

**ENNIS TOWN COMMISSION MEETING
AUGUST 13, 2015
7:00 P.M.
ENNIS TOWN HALL**

Open Meeting: Mayor Vujovich opened the August 13, 2015 meeting at 7:00 p.m.

Pledge to the Flag.

Public Comments on Non-Agenda Items: John Thomas stated he feels the “Your Speed Is” sign should pick a vehicle speed up at 150 feet instead of 25 feet from it. Officer Moore explained why it is set the way it is. It cannot go out further without picking up more than one vehicle.

Mike Stears, 305 E. Armitage resident, told the Commission he saw a surveyor on what he believes is his property surveying and setting stakes for what she said will be developed as a walking path to the river. The two owners of the properties on either side of the alley believe it was closed years ago.

He found May 10, 1979 meeting minutes where Gil Hansen asked for the alley to be closed and his request was passed by the Town Council.

Mr. Stears was thanked for bringing this information to the Town. The Town will look into this matter.

Minutes of the July Commission Meeting: The minutes of the July 2015 meeting were reviewed by the Commission. Vincent made a motion to accept the minutes. Bancroft seconded the motion. Roll Call Vote: Vincent, Palmerton, Pine and Bancroft voted yes. Bourk abstained as she was not present at the July meeting. Motion approved.

****Later in the meeting, during the Chowning Alley discussion, an entry in the minutes was questioned.**

Minutes of the July 2015 Commission meeting was reopened for discussion. The Commission reviewed and discussed the questioned entry. Vincent made a motion that the prior vote to approve the minutes be abandoned and changed the motion to approve the minutes with the change to remove the reference to the Woman’s Club and Silvertip Lodge from the discussion at the July 10th meeting. Palmerton concurred and seconded the motion. Roll Call Vote: Vincent, Palmerton, Pine and Bancroft voted yes. Bourk abstained as she was not at the July meeting. Motion approved.

Chowning Alley: The Mayor gave a brief history of previous meetings regarding the clearing of this alley for utility and emergency access. There have been numerous meetings in which the Commission has directed the alley to be cleared and meetings with interested parties have taken place. To date there are still obstructions so the Mayor is asking the Commission to decide on the final disposition of the alley.

The Commission discussed the trees that are behind the storage shed that Mr. Schaufler owns. It was decided that these trees, if possible, are to remain as they give the Silvertip Lodge’s residence some shelter and privacy.

The Mayor told the Commission that Montana Municipal Interlocal Authority (MMIA) has said the Town holds liability in this matter. There are utilities in the alley, including a main sewer line. MMIA also stated it is not a good idea to abandon or give up any alley or street/road.

The Commission discussion included the need to have access for emergency vehicles and various utilities.

Norm Winkel, Silvertip Lodge, told the Commission there is a fiber optic kiosk in the alley and asked if it will be moved. He was told that it is a 3 Rivers Communications kiosk and they have agreed to move it.

There was a question about the trees at the East end of the alley. It is believed they are in the "Dead End" area but the Town will check into it.

John Lecouvre stated he feels an easement is needed. The Mayor explained where the sewer line runs and why easements were previously done.

Winkel stated he just wants this settled. He said it is fine to access the alley through his property for emergency use.

Lecouvre concurred with Winkel.

Andrew Meyer stated he believes whatever access that needs to take place can be done as the alley sits now. He feels the Town is bullying property owners and indicated he would fight the Town over this matter. Meyers reiterated that access is already there.

Meyers then lodged a complaint about the sidewalk in front of their property. The Mayor stated that is a different matter and she will visit with them regarding their sidewalk concerns.

Mr. Stears stated that per state statute the property owner owns to the center of the alley unless the Town has proof that they indeed own the alley.

Town Attorney, James Greenbaum, went over the legal proof the Town has that shows the Town owns the alley. (Referenced and read the deed/plat)

The Mayor reiterated what has been discussed and agreed on previously. A decision needs to be made. This has been ongoing for 2 years.

Vincent said he would like to come to reasonable agreements with each property owner.

Mayor suggested setting a timeline to have agreements within the next month or resolve to take this matter to court.

Bancroft suggested that all the Commissioners go down and physically look it over to gain a better understanding of the area.

The Mayor stated a walk through could be done tonight.

Meyers asked, if an agreement is reached and they have to do some work, i.e. fence/tree removal, could they get some help from the Town. The Mayor stated the Town would aid them if possible.

Winkel stated he is agreeable to give access through his driveway because by law you have access anyway.

Lecouvre said the temporary fence he put up is easily removed and he is willing to move the tree in the alley.

The Commission, Mayor, property owners and public in attendance went down to look at the alley. There was discussion regarding what needs to occur to clear the alley for access. Once the walk through was completed the meeting was resumed at Ennis Town Hall.

The Mayor asked for the direction of the Commission regarding this alley.

The Commission discussed staying with getting the agreement with Winkel to access the alley from his driveway and clear the alley the rest of the way through.

The trees at the end of the alley were considered a separate issue.

Pine stated he thinks the trees should stay.

Vincent suggested the trees stay for their (the trees) lifetime or until removal for utility maintenance or repair is necessary.

Vincent stated the Meyers fence would not be easy to move or remove and suggested giving them 5 years or until the property sells, whichever comes first.

Pine and Vincent agreed that if the property sells the fence has to be moved.

Bourk asked why, if the fence and trees are in the alley and over the sewer line, the trees are considered more important than the fence.

Ginger Guinn spoke of the trees being over a main sewer line and stated if the sewer line should break and have to be dug up would the Town have time to be removing trees. This main line is toward the end of the line going to the lagoon and she believes it could have an effect on the entire system should something happen in this area.

It was noted that the sewer line and property lines need to be clearly defined.

Bourk stated she is in favor of individual agreements.

It was agreed that Willie's Distillery needs to move what equipment they have sitting in alley and keep it cleared out of the alley from that point forward. Mr. Lecouvre is to move the tree he has planted in the alley. The only item needed from Winkel is the written agreement.

The deadline for individual property owner agreements to be completed is September 10, 2015 so they can be reviewed and approved at the Commission meeting that night. All Commissioners agreed.

Police Officer Hours: It was proposed to the Commission that Police Officer hours be increased to 86 hours per pay period. This allows the officer to work the 86 hours without drawing overtime. John Moore explained how this can benefit the Town.

Bancroft made a motion to change the Policy and Procedures to allow the police to work 86 regular hours per pay period. Vincent seconded the motion. Roll Call Vote: All Commissioners voted yes Motion approved.

Resolution 519-2015: A Resolution allowing purchases from the State Surplus program. Vincent made a motion to adopt Resolution 519-2015. Pine seconded the motion. Roll Call Vote: All Commissioners voted yes. Motion approved.

Department Reports:

Library: The Library written report was submitted to the Commission.

Law Enforcement: John Moore submitted his written report to the Commission and answered questions.

Ambulance: John Moore submitted his written report to the Commission.

Public Works: Dan Dedman submitted the written report to the Commission.

Zoning: No zoning report was available.

Clerk: Ginger Guinn submitted her written report to the Commission and gave them a brief on the budget for fiscal year 15/16.

Attorney: James Greenbaum told the Commission he is working on the Stears alley matter. He will review the matter and bring his opinion back to the Commission.

**A copy of the written department reports are on file at Ennis Town Hall.

Mayor Report: The Mayor reminded the Commission of the training scheduled for September 22nd from 8:30 a.m. to 4:30 p.m. on Town needs and how to address those needs and a 5 year plan for the Town.

Commission Comments: Pine asked about Ambulance rules and if the Ambulance has a Charter or Policy and Procedures.

A meeting to work on the budget was set for August 26th at 6:00 p.m.

A meeting was set for a public hearing and adoption of the budget on September 9th. Time of the meeting to be determined.

Claims: Palmerton made a motion to accept claims. Vincent seconded the motion. Bancroft asked if the payment of \$5,000 was to be made to the Senior Center this month. Guinn answered yes and thanked Bancroft for catching the error. The motion was amended to include the \$5000 payment to the Senior Center. Roll Call Vote: All Commissioners voted yes. Motion approved.

Adjourn: Bancroft made a motion to adjourn the meeting. Palmerton seconded the motion. Roll Call Vote: All Commissioners voted yes. Motion approved. The meeting was adjourned at 9:30 p.m.

Becky Vujovich, Mayor

Ginger Guinn, Clerk/Treasurer