

**ENNIS TOWN COMMISSION MEETING
JANUARY 14, 2016
7:00 P.M.
ENNIS TOWN HALL**

Open Meeting: The January 14, 2016 meeting of the Ennis Town Commission was opened at 7:00 p.m. by Mayor Vujovich.

Commission Present: Bourk, Bancroft, Palmerton and Vincent.

Pledge to the Flag

Minutes of the December 2016 Meeting: The Commission reviewed the minutes of the December meeting. Vincent made a motion to accept the minutes. Bancroft seconded the motion. Roll Call Vote: All Commissioners voted yes. Motion approved.

Public Comment on Non-Agenda Items: There were no comments.

DOT Sidewalk Project: Mayor Vujovich had Commission Chair, Vincent, conduct this portion of the meeting.

Vincent introduced Montana Department of Transportation (MDOT) staff, Terry Voeller and Jennifer Nelson and engineers, Jeremiah Theys and Karl Yakawich, from Great West Engineering. They gave a presentation of the project as a whole.

Vincent told the public present and the Commission how questions and comments will be taken and what order he would like to have them in.

Karl Yakawich and Jeremiah Theys gave an overview of the project. The presentation, with power point, was broken down into 4 segments. Following is a description, with landmarks, of where each segment is.

Segment #1: Behind Town Pump. Approximately 300' section that will run on the South side of the street from Chowning Street to Shedhorn Sports.

Segment #2: Starting on Main Street at the Corner of Main and 1st Street (North side of highway until curve the East side of highway) and continuing North past Madison Valley Manor to the existing crosswalk near Madison Valley Medical Center.

Segment #3: Beginning at Pearl Street and West Main Street (North side of highway until curve then West side of highway) and continuing to area of the Fan Mountain Inn.

Segment #4: Continuing from Segment #3, ending in the Fan Mountain Inn vicinity, this segment will extend to the entrance to Madison Foods.

The crosswalks are to remain where they are. The crosswalk at Pearl Street and West Main will have a Rectangular Rapid Flash Beacon (RRFB) installed, the other near Madison Valley Manor will have updated markings to increase its visibility.

The construction period proposals were presented. All properties and businesses are ensured access during construction and hours for construction have been set.

MDOT staff said they think this is a great project and would be a wonderful addition for the Town.

Commission Comments/Questions:

Bancroft stated he does not agree with the crosswalk by Madison Valley Manor. He believes it should be further North. Answer: Vincent said pedestrian studies are done post construction and if findings show it is legitimate then placement may move.

The Mayor asked how many parking spaces will be lost along the section from Deemos Meats to past the Fan Mountain Inn. Answer: No parking spots will be lost.

Vincent asked if Segment #3 is not done can those funds be used on other areas of the project. Answer: MDOT said it is possible.

Vincent asked if the segment that ends near the Hospital could be extended if funds allow. Answer: Yes, it's possible if additional funds are put in, in case of an overrun of funds.

Public Comments/Questions:

Joseph Doyle asked if there is a consistent width of the Right-of-Way along the project route. Answer: It is not consistent and varies throughout the project.

John Heckler asked if any traffic study was done prior to design. Answer: No, a study was not undertaken, as it is not in the scope of this project and they are normally done post construction.

Lisa Roberts asked MDOT staff what criteria, for this project, was looked at in the TA application. Answer: Ennis was chosen because it is a great project. It will connect the Town with sidewalks. That is very desirable. Also, safety issues were a big consideration.

Sylvia Carpenter questioned the possibility of eliminating Segment #3. If this segment is eliminated how would the people coming from the West get across? Answer: There is a concern about that and really not feasible, for this project, for a continuous and flowing sidewalk system.

John Bishop stated the Hospital section goes to the South entrance but does not, as hoped, go to the North entrance where the Emergency entrance is and wondered why that is. Answer: It is largely related to the cost of 400 extra feet of sidewalk.

John Heckler asked what the speed limit is in the area of the crosswalk by the Hospital. Answer: It is 25 mph and the other crosswalk also is located in a 25 mph zone.

John Knapton asked how long the existing crosswalks have been in place and have there been any problems. Answer: MDOT staff indicated, without problems, these areas are not considered to be unsafe.

Bancroft stated that both crosswalks, at night, are dark as there are not overhead lights to illuminate them. Answer: That is something the Town could look into having put in place.

Sunni Knapton asked about the grant coming to the Town. Answer: Madison Byways brought the grant to the Town and the Town agreed to sponsor it. There is a match for the grant that Madison Valley Manor has already paid.

Bancroft asked about the possibility of a sidewalk going down Pearl Street to intersect at the end of Clark Street and Highway 287. Answer: This project is planned for MDOT right-of-way.

Robin Blazer asked what happens to the funds if this project doesn't go through. Answer: The money would go back into Transportation Assistance (TA) funds to be used elsewhere.

Robin Blazer asked if a segment is not done, does the whole project go away. Answer: No

Jennifer Doney asked if there is a specific number of parking spots lost. Answer: No parking spots will be lost.

It was asked who maintains the sidewalks. Answer: It is the business owner's responsibility. For snow removal of areas that are in the County that Town has an agreement, with the County, to do snow removal on those sidewalks. Kelly Elser described what the Towns' Public Works department tries to do when snow removal is necessary.

Darlene Pasley stated the snow plows going by will pile snow on the sidewalks and asked if the business owners are responsible for that removal. Answer: According to the Ordinance, the answer is yes.

Ken Sciuchetti asked about the proposed sidewalk from 1st Street, near Plain Janes, to Valley Bank. He wanted to know if he can be held liable for accidents. Answer: According to what insurance carrier has told the Town, everyone with any connection to the sidewalk may be liable.

John Heckler spoke of "First line of Defense" and asked if the Town will supply it for property owners. Answer: It is unlikely that Town can do that.

Robin Blazer asked if there is any parking illegally now in the DOT right-of-way. Answer: Yes

Sunni Knapton asked if there is any assistance for property owners in regards to maintenance issues. Answer: No

Lincoln Roberts asked if Segment #3 is not approved can the DOT limit ingress/egress for safety reasons. Answer: At the Town's request a study could be done.

John White asked what the Towns liability is with or without a sidewalk. Answer: The Town liability is the same with or without an established sidewalk. If an area is being used as a walkway is can be considered to be a sidewalk.

Audra Bourk asked about drainage issues in front of Ennis Auto Parts. Won't having the sidewalk in place increase drainage toward the business? Answer: Engineering shows water run-off, etc. will not increase due to project.

Vincent asked if there is a warranty. Answer: Not per-se but checks are done to make sure everything was built as per plan specifications.

Robin Blazer asked about liability issues for the Town and business owners. Answer by Town Attorney, Greenbaum, was the Town has legislative immunity.

Joseph Doyle asked what happens with the transition near Ennis Auto Parts. Answer: There will be new asphalt and the grades are coming off of existing slopes.

Mayor Vujovich asked if cars will scrap bottom going into or coming out of the Ennis Auto Parts parking area. Answer: No

Justin Edge stated he is a parent of a preschooler and feels this project for sidewalks is needed. He wondered about safety studies regarding crosswalks with merging traffic lanes. Answer: DOT stated there have been numerous studies.

Josh Vujovich stated this whole project is ADA compliant and asked how much from downtown to Madison Valley Manor and beyond is ADA compliant currently.

John Heckler stated the cross slope has to be ADA compliant. Is it standard for both slopes to be ADA compliant? Answer: DOT stated yes if it matches roadway grade.

Public Comment:

Chris, owner of Deemos', stated the people wanting this project are not from Montana. All this sidewalk does is put people walking closer to the highway. It is a waste of money.

John Bishop stated the Hospital thinks sidewalks are good but would like to see concrete sidewalks and better, improved access to the North side of the Hospital.

Chris Anderson stated she is for the sidewalks. She has walked with her children and sees the benefit for them to have sidewalks to walk on and everyone else that walks as well. Safe places to walk are necessary.

Joe Dilschnieder said he did not hear of this until just recently and would like to see the Town do a better job of communication. He stated he is for the sidewalks and does not see an argument against having these sidewalks. Perhaps some changes could be made if segments change. This is progressive and good for the whole community.

Kaitlin Saunders said the Ennis Community Children's School goes for a lot of walks and the sidewalks are necessary for the children's safety. It also teaches them where they need to be walking to be as safe as possible.

John Heckler handed out his written comments. For the record changes listed in #7, a-d of the hand out is being requested by the group he represents.

Robin Blazer read excerpts from 8 letters of support from people that were not able to attend the meeting tonight. She cited some statistics she found on safety regarding sidewalks vs no sidewalks. She stated she sees positive impacts of sidewalks on businesses and feels safe routes are imperative for locals and tourists.

Justin Edge said he is in favor of the sidewalks. He agrees with extending the project to the North side of the hospital, where the ER entrance is. He feels the safety of sidewalks outweighs the negative comments.

John Knapton stated he is in favor of the project in its entirety. This would add to the attractiveness, property values, etc. This would be a huge benefit to this Town. Construction will be done correctly.

Jackie Elsbernd said she supports the whole project and thanked everyone for all the hard work put into this project. She stated she thinks Segment #3 should stay in the project.

Sunni Knapton said the recently installed sidewalks are heavily used. Future projects may have difficulties in obtaining funding if the money is turned down or back. She stated that children are short and sidewalks help.

Lisa Roberts handed out some pictures taken of people walking the Segment #3 portion of the project showing how close they have to walk next to the highway. She stated the sidewalks would help eliminate this. She gave a history of Madison Byways and what type of people make up the group. She stated the main function of Towns is basic infrastructure. MDOT and Great West have been graciously working with people to bring more to the Town of Ennis.

Sue France said she believes in the project but parking is an issue. She thinks the sidewalk should be moved to the other side of the highway.

Jen Doney spoke of Madison Valley Manor residents going to the Senior Center and how the sidewalks would facilitate that.

Sylvia Carpenter stated she is in favor of the project as a whole.

Lane Adamson stated he walks a lot and that he has walked the proposed project areas. He stated that when there is snow on Segment #3 it is difficult to walk.

Bob Briggs from Valley Bank stated this is an opportunity for the Town and he is in favor of it.

Darlene Tussing stated that urbanized areas need transportation routes and means for getting around Town. She commended Madison Byways for all their hard work. Tussing spoke of Bike/Walk America and how infrastructure is important.

Blake Leavitt stated he is in favor of the project in its entirety

Ann White stated sidewalks do not take away from the “western” feel of a community. She suggested that the hospital has a great foundation that could raise the extra needed funds for the extension of the sidewalks to the North end of the hospital. She is in favor of the entire project.

Darlene Pasley said she still questions safety in the Segment #3 area and that is her biggest concern.

Josh Vujovich said he was raised here and travelled between the Sportsman’s Lodge and downtown more times than he could count. He stated it is a difficult area but feels it will be made safer with this project.

Commission Discussion:

Bancroft stated he hopes he has always voted for the good of the people. He would vote for the sidewalks.

Vincent said he likes the idea of concrete by Madison Valley Manor but can’t be done unless Segment #3 is scrapped. He thinks the engineering plans have been done as good as they possibly can be.

Mayor Vujovich stated that Segment #3 is key in this project for continuity of pedestrian traffic. If this isn’t done now it will never be done. If changes are wanted we can do more grants and build more on what we have.

Bourk, in reference to the sidewalk going to the golf course, stated she does not like asphalt next to asphalt as a sidewalk. She said she would like to see concrete sidewalks next to the Madison Valley Manor.

Mayor Vujovich said the hospital section can be done later with concrete.

Jeremiah Theys said that MDOT will add to the project if more funds are brought in by an outside source.

Bancroft said in front of the hospital is a walking path. He does not feel it needs to be concrete. He thinks they should go for another grant and possibly do it later.

There was some discussion on the buffer distance from Valley Bank to the end of the project.

Ann White offered to pay for the RRFB for the crosswalk by Madison Valley Manor.

Some other ideas were brought up but MDOT staff stated they would not work.

The Commission talked about how to vote on this project. The initial responses were: Vincent, Bourk and Palmerton want to vote by segment. Bancroft would like to vote the project as a whole.

More discussion on Segment #3

MDOT stated the statistics show that having a sidewalk is safer than not having one.

Town Attorney, Greenbaum, cited a case he learned about at the League conference. He warned about Town deciding on design by segments and opening the Town up to higher liability. He cautioned, if the Commission votes by segment, that they have a rational basis if they make changes. (ie, take a section out or change materials in a section.)

Heckler said all issues of safety, both ways, are viable. He thinks safety studies should be done now. (It was stated, again, that studies are called for post construction of the project.)

Vincent stated this matter could be continued for another month but really no more information is going to come out.

Greenbaum said a motion could be made to include upgrades to different sections after the existing segments, as presented, are voted on.

Voting by Segment:

Vincent made a motion to approve Segment #1. Palmerton seconded the motion.

Discussion: None.

Roll Call Vote: All Commissioners voted yes. Motion approved.

Palmerton made a motion to approve Segment #2. Bancroft seconded the motion.

Discussion: Palmerton amended the motion to include approval of this Segment is conditional on determining the cost of concrete for this section. Bancroft approved the amendment.

Roll Call Vote: All Commissioners voted yes. Motion approved.

Vincent made a motion to approve Segment #4 as presented. Palmerton seconded the motion.

Discussion: None

Roll Call Vote: All Commissioners voted yes. Motion approved.

Vincent made a motion to approve Segment #3 as presented. Bancroft seconded the motion.

Discussion: Mayor Vujovich reiterated that this section is a major component in this project for continuity and safety.

Roll Call Vote: Vincent, No. Palmerton, No. Bourk, No. Bancroft, Yes. Motion failed.

CDBG Grant for Senior Center: It was announced the Senior Center board has decided to forgo the CDBG Grant and proceed on their own.

Vincent apologized for the lack of progress, due to circumstances, by the Town and told them he thought the grant could do good things for them.

Ginger asked Senior Center board member, John Heckler, for a statement in writing from them that says they are turning the CDBG Grant down. Heckler said he would bring something in to Town Hall.

Flood Plain Permit: There was discussion on the permit being issued for the Moores' Creek culvert project. It was explained that the Variance, previously done, and permit go together to meet what the Town's floodplain ordinance requires.

Bancroft made a motion to approve the Flood Plain Permit. Vincent seconded the motion.

Discussion: Vincent asked whether the Commission needs to vote on this or if the Mayor can just sign it. Attorney Greenbaum told the Commission why they need to approve the permit.

Roll Call Vote: All Commissioners voted yes. Motion approved.

Lion's Park Agreement: It has been suggested, by the Towns' Insurance, that the Lion's Park Agreement be reviewed and updated if necessary. As neither party has been able to find a signed agreement this matter, as discussed, will go to a committee to begin the process of either an update/review or a new agreement will be put together. Vincent and Palmerton agreed to be the committee for this matter.

Department Reports: Due to the length of the meeting the Commission reviewed the Departments written reports.

Commission Comments: Bancroft said that by turning down Segment #3 of the sidewalk project you took away peoples' ability to go to the shopping center.

Attorney Report: Greenbaum updated the Commission on the Connell case. He had information regarding the Sr. Center CDBG grant that is now null and void as they are not taking the grant. He said he has sent a letter to the attorney for the residents regarding the alley that leads to the river from Third Street. He has not received a response to his letter yet.

Mayor Report: Mayor Vujovich told the Commission her email, sent Sunday, stating she was going to resign as Mayor was difficult. Her decision was not lightly decided, she has the Towns' best interest at heart. She did not enjoy all parts of being Mayor. She stated that, because of the staff, whoever takes over will be in good hands.

Vujovich mentioned the following things that still need to be worked on. The alley matters on both Third Street and the alley between Main St. and Williams St. The Comley addition, of which, the County says is in Town limits needs finalization.

The Mayors official letter of resignation will be timed so the Mayor position is ready to be filled upon her departure from office.

Claims: Vincent made a motion to pay claims. Bourk seconded the motion. Discussion: None. Roll Call Vote: All Commissioners voted yes. Motion approved.

Adjourn: Bancroft made a motion to adjourn the meeting. Palmerton seconded the motion. Discussion: None. Roll Call Vote: All Commissioners voted yes. Motion approved.

The meeting was adjourned at 10:30 p.m.

Becky Vujovich, Mayor

Ginger Guinn, Clerk/Treasurer