30.00	3/21	11/11/22	CL 5491	30.00
13437	SC	76 BAINVILLE VOLUNTEER FIRE DEPARTME	14.28	11/22	11/14/22	CL 6133	14.28
13438	SC	22 Bowker Enterprises, LLC	5363.28	11/22	11/14/22	CL 6113	197.64 5165.64
13439	SC	366 Carol Rasmussen	30.00	11/22	11/14/22	CL 6122	30.00
13440	SC	334 Community News	48.00	11/22	11/14/22	CL 6127	48.00
13441	SC	223 Custom Lawn & Landscape	80.00	11/22	11/14/22	CL 6128	80.00
13442	SC	14 Dry Prairie Rural Water	5434.99	11/22	11/14/22	CL 6115	5434.99
13443	SC	347 Ecolab Pest Elimination Division	256.55	11/22	11/14/22	CL 6121	131.55 125.00
13444	SC	6 Energy Laboratories	52.00	11/22	11/14/22	CL 6108	52.00
13445	SC	38 Finnicum's	53.88	11/22	11/14/22	CL 6131	53.88
13446	SC	357 First Call Computer Solutions, In	864.00	11/22	11/14/22	CL 6130	864.00
13447	SC	379 Ironhide Equipment Inc.	229.50	11/22	11/14/22	CL 6132	229.50
13448	SC	212 Lower Yellowstone Rural Electric	42.00	11/22	11/14/22	CL 6109	42.00
13449	SC	198 Lyle Lambert	30.00	11/22	11/14/22	CL 6116	30.00
13450	SC	28 Miller Oil Co.	186.00	11/22	11/14/22	CL 6134	186.00
13451	SC	153 MONTANA DEPT OF ADMIN/LOC.SVC.BUR	110.00	11/22	11/14/22	CL 5744	110.00
13452	SC	119 MONTANA-DAKOTA UTILITIES CO.	863.69	11/22	11/14/22	CL 6117	863.69
13453	SC	154 MT Department of Administration,	165.00	11/22	11/14/22	CL 5566	165.00
13454	SC	11 Nemont	223.18	11/22	11/14/22	CL 6120	223.18
13455	SC	365 Nick Tester	30.00	11/22	11/14/22	CL 6124	30.00
13456	SC	238 Nikki Rogers	437.03	11/22	11/14/22	CL 6135	149.15 287.88
13457	SC	216 Oasis Petroleum North America LLC	85.95	11/22	11/14/22	CL 6110	85.95
13458	SC	260 ODP Business Solutions, LLC	121.46	11/22	11/14/22	CL 6137	109.47 11.99
13459	SC	84 PENNY HENDRICKSON	150.00	11/22	11/14/22	CL 6112	150.00
13460	SC	2 Roosevelt County	833.33	11/22	11/14/22	CL 6111	833.33
13461	SC	305 Roosevelt County Attorney	500.00	11/22	11/14/22	CL 6118	500.00
13462	SC	243 S.Y.N.C.B./Amazon	346.71	11/22	11/14/22	CL 6139	346.71
13463	SC	68 SEITZ INSURANCE AGENCY	13438.00	11/22	11/14/22	CL 6141	13438.00
13464	SC	364 Toby Romo	30.00	11/22	11/14/22	CL 6123	30.00
13465	SC	353 Tractor & Equipment Co.	2860.88	11/22	11/14/22	CL 6140	2860.88
13466	SC	345 VictoryStore.com	442.00	11/22	11/14/22	CL 5242	442.00
13467	SC	326 WEX Bank	485.66	11/22	11/14/22	CL 6119	485.66
13468	SC	377 William Rathbun	30.00	11/22	11/14/22	CL 6126	30.00

Claims Total # of Checks: 37

Total: 35481.37

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 #	Type	Vendor/Employee/Payee Number/Name	Check Amount	Period	Date Issued	CL #/Payroll	Notes
-89770	P	FIT	1863.33	10/22	10/31/22		
-89769	P	SIT	361.00	10/22	10/31/22		
13430	P	4 Dan Lambert	2240.68	10/22	10/31/22		
13431	P	5 Lyle Lambert	1467.53	10/22	10/31/22		
13432	P	11 Nikki Rogers	2593.34	10/22	10/31/22		
Payroll Total # of Checks:			Total:	8525.88			
Grand Total # of Checks:			Total:	44007.25			

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)

**Cemetery Advisory Committee
Town Hall
211 Clark Avenue East
November 1, 2022 7:00 PM**

The Cemetery Advisory Committee met on November 1, 2022 at 7:00 PM. Members present were: Nikki Rogers, Mary Lambert and Kirk Panasuk. Mayor Toby Romo was absent.

The agenda was approved as submitted.

No public was in attendance.

Nikki Rogers presented the other members with the most current copy of the Bainville Town Code Title 6 Cemetery, a spreadsheet of who is currently buried in the cemetery, and some information from other towns regarding their costs of burial lots in their cemetery.

The committee discussed the current cost of lots in the cemetery which are \$50.00 per 16' X 16' lot. A suggestion was made to look into raising the rates.

The committee discussed the recent trash and construction debris in the cemetery. Ms. Rogers asked for some suggestions on possible enforcement.

The committee discussed what kind of improvements they would like to see done to the cemetery. A few suggestions were:

1. New fencing around the perimeter of the cemetery to include the newly platted portion.
2. Kiosk with three sections for burial maps with names in the cemetery.
3. Maintenance on the shed door.
4. Bring awareness and enforce the platted roads so graves are not being driven over. The platted roads run East and West not North and South.

The meeting was adjourned at 7:52 PM.

Respectfully submitted,

Nikki Rogers

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 AND SET A PUBLIC HEARING ON DECEMBER 12, 2022.

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 ___ day of ___ 2022, by a vote of ___ Ayes, ___ Nays, ___ Abstain, and ___ 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

August 8, 2016 Regular Meeting Minutes:

A. Update from the Local Government Study Commission—John Gilligan

1. Set a public hearing on or before August 22, 2016.
2. Measure gets submitted to the County Election office by August 24, 2016.

John Gilligan presented a draft of the Local Government Study Commission final report. He stated the commission needs to meet and finalize the report. The council has some questions regarding the language and some minor report clean up.

Scott Ross moved to set a public hearing on August 22, 2016 to hear the final report from the Local Government Study Commission. Mandy Hickel seconded the motion. All voted in favor and motion carried.

The meeting will be held at the City Office on August 22, 2016 at 8:00 PM

Special Meeting Minutes of August 22, 2016—*attached*

September 12, 2016 Regular Meeting Minutes

B. Update on the Local Government Study Commission final report.

Clerk Rogers updated the council regarding the possibility of putting ballot measures on the upcoming ballot for this election. It is too late to put the measures on ballot.

**Special Meeting Minutes of August 22, 2016
Bainville Town Council**

The special meeting of the Bainville Town Council was called to order at 8:00 p.m. by President Matt Giese at the Bainville Town Hall. Present were: Matt Giese, Mandy Hickel, Scott Ross, Mayor Dennis Portra entered at 8:20PM. A **quorum** was established. Also present were Clerk, Nikki Rogers; City Attorney, Greg Hennessey. Public Works Director, Lyle Lambert was absent. Guests included: Jassen Picard and John Gilligan.

Scott Ross moved to approve the agenda as submitted. Mandy Hickel seconded the motion. All voted in favor and motion carried.

Minutes dated August 8, 2016 will be submitted at a later date.

Public Comment--None

Public Hearing

1. Public hearing on Local Government Study Commission's Final Report.

- Measure gets submitted to the County Election office by August 24, 2016.

Town Attorney Hennessey stated he had some problems with the Local Government Study Commission's final report. Some of the problems he pointed out were the following:

- Date of the Statutory requirements
- Minutes from the meetings were missing
- Comparison Certificate
- It looks like the Clerk-Treasurer position is defined as an elected position
- Would like to know who suggested adding another councilperson

The council discussed the final report at length with the chairperson of the Local Government Study Commission.

Scott Ross moved to reject the LGSC final report. Mandy Hickel seconded the motion. All voted in favor and motion carried.

Mayor Portra suggested checking with the County Elections office to find out what needs to be done in order to put ballot measures on the ballot. Clerk Rogers will contact the county elections administrator.

New Business-None

Scott Ross moved to adjourn the meeting at 9:15 PM. Mandy Hickel seconded motion. All voted in favor and motion carried.

Attest:

Approved By:

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

/s/Dennis Portra
Dennis Portra
Mayor

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:
Matt Giese, Scott Ross
Mandy Hickel

January 12, 2017

Montana State University

Local Government Center
Dan Clark
P.O. Box 170535
Bozeman, MT 59717-0535

Re: Local Government Study Review

Dear Dan;

As you know by working with the Town of Bainville and John Gilligan, chair of the Local Government Study Review Commission, I have attached the Final Report from the Commission. I feel there was several miscommunications on the count of all parties regarding the process of the commission.

The Bainville Town Council held a special meeting on August 22, 2016 to hold a final public hearing on the Local Government Study Commission's Final Report. In this report, the commission recommended adding an additional councilperson to the body and the mayor and council shall be elected on a nonpartisan basis. In review of the final report, Town Attorney Hennessy stated he found issues with the report and asked for the commission to provide minutes for their meeting. To this day, I have yet to receive any minutes from any of the study commission meetings. The council discussed the report at length and moved to reject the report. I was given the advice by you the council did not have to approve/reject the report and I needed to submit the ballot issue to the elections administrator. I then called the elections administrator for Roosevelt County and found out it was too late in submitting any proposal as it was passed the deadline which was sent to them by the Secretary of State's office.

I am unsure of where this report goes but would like to attach this letter to the report letting everyone know why there was not a ballot issue. If you have any questions, please feel free to call me at the office (406) 769-2621.

Thanks,



Nikki Rogers, CMC
Clerk-Treasurer
Town of Bainville

CC: File

BAINVILLE LOCAL GOVERNMENT STUDY COMMISSION FINAL REPORT

To the Citizens of THE TOWN OF BAINVILLE:

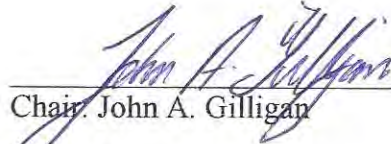
The Town of Bainville Local Government Review Study Commission elected by the voters on November 4, 2014 or thereafter appointed present this final report to the citizens of this county.

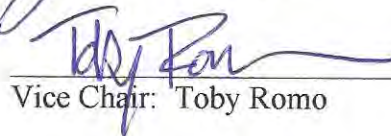
The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our county government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". If some change is deemed necessary, the study commission may submit such proposed change to the electors.

In the conduct of their review the study commission has sought advice and information from a number of people in the county. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Public hearings were held to determine citizen opinion.

As a result of discussions held with the people and groups mentioned the Bainville Local Government Study Commission has concluded that there is general consensus that while the existing county commission form of government has served this county well there are a few changes needed to continuing to serve the citizens of this fine community. We therefore recommend the following changes in the form of government.

Respectfully submitted,


Chair: John A. Gilligan


Vice Chair: Toby Romo


Member: Melissa Brown

Town of Bainville Local Government Study Commission

FINAL REPORT

TABLE OF CONTENTS

I. LETTER TO THE CITIZENS OF THE TOWN OF BAINVILL

II. REPORT SUMMARY

- A. Findings of the Study Commission
- B. Key Provision of the Proposed Amendment

III. COMPARISON OF THE EXISTING PLAN OF GOVERNMENT AND THE PROPOSED PLAN OF GOVERNMENT

- A. Existing Plan- Description of General Characteristics
- B. Proposed Plan - Description of General Characteristics
- C. Comparison of Specific Characteristics
- D. Recommendations and Reasons

IV. APPENDIX

- Exhibit A: Certificate of the existing plan of Town government
- Exhibit B: Certificate of the proposed plan of Town government
- Exhibit C: Certificate establishing election date
- Exhibit D: Certificate establishing form of the ballot

I. LETTER TO THE CITIZENS OF TOWN OF BAINVILLE

To the Citizens of Bainville:

The Town of Bainville Local Government Study Commission elected by the voters on November 4, 2014, or thereafter appointed, present this final report to you, the citizens of Bainville.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of the study it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the Town as possible. Opinions and recommendations were solicited from Town officials, community organizations and citizens. All meetings of the study commission were open to the public. Commission members appeared before various community organizations to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of those present. Public hearings were held; a survey of citizen attitudes was made.

Our recommendations reflect the thoughts and opinions of those who participated in public hearings, those who attended our regular meetings, and those who responded to a survey, in addition to the independent efforts of this study commission.

In this final report, with no minority report, we present our unanimous recommendation for an amendment to present the plan of government providing for *an additional councilperson and that the mayor and councilpersons be elected on a nonpartisan basis* to the Town Council. We propose no other change to the present plan of Town Government.

The question of adopting this amendment to plan of Town Government will be placed on the ballot November 8, 2016.

Respectfully submitted

Bainville Local Government Study Commissioners

II. REPORT SUMMARY

1. Findings of The Study Commission:

After a thorough study of the Town government including extensive interviews with the Mayor and some Council members, and discussions with numerous citizens before, during and after a public hearing attended by several citizens, the Study Commission found that:

- (1) An election of an additional councilperson to the existing council would be beneficial to the Town. Thus bringing the total to four (4) councilpersons and a Mayor.

- (2) Mayor and councilpersons to be elected on a nonpartisan basis.

2. Recommendation:

In view of the above findings, the Study Commission recommends that the Plan of the Town of Bainville be amended to provide for an additional councilperson. Also, the mayor and councilpersons shall be elected on a nonpartisan basis.

3. Key Provision of the Proposal:

The only change in the Town Plan of Town Government proposed by the Study Commission is the “additional councilperson” and the “election of the mayor and councilpersons on a nonpartisan basis” to the Town Council.

The proposed plan of government, as set forth in “Certificate B,” below provides for the *additional councilperson election and the election of the mayor and councilpersons on a nonpartisan basis* to the Town Council.

All other structures and functions of the Town Bainville Government will remain unchanged.

APENDIX A

CERTIFICATE

TITLE 7. LOCAL GOVERNMENT CHAPTER 3. ALTERNATIVE FORMS OF LOCAL GOVERNMENT

Part 2. Commission-Executive Government

7-3-113. Statutory basis for municipal council-mayor government. (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977, by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(1);
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) general government powers; or
- (2) self-government powers.

7-3-203. Duties of executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;

- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission; and
- (11) appoint, with the consent of the commission, all members of boards, except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-204 through 7-3-210 reserved.

7-3-211. Structural suboptions. The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-212 through 7-3-224.

7-3-212. Administrative assistants. The executive:

- (2) may appoint one or more administrative assistants to assist in the supervision and operation of the local government, and the administrative assistants are answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may:

- (3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214. Veto power. The executive may:

- (2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215. Preparation of budget. The executive may:

- (2) prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may:

- (2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer):

- (1) shall be elected.

7-3-218. Selection of commission members. The commission shall be:

- (2) elected by districts in which candidates must reside and which are apportioned by

population.

7-3-219. Type of election. Local government elections shall be conducted on a:

- (1) partisan basis.

7-3-220. Presiding officer of commission. The commission must have a presiding officer who must be:

- (1) elected by the members of the commission from their own number for a term established by ordinance.

7-3-221. Presiding officer of commission. The presiding officer of the commission:

- (3) is the executive, who shall decide all tie votes of the commission but may not have another vote (the presiding officer of the commission shall preside if the executive is absent).

7-3-222. Terms of commission members. Commission members shall be elected for:

- (2) overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission, shall be three, and:

- (2) community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

APPENDIX B

Certificate

TITLE 7. LOCAL GOVERNMENT CHAPTER 3. ALTERNATIVE FORMS OF LOCAL GOVERNMENT

Part 2. Commission-Executive Government

7-3-113. Statutory basis for municipal council-mayor government. (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977, by the following sections:

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- (m) 7-3-221(3);
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- (2) perform duties required by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;

- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission; and
- (11) appoint, with the consent of the commission, all members of boards, except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-204 through 7-3-210 reserved.

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- (3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

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- (2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer):

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7-3-219. Type of election. Local government elections shall be conducted on a:

- (1) non-partisan basis.

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- (1) elected by the members of the commission from their own number for a term established by ordinance.

7-3-221. Presiding officer of commission. The presiding officer of the commission:

- (3) is the executive, who shall decide all tie votes of the commission but may not have another vote (the presiding officer of the commission shall preside if the executive is absent).

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- (2) overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission, shall be four, and:

- (2) community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

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

Title 12
STREETS AND SIDEWALKS

Chapters:

[12.02 Sidewalks](#)

Chapter 12.02

SIDEWALKS

Sections:

- 12.02.010 Supervision for Construction
- 12.02.020 Approval Required
- 12.02.030 Cost Shall be Borne by Property
- 12.02.040 Procedure Prior to Construction
- 12.02.050 Must Conform with Official
- 12.02.060 Grade Dimensions for Width
- 12.02.070 Resolution Adopting Standard Plans
- 12.02.080 Council to Approve Materials
- 12.02.090 Property Owner to Maintain

12.02.010 Supervision for Construction.

All sidewalks, crosswalks, and curb stones laid and constructed within the corporate limits of the town shall be laid in accordance therewith, and under the direction and supervision of such person or persons as the council shall designate.

12.02.020 Approval Required.

No sidewalks, crosswalks or curb stones shall be laid except by direction of or with the approval of a permit by the council.

12.02.030 Cost Shall be Borne by Property.

The entire cost of such work shall be borne by the property adjoining; or the district assessed as by law provided, within which the work shall be located.

12.02.040 Procedure Prior to Construction.

The procedure preliminary to the construction of any sidewalks, crosswalks or curb stones, shall be as follows:

- A. A property owner may of his own volition proceed with the construction of sidewalks, crosswalks, or curb stones after having received permission therefor from the council.
- B. The council may of its own initiative, or by petition from the property owner affected, order the construction of such sidewalks, crosswalks or curb stones, as the public safety and convenience may require, proceeding therein in the manner prescribed by law.
- C. The council of its own initiative or by petition from the property owner affected, create a special improvement district for the purpose of carrying out said constructions, and proceeding therein in the manner prescribed by law.

12.02.050 Must Conform with Official Grade.

All sidewalks, crosswalks and curb stones shall be laid to conform with the official grade as established, or as to be established and recorded by resolution in the minutes of the council.

12.02.060 Dimensions for Width.

The width dimensions of all sidewalks, crosswalks and curb stones to be laid, as well as position relative to property lines, and to each other, shall be fixed by resolution of the council, and recorded in the minutes, thereof

12.02.070 Resolution Adopting Standard Plans.

The council shall by resolution adopt certain plans to be designated as "Standard Plans", and certain specifications to be designated as "Standard Specifications", regulating and governing the construction of all work hereinafter mentioned, and to which all said work shall conform. The standard plans and specifications may, however, be revised or amended from time to time, as the council shall direct, and in case of a revision or amendment, all work done subsequent thereto, shall be made to conform therewith.

12.02.080 Council to Approve Materials.

In ordering and directing the construction of any of the work herein mentioned, or in granting the petition of any property owner for the construction of his own work, the council shall designate the kind of materials to be used.

12.02.090 Property Owner to Maintain.

All sidewalks and curb stones shall be maintained in a good condition at the expense of the property owner adjoining, and when in the opinion of the council the best interest of all concerned would be improved, they may order the removal of any old work and reconstruction with new as hereinbefore provided, and designate in said order, the kind or kinds of material to be used.

Town of Bainville
PO Box 92
Bainville, MT 59212
(406) 769-2621
council@townofbainville.com

**Application for Construction Permit
Within city limits of the Town of Bainville**

Date: 10-28-22

\$25/\$10 permit fee \$10.00
paid/method

Name of Applicant: Christian Von Zalen Phone number: 701-430-9218

Mailing Address of applicant: 511 Flynn Ave E

Nature of Permit: Fencing for Pasture

Location of Building: 511 Flynn Ave E

Legal Description: Lot _____ Block _____ Addition: _____

The following information is to be provided with this application before a building permit for a new structure or addition to an existing structure may be obtained.

- 1. OK SITE PLAN: plan should show:
 - A. _____ Property Lines, show location of pins
 - B. _____ Street & Alley right-of-way
 - C. _____ Exterior dimensions of building
 - D. _____ Set backs (distances) from property lines to building roof overhang

- 2. _____ Contractor:
 - A. Proof of Montana Contractor License Yes _____ No _____
 - B. Proof of Liability Insurance Yes _____ No _____
 - C. Proof of Worker's Compensation Coverage Yes _____ No _____
 - D. State Plumber Permit (required) Yes _____ No _____
 - E. State Electrical Permit (required) Yes _____ No _____
 - F. As the homeowner, it is your responsibility to ask for the above items; if the contractor does not have the above insurances or permits, you become responsible for "on the job" accidents.

- 3. _____ Sanitary Sewer & Water Service:
 - A. Will this connection require a new water connection? Yes _____ No _____
 - B. Will this connection require a new sewer connection? Yes _____ No _____
 If yes to sewer connection, impact fee of \$7030.00 plus 5% admin fee of \$351.50 per unit required before approval of permit.

- 4. _____ Flood Zone:

Is this site in a flood zone? Yes _____ No _____

- 5. _____ Review: Review by the Bainville Town Council is required.
All projects are subject to inspection by Town designated representative.

Signature Christian Von Zalen
Property Owner/Applicant

Projected completion date Nov 30th

Mayor: _____ Permit # _____

Approved: _____ Denied: _____ Permits will not be approved until fees are paid.
Yes/no, date Yes/no, date

Impact fee amount \$7381.50 x _____ units \$ _____ check # _____



50 100ft

Clark Ave E

Highway Ave

Flynn Ave E

Flynn Ave

Road 1007

T Post Fence
200 ft

20 ft
Existing fence

327

TITLE 8
ANIMALS

Chapters:

[8.02 Regulation of Animals](#)

[8.04 Dogs](#)

Chapter 8.02 REGULATION OF ANIMALS

Sections:

- 8.02.010 Animals Running at Large Prohibited
- 8.02.020 Keeping of Hogs and Swine Prohibited
- 8.02.030 Permit for Keeping Animals
- 8.02.040 Cruelty to Animals
- 8.02.050 Keeping Vicious Animals Prohibited
- 8.02.060 Violations; Penalty

8.02.010 Animals Running at Large Prohibited. It shall be unlawful for the owner or person in charge of any horses, mules, sheep, goats, cattle, chickens, turkeys, ducks, geese, or other fowl or livestock to permit such livestock or fowl to run at large within the town limits.

Any person in charge of any fowl shall keep such fowl securely impounded in a sufficient enclosure to prevent them from running at large.

It shall be permissible for the owner or person in charge of any animals to stake such animals for the purpose of grazing within the town limits; provided, however, that such staking shall not create a nuisance by creating hazards in roadways or problems for neighboring residents.

8.02.020 Keeping of Hogs and Swine Prohibited.

It shall be unlawful for any person to keep or maintain any hogs or swine within the town limits any closer than two hundred feet (200') from the nearest neighboring dwelling.

8.02.030 Permit for Keeping Animals.

It shall be unlawful for any person to keep any cattle, horses, sheep, mules, goats, or similar animals within the town limits of Bainville without first having obtained a permit to do so from the town council.

No permit shall be issued to any person to keep more than two (2) of any such animals at one time, unless the applicant shall be equipped to furnish necessary shelter and pen or enclosure of not less than fifty (50) square feet for each one animal, which shelter, pen or enclosure shall not be less than two hundred feet (200) from any neighboring dwelling.

Said permit shall provide that the permit will be revoked if premises are not kept clean to the satisfaction of the town council or its representative. (Ord., 1983)

8.02.040 Cruelty to Animals.

It shall be unlawful for any person to wantonly or cruelly injure, beat, abuse, or torture any animals within the town limits.

8.02.050 Keeping Vicious Animals Prohibited.

It shall be unlawful for any person to keep, feed, harbor, or allow to stay about the premises occupied by him within the town limits, any vicious, unruly, or ferocious animal.

8.02.060 Violations; Penalty.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as provided in Section 1.08.010 of this Code.

Chapter 8.04 Dogs

Sections:

- 8.04.005 Definitions
- 8.04.010 Nuisance Dogs
- 8.04.020 Destruction of Dogs Attaching Livestock
- 8.04.030 Immunization of Dogs
- 8.04.040 Vicious Dogs

8.04.005 Definitions

A “bite” is defined as any abrasion, scratch, puncture, laceration, bruise, tear, or piercing of the skin inflicted by the teeth of an animal.

A “vicious dog” is defined as one which bites or attempt to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal including livestock and other domestic pets. (Ord. 116, 2015)

8.04.010 Nuisance Dogs. Upon receipt by the town council of three (3) complaints about any dog, said dog shall be considered a nuisance and the owner will be notified by the town council to either control the dog and prevent further complaints or dispose of said dog.

If after notification of the owner the situation is not taken care of and any further complaints are received about the dog, the town council shall have the right to order the destruction of such dog by its representative. (Ord. 116, 2015)

8.04.020 Destruction of Dogs Attacking Livestock. Any dog which is found attacking legally kept livestock or fowl within the town limits, or harassing such livestock or fowl to a point of endangering their wellbeing may be destroyed by the town council's representative, as a matter of defense of said legally kept livestock. (Ord. 116, 2015)

8.04.030 Immunization of Dogs. Any person who desires to keep a dog within the town limits and who allows such dog to run at large shall be required to have said dog immunized against rabies and other communicable diseases as determined necessary by a veterinarian. (Ord. 116, 2015)

8.04.040 Vicious Dogs.

1. Any person who keeps, harbors, or maintains a vicious dog shall be guilty of a misdemeanor, punishable, for first offense, of a fine up to \$250, destruction of the dog, or both. A person convicted of a second or subsequent offense shall be fined up to \$500, destruction of the dog, or both. If the same dog is involved in the second offense, destruction of the dog is mandatory. The owner shall be liable for any impoundment fees, regardless if the dog is released or destroyed.
2. Roosevelt County Sheriff's Office, or any other law enforcement agency may impound and quarantine any dog involved in a dog bite pursuant to this ordinance, in accordance with ARM 32.3.1204.
3. If a dog is not destroyed after a first offense, the court shall order that an identifying microchip be implanted by a licensed veterinarian at the owner's expense, identifying the dog as a vicious dog. After implantation of the identifying microchip, the dog must be kept

in a fully enclosed area unless on a leash with a muzzle. If the dog is impounded for any other reason such as a running at large, the dog shall be destroyed.

4. This is an absolute liability offense, a mental state is not necessary for conviction.
5. This matter must be presented to a court with a sworn affidavit and a 10 day quarantine period must follow a bite before destruction. An owner is entitled to notification of quarantine. Destruction may be ordered even if an owner is unable to be notified if due diligence is used.
6. Upon petition of victim(s), prosecuting attorney or law enforcement, a judge shall consider destruction of any vicious dog for a first offense.
7. Law enforcement must notify local health officials of any biting incident, in order that procedures of ARM 37.114.571 may be followed.

(Ord. 116, 2015)