

**Note: Meeting will be also available through GoTo Meeting.  
Log in information will be provided at the bottom of the agenda.**

**Formal Agenda  
Bainville Town Council Meeting  
Town Hall  
211 Clark Avenue East  
Wednesday, April 14, 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

\_\_\_ Councilman, Matt Giese

**IV. Approve Agenda**

**V. Approval of Minutes dated March 8, 2021 and March 24, 2021**

*Minutes dated March 8, 2021 and March 24, 2021 will be available at later date*

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

**VII. Department or Committee Reports**

A. Public Works Report:

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: April 13, 2021 at 2:00 PM in Bainville

**VIII. Old Business**

**IX. New Business**

A. New Permits:

1. Kyle Crusch—Fence Permit at 317 Clinton
2. Jess Romo—Fence Permit at 13 7<sup>th</sup> Avenue East
3. Jason Eveland—Chicken Coop at 111 Evans Street

B. Treasurer's Report:

- Discuss the next step in clean up nuisances.
- Approve claims with checks dated April 14, 2021.
- Approve JV, UB Vouchers, and Payroll slips
- Review delinquent accounts.
- Financial Update with Valli

## **X. Adjourn**

Next Meeting will tentatively be May 10, 2021

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### **Join us virtually:**

#### **Regular Town Council Meeting**

Wed, Apr 14, 2021 7:00 PM - 9:00 PM (MDT)

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

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**Special Meeting Minutes of March 24, 2021  
Bainville Town Council**

**The Special 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, Dennis Portra, Matt Giese and Travis Wills was absent. A **quorum** was established. Also present were Clerk, Nikki Rogers; and absent were: Public Works Director, Lyle Lambert; City Attorney, Greg Hennessey. Guests included: Nick Kuehl.

Matt Giese moved to approve the agenda as submitted. Ron Butikofer seconded the motion. All voted in favor and motion carried.

Minutes from March 8, 2021 will be available at a later date.

Public Comment--None

New Business

A. New Permits:

1. Allyson Blosser—Moveable Chicken Coop at 107 Clark Avenue West  
Mayor and council reviewed the permit. There were no questions. By council consensus the permit was approved with no conditions.
2. Lyle Knudsen—Fence Permit at 307 5<sup>th</sup> Avenue East  
Mayor and council reviewed the permit. There were no questions. By council consensus the permit was approved with no conditions.
3. Jason Tollett—Shop Building at 403 1<sup>st</sup> Street  
Mayor and council reviewed the permit. There were no questions. By council consensus the permit was approved with the condition that once the church is being demolished, they will have 60 days to removed debris.
4. James Weatherford/Nick Kuehl—Fence Permit at 6 Flynn Avenue East  
Mayor and council reviewed the permit. There were no questions. By council consensus the permit was approved with no conditions.
5. Brett Portra—House and Garage at 309 Duval Street—Withdrew permit but the fee will be retained until new permit is submitted.

Matt Giese moved to adjourn the meeting at 7:23 PM. Ron Butikofer seconded motion. All voted in favor and motion carried.

Attest:

Approved By:

\_\_\_\_\_  
Nikki Rogers, CMC  
Clerk-Treasurer

\_\_\_\_\_  
Dennis Portra  
Mayor

Office Use Only:  
Permit # \_\_\_\_\_

Office of the Mayor  
Dennis Portra  
Town Clerk Nikki Rogers, CMC  
(406) 769-2621

# Town of Bainville

PO Box 92  
Bainville, MT 59212  
[townofbainville@live.com](mailto:townofbainville@live.com)

Council:  
Travis Wills  
Chuck Hyatt  
Ron Butikofer

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

Date: 4/06/21 \$25/\$10 permit fee 10 CASH  
paid/method  
Name of Applicant: Kyle Crusch Phone number: 206-769-7445  
Mailing Address of applicant: P.O. Box 93 Bainville  
Nature of Permit: Fence  
Location of Building: 317 Clinton  
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.  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 <input type="checkbox"/>	No <input type="checkbox"/>
B. Proof of Liability Insurance	Yes <input type="checkbox"/>	No <input type="checkbox"/>
C. Proof of Worker's Compensation Coverage	Yes <input type="checkbox"/>	No <input type="checkbox"/>
D. State Plumber Permit (required)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E. State Electrical Permit (required)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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.

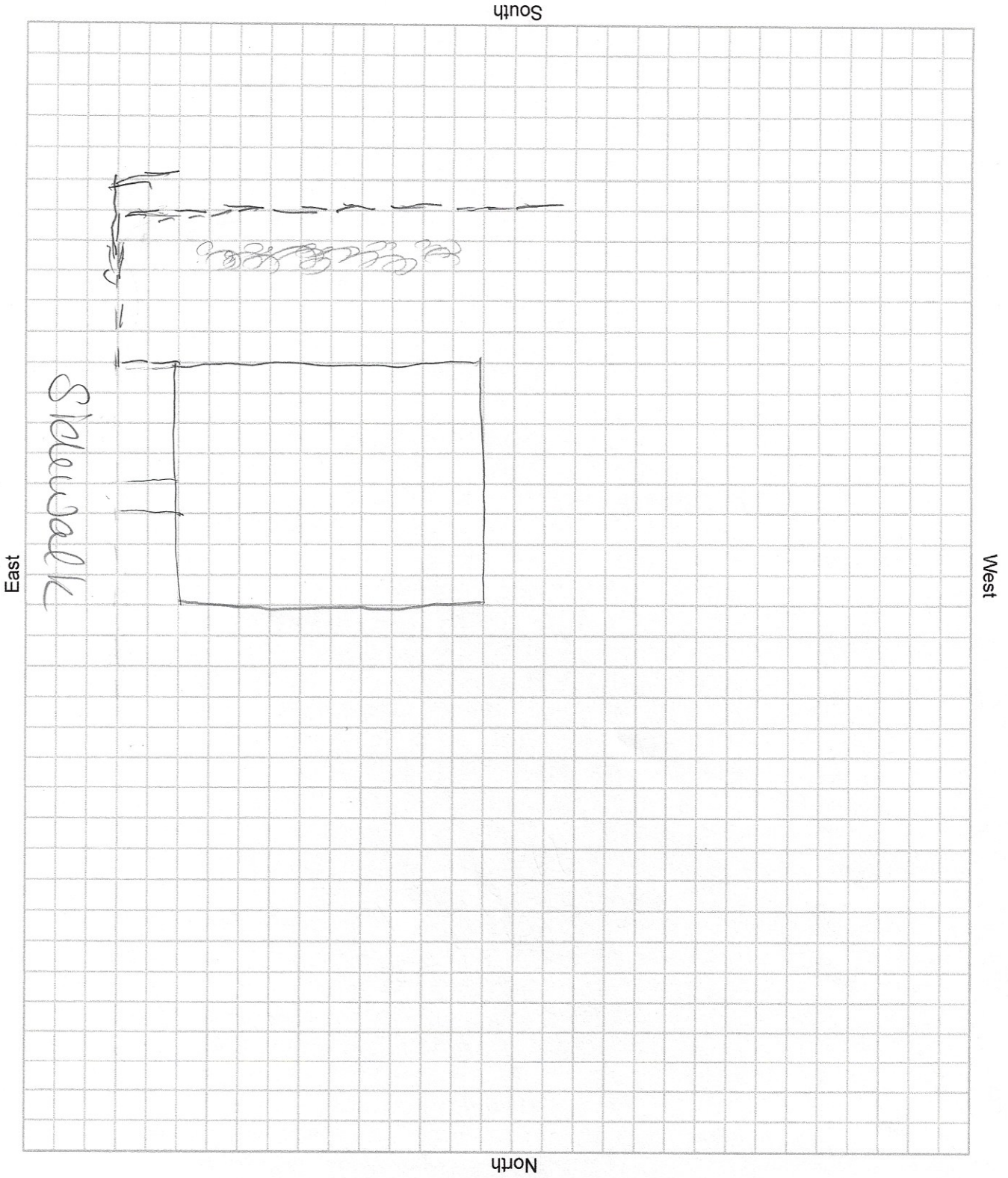
Signature Kyle Crusch Projected completion date 10-31-21

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 # \_\_\_\_\_

Please include property lines and appropriate set backs



Office Use Only:  
Permit # \_\_\_\_\_

Office of the Mayor  
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Council:  
Travis Wills  
Chuck Hyatt  
Ron Butikofer

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

Date: 4-8-21

\$25/\$10 permit fee 100  
paid/method

Name of Applicant: Jess Romo Phone number: 769-7051

Mailing Address of applicant: PO Box 147

Nature of Permit: Fence

Location of Building: 13 7th Avenue East

Legal Description: Lot 1-6 Block 3 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. \_\_\_\_\_ 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: RMF
- 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 Jess Romo

Projected completion date 5-1

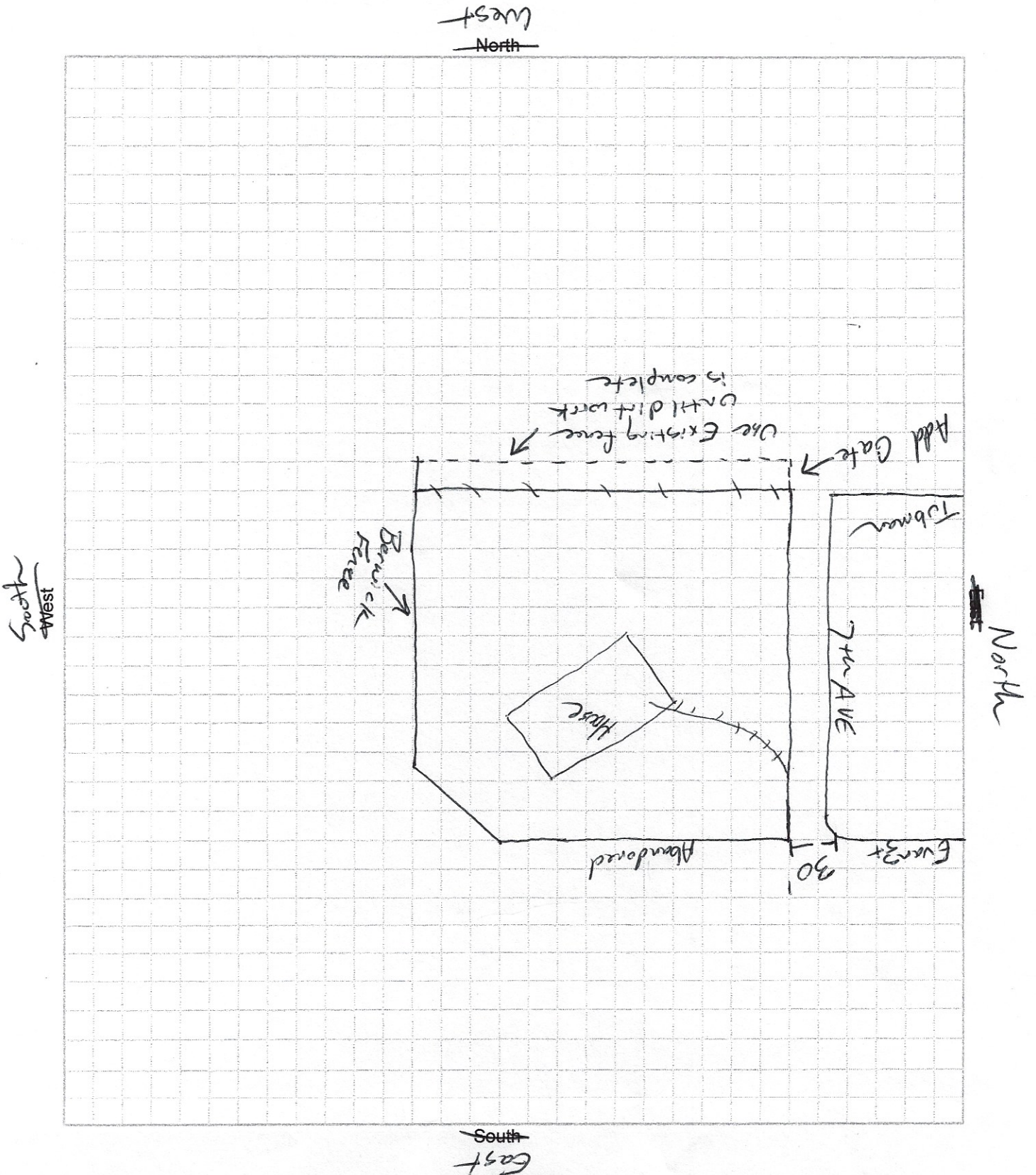
Mayor: \_\_\_\_\_

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 # \_\_\_\_\_

Please include property lines and appropriate set backs



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Permit # \_\_\_\_\_

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Councilmen  
Matt Giese, Scott Ross  
Mandy Hickel

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

Date: 5-8-2021 \$25/\$10 permit fee \_\_\_\_\_  
paid/method

Name of Applicant: Jason Eveland Phone number: 509-336-9155

Mailing Address of applicant: 111 Evans Street

Nature of Permit: Addition of a chicken coop

Location of Building: \_\_\_\_\_

Legal Description: Lot 6-10 Block 1 Addition: Bruegger's

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

- 2. np 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: [Signature] Projected completion date 7-1-2021

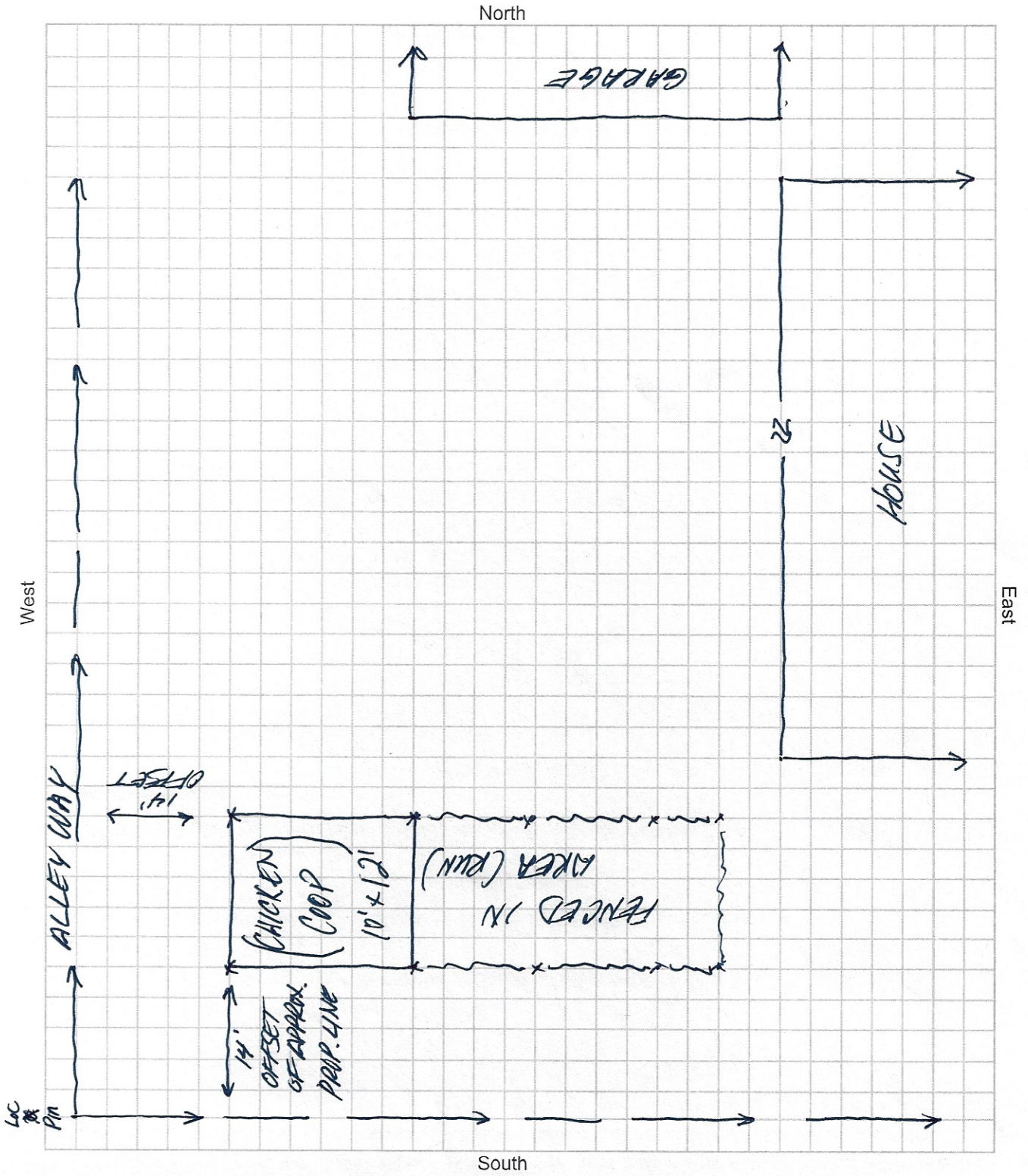
Mayor: \_\_\_\_\_ Permit # \_\_\_\_\_

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 # \_\_\_\_\_



Please include property lines and appropriate set backs



**Nuisance Violations**

Date of Inspection: \_\_\_\_\_

Location: \_\_\_\_\_

Is the property properly defined as a nuisance according to the Town code? \_\_\_\_\_

Does the property pose a health and safety risk? \_\_\_\_\_

Does the property have weeds that is unsightly, troublesome, useless or noxious? \_\_\_\_\_

Other:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Nuisance Violations**

Date of Inspection: \_\_\_\_\_

Location: \_\_\_\_\_

Is the property properly defined as a nuisance according to the Town code? \_\_\_\_\_

Does the property pose a health and safety risk? \_\_\_\_\_

Does the property have weeds that is unsightly, troublesome, useless or noxious? \_\_\_\_\_

Other:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Chapter 7.06 Nuisances

### Sections:

- 7.06.010 Nuisance Defined
- 7.06.015 Restricting the Keeping of Junk and Declaring Junk as a Nuisance.
- 7.06.020 Who Shall Be Liable
- 7.06.030 Property Owner to Abate
- 7.06.040 Town Council to Abate
- 7.06.050 Destruction of Buildings
- 7.06.055 Notify Persons in Violation
- 7.06.058 Enforcement Authority
- 7.06.060 Violations; Penalty

**7.06.010 Nuisance Defined.** Anything which is injurious to the health or morals, or indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is a nuisance.

**7.06.015 Restricting the Keeping of Junk and Declaring Junk as a Nuisance.** It shall be unlawful for any person to store, keep or possess any old articles, vehicles or materials or parts thereof which may be classified as junk adjacent to or in close proximity to any residences, schoolhouse, church, public park, public grounds, or business buildings, without first providing proper and tight buildings for the storage of the same.

(Ord. 104, 2008)

**7.06.020 Who Shall Be Liable.** Any person who creates or maintains any nuisance, or causes the same to exist, or any person who knowingly permits a nuisance to be created, maintained, or to exist on premises owned by him or under his control, shall be liable.

**7.06.030 Property Owner to Abate.** It shall be the duty of the owner of any lot, building or premises whereon any nuisance exists or the lessee, manager or person in charge thereof to remove, abate, or destroy the same without delay.

**7.06.040 Town Council to Abate.** Whenever any nuisance exists within the town limits for the abatement, creation, or removal of which no person can be found who is responsible therefor, it shall be the duty of the town council to remove, abate, or destroy the same, or cause the same to be done at the expense of the town.

**7.06.050 Destruction of Buildings.** The town council has authority to declare any building to be a nuisance which in the opinion of the town council is so dilapidated or in such condition as to menace the public health or safety of persons or property; and to cause the destruction or removal of the same at the expense of the parties creating, causing, committing or maintaining said buildings or property. The town may levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the town for the cost of abating the same as provided for in Section 50-62-107 of the Montana Codes Annotated.

**7.06.055 Notice of Violation.** It shall be the duty of the Town Clerk or other authorized agent to notify, in writing with proof of service, any person in violation of this chapter, allowing them fifteen (15) days upon receipt of the notice to correct said violation.

After being notified of such violation and upon failure to correct such violation within 15 days, the Town council shall remove said nuisance and the costs shall be charged to the owner of said premises.

## Chapter 7.08 Weeds

### Sections:

- 7.08.010 Definition
- 7.08.020 Cutting or Removing of Weeds Required
- 7.08.030 Failure to Comply

**7.08.010 Definition.** Weeds, within the meaning of this chapter, includes all vegetable growth that is unsightly, troublesome, useless or noxious. It shall include all weeds and vegetable growth that has been declared noxious, destructive and detrimental to the agricultural interests.

**7.08.020 Cutting or Removing of Weeds Required.** All persons are hereby required to remove all weeds from said premises under their control and to the center of the street or alley along, in front of or abutting on said premises and to keep the same free from weeds.

**7.08.030 Failure to Comply.** Whenever the growth of weeds shall become or attain such a condition as is prohibited in this chapter, the owner or occupant shall be notified to remove same and in default of this being done, said town shall remove the same and may do any other work necessary to place said premises in a condition that shall comply with this chapter and the clerk shall certify the cost of same, which cost shall become a lien upon the property