

Regular Council Meeting

Town of Valier Town Council

Valier Civic Center

May 13, 2024

Mayor Glenn Wunderlich presided.

Council Members present: Steve Nelson, Angi Dodge, and Dave Widhalm

Council Members not present: Janelle Nelson

Town Staff present: Stephanie Sullivan, Clerk/Treasurer

Guests Present: Carol Green, Jerry Sullivan, Justin Aguilar, and Rhanda Eagle Speaker

Mayor Wunderlich brought the meeting to order at 7:00pm.

1. Mayor Wunderlich led the Pledge of Allegiance.

Mayor Wunderlich called for any corrections or additions to the April 8, 2024, meeting minutes. None heard. Alderwoman Dodge moved to approve April 8, 2024, regular council meeting minutes. Alderman Widhalm second. Mayor Wunderlich called for a vote on the motion. Motion carried unanimously.

2. **Public Comment.** None
3. **Library Report.**

Rhanda Eagle Speaker

4. **Law Enforcement Report**

Deputy Johnson

5. **Public Works Report.**

Josh Clifford gave the water report.

The Town pumped 1,596,100 gallons of water for the month, for an average of 50,070 gallons per day. Bulk water sold 92,400 gallons for the month. The water sample was good for the month. The water levels in the wells are about average for this time of year.

6. Jerry Sullivan was present to propose the placement of water meters in new construction homes be at the owner's discretion whether it be a meter pit or in the home. He discussed the pros and cons of both.

7. Mayor Wunderlich presented the council with the second reading of Ordinance #193.

ORDINANCE #193

Title 4- Public Health and Safety

Chapter 1- Garbage, Refuse, Weeds, And Vehicles

Section 9 – Abatement and Mitigation

Section 10- Appeal process

4-1-9: Abatement and Mitigation:

The abatement or mitigation of conditions which constitute a public nuisance prohibited by this chapter shall be accomplished under the provisions of this section.

- A. Upon its own initiative, or within 30 days of receiving a written, signed complaint that a condition of community decay exists, the department shall inspect the subject property to determine whether there is a violation of this chapter.
- B. If it is determined that there is a violation of this chapter, the Town of Valier shall notify the owner, manager, or lessee of the property, or other responsible party as required by this section of the violation and order its abatement or mitigation within 30 days. The notice of the violation shall:
 1. Include a statement specifically describing the violation;
 2. Specify that the owner, manager, or lessee, or other responsible party that if the violation is not resolved, the Town of Valier may undertake abatement or mitigation and assess the costs to the owner.
 3. Advise the owner, manager, or lessee, or other responsible party that if the violation is not resolved the Town of Valier may undertake abatement or mitigation and assess the cost to the owner
 4. If the owner, manager, or lessee of the property, or other responsible party can be reasonably determined and located, then the Town of Valier shall notify that person or those persons by certified mail return receipt requested. If the owner, manager, or lessee of the property, or other responsible party cannot be determined after a diligent search of public records, then the Mayor may authorize the town of Valier to give notice of the violation by prominently posting a notice on or near the property

and publishing a notice in a local newspaper once a week for two consecutive weeks. The last date of publication shall be not less than five days prior to any action taken by the town of Valier. The notice shall include the name of the last known owner, legal description and commonly known address of the property, and a description of the violation. The notice shall also state that if a violation is not resolved within 30 days of the date of the first publication, the Town of Valier may undertake abatement or mitigation without further notice and assess the cost to the last known owner of the property.

- C. Within seven days of receipt of the notice of violation, the owner, manager or lessee, or other responsible party may submit a plan to the Valier Town Council which shall include:
 - 1. A complete description of the plan to be undertaken.
 - 2. The date for commencement of the corrective action.
 - 3. A date for completion of the corrective action. An extension may be granted at the discretion of the Valier Town Council.
- D. The Valier Town Council may accept or reject the plan, accept the plan with modifications, or request additional information before making a final determination.
- E. The owner, manager, or lessee, or other responsible party may appeal the Valier Town Council's final decision according to the procedure set forth in section 4-1-10.

4-1-10: Appeal Process:

An alleged violator may appeal the Valier Town Council's decision in writing via certified mail to the Valier Town Council within 10 days of the Valier Town Council's final decision regarding.

- A. A determination that a community decay violation exists,
- B. Rejection of a corrective action plan, or
- C. A fine for noncompliance.

The Town Council shall hold a hearing within 45 days from the date that the appeal was received. The Town Council shall, in writing, affirm, modify, or withdrawal the Town's decision within 30 days after the hearing. Once an appeal for a hearing has been made, the Town's decision shall be stayed until the Town Council has held the hearing and affirmed modification or withdrawn the determination of the Town. The Town Council will issue an order of the Town Council's findings signed by the Mayor. The order shall include what, if any, corrective actions are required, the time period for the corrective actions, and that the Town of Valier is authorized to remedy the violation and assess costs to the responsible party.

If a violator fails to resolve a violation upon order of the Town Council, the Town shall be authorized to remedy the violation, and assess costs to the property owner, manager, or lessee, or other responsible party. In the event that the violator does not appeal the Town council's decision and fails to resolve the violation, the Town will bring the matter before the Town Council for authorization to complete the corrective action, and assess costs to the property owner, manager or lessee, or other responsible party. If the assessment is not paid, it shall become a lien on the property and may be enforced as a nonpayment of property taxes.

First Reading- 4-08-2024

Second Reading –5-13-2024

Adopted –5-13-2024

Effective –

Mayor Wunderlich called for a vote to accept the second reading of Ordinance #193. Alderwoman Dodge made a motion to accept the second reading. Alderman S. Nelson second. Motion carried unanimously.

8. Consent Items

a. Regular Business Claims: Mayor Wunderlich called for a motion to pay the bills, check#33466-33512. Alderwoman Dodge made a motion to pay the bills. Alderman S. Nelson second. Mayor Wunderlich called for a vote on the motion. Motion carried unanimously.

b. Business Licenses:

1. Yablo Enterprises LLC submitted an application for a business license. Alderman Widhalm made a motion to approve the business license. Alderwoman Dodge second. Mayor Wunderlich called for a vote on the motion. Motion carried unanimously.

C. Permit to Build:

1. Justin Aguilar of 516 5th St. wants to put up a fence on his property. Mayor Wunderlich called for a vote to accept the building permit. Alderman Widhalm made a motion to approve the permit. Alderman S. Nelson second. Mayor Wunderlich called for a vote on the motion. Motion carried unanimously.

2. Ivan Irwin of 628 Minnesota Ave. wants to build a roof and porch over his trailer. Mayor Wunderlich called for a vote to accept the building permit. Alderman Widhalm made a

motion to approve the permit. Alderwoman Dodge second. Mayor Wunderlich called for a vote on the motion. Motion carried unanimously.

3. Andee Anderson of 611 Choteau Ave. wants to build a pole barn on his property. Mayor Wunderlich called for a vote to accept the building permit. Alderwoman Dodge made a motion to approve the permit. Alderman S. Nelson second. Mayor Wunderlich called for a vote on the motion. Motion carried unanimously.

9. Council Concerns.

Stephanie Sullivan, Clerk/Treasurer for the Town of Valier informed the council of the audit results for the April 29th audit.

Stephanie Sullivan, Clerk/Treasurer for the Town of Valier informed the council the Water CD and the Sewer CD are now in grace period and suggested the Town move the CD's to Stockman Bank. The current CD rate with Wells Fargo is 0.20% and the rate at Stockman Bank is 5.05%. The council thought that it was a good idea to earn more interest, so she will move them as soon as possible.

10. Announcement.

Next regular Town Council meeting will be held on Monday June 10, 2024, at 7:00 pm at the Valier Civic Center.

11. Adjourn.

There being no more business to come before the Town Council, Mayor Wunderlich adjourned the meeting at 7:45 pm.

ATTEST:

Glenn Wunderlich, Mayor

Stephanie Sullivan, Clerk/Treasurer