

**TOWN OF ENNIS PUBLIC HEARING AND COMMISSION MEETING**

**SEPTEMBER 9, 2021 AT 6:00 PM**

**ENNIS TOWN HALL**

**PUBLIC HEARING: MOILANEN CONDITIONAL USE PERMIT FOR MIXED USE PERMIT FOR MIXED USE – BLOCK 4 LOVE ADDITION**

Alex Hogle reviews his staff report – References permit 2102. States this is a really good proposal for use for multiple reasons. No adverse comments were made by public or agencies. Comments on dimensions of roads being in compliance, adequate number of parking spaces to serve future uses, one residence planned to be set up with ADA compliance. Comments that original setbacks would have essentially engulfed the property.

Opens public comment -

Moilanen comments on use of property and their intentions. The idea of mixed use was important to them for live-work space.

Alex comments regarding finding of facts. References Planning Board Addendum which is their recommendations. References condition 15 which is a recommendation for a sidewalk. Discusses challenges and recommends coordinating with the town regarding that.

Roberts comments in favor of the use of the land, mentions the ADA compliance and being in favor of that. Commends Moilanen on a well thought out plan.

Roberts requests sidewalk be at least 6 feet wide for passing ability.

Leavitt commends the job well done.

Schroeder comments that it is a no brainer, commends the project.

Bancroft asks to confirm lot numbers.

Roberts asks if they have design and structures planned for exterior. Encourages them to look at design that helps with walkability along Clark Ave.

Schroeder asks what they plan to do with existing trees.

Kevin says they are going to try to save what they can.

Bancroft commends project.

Mayor Leavitt closes public hearing for Moilanen.

**BUDGET: FISCAL YEAR 2021-2022**

Leavitt asks for public comment on budget.

None.

**Open Meeting at 6:31 PM**

**Pledge to the Flag**

**Minutes of August 2021 Meetings**

Bancroft moves to approve August 12<sup>th</sup> minutes. Ranson seconds. Schroeder makes subsequent motion to amend to remove his attendance from Aug 12<sup>th</sup> meeting.

Leavitt calls to vote on the amendment.

All vote yes.

Call to vote on amended minutes.

All vote yes.

Mayor Leavitt calls to vote on August 25<sup>th</sup> minutes.

All vote yes.

### **Public Comment on Non-Agenda Matters**

*Willie's Distillery TND Project* - Josh Foti with Willie's Distillery introduces project to build on existing property of Willie's. Reviews their provided TND Agreement. 60x120' addition is the proposed project. Goes into detail on the site plans, project details. Covers the multiple times Willie's Distillery has been permitted to build and expand in 2012 and in 2015.

Robin Blazer, owner of Willie's Distillery adds comment from audience that Willie's currently employs 31 people.

### *Other*

Heather Lowe comments on inconsistency from the previous meetings and questions the health of the city sewer system and spending funds on discretionary projects.

Trevor Lockhart comments on timeliness of meeting starting before 7:00 PM.

Gordon Todd comments in favor of city infrastructure. References meeting with Kelly Elser to learn more.

### **Moilanen Conditional Use Application: Commission Discussion & Vote**

Roberts moves to approve findings of fact from Mad Co Planning Board Letter E CUP – 2102 Clark Avenue Mixed Used Moilanen Block 4 Love Addition to Ennis --- Bancroft seconds.

Leavitt calls to vote.

All vote yes.

Robert moves to conditionally approve the conditional use permit # ECUP 21-02 Clark Ave Mixed Used Moilanen Block 4 Love Addition to Ennis with conditions provided by Mad Co Planning Board – 15 items, specifically #15 that applicant and Town of Ennis coordinate to establish a sidewalk along subject property in the right of way, at least 6 feet wide.

Hardy seconds.

Mayor Leavitt opens for discussion. None.

Mayor calls to vote.

All vote yes.

### **Temporary Use Permit for L Porter**

Discussion on details on why homeowner is living in her camper.

Hardy moves to approve Temp Use Permit for 331 W Hugel. Ranson seconds.

Discussion on process and length for permit and follow up.

All vote yes.

### **Text Amendments to Ennis Town Code Zoning Ordinance: Review and Set Meetings**

Roberts proposes a work session with Cushing Terrell to make any amendments. Suggests that the TND not be stricken but rather just amended.

Alex Hogle comments that there is some liability and illegal wordings within the TND. Confirms that the Planning Board has recommended the TND be stricken – capricious and arbitrary wording of the items.

Hogle recommends it is critical to be addressed immediately and adequately or strike it completely.

Discussion about changes to TND among the commission, whether to strike the plan or to

Robin Blazer asks of the commission to consider if you are planning to keep TND that all future applicants be required to provide what's been asked of Willie's.

Discussion.

Wayne Freeman, Cushing Terrell comments on TND and Willie's project.

Roberts asks for review from CT.

Nicole says she would like more time to review Hogle's documents. TND is meant to allow for flexibility. Ennis downtown is unique in character with specific needs. Seems regulation was indented to allow for design flexibility. States there needs to be clarity on requirements for the applicant.

Discussion on TND moving forward.

Roberts comments in favor of clarification and expectations after Cushing Terrell reviews Town Code.

Leavitt asks why we would not strike and start over.

Nicole asks for more time to review Hogle's document. States that her opinion is that the TND seems to have been written to allow for flexibility. Comments in favor of clear expectations for the applicant.

Hogle states this is the first time he is reviewing their report. Says the TND is completely not acceptable. LCR and CCR comments the importance of those districts. Says they refer to the TND which has 'a bunch of fluff and jargon'. States code says TND should take priority Hogle states the Planning Board does not have any interest in working with the mess of the TND. Says the text amendment recommends establishing conditional use standard. Continues against TND.

Hogle's opinion as a planner and the rest of the board would be to strike the TND. References 11-3-4.

Greenbaum offers to shed some light. First comments that zoning amendments should be all inclusive and comprehensive. Offers feedback on zoning regulations, non-discretionary items. Comments in favor of the language used in the zoning overlay section of code. Comments on subjective verses non-discretionary. Comments against scrapping the TND.

Leavitt asks for clarification on Greenbaum's recommendation.

Greenbaum states zoning overlays can be difficult to work with.

Leavitt asks how long it would take to review and get back with recommendations.

Nicole states within one week she could come back with suggestions on TND.

Roberts would like to move the entire code to CT to review.

Dino Fanelli comments against the way the town treats different people differently. Comments against the town making things difficult for business owners.

Wayne Freeman comments regarding reviewing the code. States they will need to review Willie's project under current regulations.

Leavitt asks when they would be able to address the Willie's project.

Freeman says they have submitted comments today before the meeting. Comments on concerns for safety and would be willing to meet as early as tomorrow. Says they will try to expedite the process as soon as possible.

Leavitt requests a meeting on September 16 to review text amendments and Willie's Projects.

Nicole requests meeting with Susie to review.

Discussion on notice proposals and process for public readings. Confirms text must be posted publicly for text amendments. Nicole confirms that she would work with Susie to expedite the Willie's project but the crafting of the code language would be a much bigger project.

Meeting set for 6 PM September 16.

#### **Break at 7:57 PM**

Meeting called back to order at 8:10 PM

#### **Budget 2021-2022 Public comment**

Myron Walro – asks the commission to remember they were elected to prioritize benefit for the city not for pet projects.

Audience member comments in favor of an additional officer and immediately filling the position ASAP.

Nicole Fredson – comments on the library needing more funds she believes the law enforcement does as well

Krik Cordoso – comments against the amount of time the Sheriff's department takes to get to a call. In favor of leaving the responsibility up to Moore to obtain future funding.

Johnathan Isley – comments in favor of Moore at school - his son really enjoys having Officer Moore at the school.

Susie Fleman – states that it is common sense to support John Moore.

Maria Marzulo – states she spoke with Sheriff Fortner. He believes there is a great benefit that the town support and continue support of an officer within the school. Reduces problems.

Mark Dingfielder comments on the amount of great information he hears about Officer Moore spending time in the school. Believes it helps give a positive attitude towards law enforcement.

Shelly DuPois states that council has a responsibility to protect the town and comments in favor backing Officer Moore.

Trevor Lockhart comments on budget items that John Moore sacrificed with the idea that he would be getting the ARPA funding.

Tanya Cubill comments sharing an experience with the Sheriff office taking 2.5 hours to get to her house after making a call. Comments in favor of cops in town, multiple would be better. Comments in favor of officers in the school.

Trevor comments on Moore being available and timely.

Shelly DuPois comments about the Lions

Jerry Rogge comments on taking a ride along with John Moore and what a great experience it was.

Audience member comments on the timeliness of John Moore on accidents. Comments on how great it is that John was a paramedic and Ennis is blessed to have that.

Leavitt closes public comment.

### **Resolution 559-2021 – Fiscal Budget 2021-2022**

Ranson moves to adopt resolution 559-2021. A resolution of the Town Commission for the Town of Ennis, State of Montana, setting the mill levy for the 2021-2022 fiscal year budget of the Town of Ennis.

Bancroft seconds.

Leavitt opens discussion and reads resolution as provided and dated September 9, 2021.

Schroeder comments that the people of Ennis voted to start the Police Department and he believes they should vote on a mill levy. Comments in favor of using ARPA money for the expanded police department for one year. Mentions the option for a resort tax to fund the police.

Leavitt comments that this is not a new position but it is an expansion of the existing half time position.

Hardy clarifies that a mil levy directly is paid for by the property owners. Where a resort tax is paid for by the tourists.

Roberts comments that she believes that all community members want the same thing. Comments on the way the commission works together. States that her biggest concern is temporary funding for a permanent position. Her mil info shared: \$100,000 raised = 39.06 for 100,000 assessed values. Encourages county citizens to attend county meetings and voice their concerns.

Discussion on hiring new officer.

Bancroft comments in favor of leaving the future funding up to John. Reminds that John said it would be on him to get future funding. Comments in favor of using ARPA funds to start second police position. States he doesn't believe anyone would regret a mil levy to pay for the police department.

Ranson asks Greenbaum's opinion.

Greenbaum says he has not reviewed this funding specifically. Comments in favor of Chief Moore's knowledge and says he will double check the information shared by Moore but that 'it's almost redundant to check up on his work'. Continues to say that he often relies on information from Moore and states he's an essential resource to the town.

Mayor Leavitt calls for any further commissioner comment.

Shuts down further comment from the audience.

Mayor Leavitt calls to vote.

All vote yes.

**Resolution 560-2021** - Ranson moves to approve 560-2021. A resolution adopting and approving wages for listed employees for fiscal year 2021-2022.

Bancroft seconds.

Roberts comments against the wage gap among Town employees; specifically, the library staff. Comments that a part time employee at Library is making 11.67/hour. Requests that council raise the wage of the library.

Leavitt comments in favor of moving starting wage to \$17/hour for town employees.

Hardy comments on livable wage and in favor of figuring out what a livable wage is for Ennis.

Discussion on adjusting library wages, certifications, ongoing conversation about wages.

Karen comments on updated job descriptions and that the library board is in charge of setting salaries by Montana code annotated 22-1-310.

Leavitt clarifies that library board makes changes and presents to Town. Suggests voting on resolution as it sits and amending when library board brings forth updated wages. Comments in favor of discussing at next commission meeting.

Karen confirms that is enough time to gather information from the library board and present it to the Town.

Schroeder asks where additional funding would come from for higher wages.

Call to vote.

All vote yes.

#### **Proposal for ACH and Emailing Billing: Brittney Hirsch**

Hirsch proposes that the commission pass a resolution to offer a one-time discount to water/sewer account holders to set up email and/or ACH billing. Proposal of a \$10 discount for each – total of \$20, discounted on following month's utility bill.

Roberts comments in favor of discount and in a better way to communicate with town residents.

Commission agrees to move forward with \$10/\$10 discount for ACH and email billing respectively. Hirsch to draw up resolution that will be presented at October meeting for vote.

#### **Attorney Report/Matters: North 40 Parking, Noise Ordinance, Road Repair Bond Issue**

Greenbaum comments on parking issues and emergency vehicle access in North 40.

Moore comments in favor of additional ordinance to make no parking on all streets in the North 40 with exception of two semi circles.

Discussion on parking and traffic issues on the road.

#### **Noise Ordinance Discussion**

The way the ordinance is written makes it nearly impossible to enforce by using a certified decibel meter, etc. Proposes newly written ordinance that is more subjective.

#### **Road Repair Bond Issue Discussion**

Mentions of performance bonds, street bonds, and impact fees. Suggests a text amendment and each item should be looked at independently. Further comments on bond amount and consideration of impact fees.

Public Works to look into costs for cutting into street in order to determine what bond amount should be. Greenbaum will work on wording for ordinance.

#### **Department Reports**

**Library** written report.

Karen shared 2021 Public Standards. Shared stats on Summer Reading Program, included in written report. Shout out to sponsors, listed on website and social. Over 118,000 minutes logged in summer reading. Thanks Bailey Gibson for spearheading programs.

**Law enforcement** written report.

Schroeder asks for clarification on code red. Moore explains emergency notification system.

Moore thanks council for approving the budget.

**Public Works** – Eric and Kyle have been working on sewer inspection. Had an application for new employee, going through background process.

### **Zoning**

Roberts comments in disagreement that Susie Sprout stated in written report that Willie's is the first project to be held to exact standards. Susie explains her position after reviewing past projects and that indeed other TND projects were not held to the specific standard required by Willie's. Sprout makes comment on TND project across the street, in reference to the brewery. References others. Roberts hesitantly agrees that perhaps this was the first TND project held to specific standards, asks for amendment on written report.

Roberts confirms that the goal of the process with a new employee and Cushing Terrel is 'to get us to what our book says'. Roberts commends Susie on her hard work.

Sprout states her appreciation of Willie's working hard on this project. Voices her concerns and frustrations with being held to a new expectation

Council asks for clarification on denied fence permits.

Schroeder commends Willie's on their effort for a well-put-together project.

### **Clerk Report**

Ginger comments that her time has been engulfed by the budget. Commission comments in appreciation.

### **Mayor Comments**

Mayor Leavitt shares appreciation for council on budget. Comments in disapproval on the way town members have reacted in some cases. Asks for everyone's effort to have more meaningful conversations and less personal attacks.

Comments on mil leavy process coordination with Schroeder, Greenbaum and Moore to get that going as quickly as possible.

Comments on starting gathering information and research into resort tax.

Public clarification that Steers sued town of Ennis, Ennis did not sue the Town regarding the alley. States it is the Town's responsibility to defend public land.

Mentions IT company that is going to do free estimate of Town's IT services and provide report on cost.

### **Commission comments**

Hardy comments on resort tax and bringing in a panel of individuals to discuss resort tax pros, cons, struggles, etc. Question and answer style panel open to the public.

Ranson comments on training and budget school in favor of moving forward with Dan Clark. Mentions that the school would like to present to the town Plan D for the school expansion project. States that Klasna wants to present new plan to council in October. States she will pass on Plan D to Town and she did pass on to CT.

Roberts comments on conversation with MMIA. Comments in favor of an HR audit that is at no cost but would look at job descriptions and make recommendations. Requests discussion on agenda for October meeting.

**Claims**

Ranson move to approve. Schroeder seconds. No discussion.

All vote yes.

Schroeder moves to adjourn. Ranson seconds.

All vote yes.

**Meeting adjourned at 9:54 PM**

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Blake Leavitt, Mayor

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Brittney Hirsch, Deputy Clerk