

**Regular Council Meeting  
Town of Valier Town Council  
Valier Civic Center  
April 13, 2015**

Mayor Bob Miller presided

1. Council Members present: Velda Loch, Steve Nelson, Dave Widhalm and Jessie Wunderlich.  
Town Staff present: Leo Malinak, Public Works, Abbie Boumans, Utility Billing Clerk, and Jackie Sheble, Clerk/Treasurer

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

2. Mayor Miller led the Pledge of Allegiance.
3. Mayor Miller called for a motion to approve the March 9, 2015 regular council meeting minutes. Alderman Loch moved to approve the March 9, 2015 regular council meeting minutes; Alderman Widhalm seconded. Mayor Miller called for any corrections or addition to the March 9, 2015 minutes. Alderman Loch noticed that on item 8, the second to the motion was omitted as was the outcome of the vote. Jackie will make the necessary additions. Mayor Miller called for a vote on the motion. Motion carried unanimously with additions.
4. Public Comment.  
Cheryl Curry requested that the Public Works Department sweep the streets after the Volunteer Fire Department washes off the sidewalks before Homesteader's Day like they did last year. Mayor Miller said that this would be done. As part of this discussion, a cleanup day was discussed. The Valier Area Development Corporation (VADC) has been active in cleaning up the town. Alderman Loch mentioned that the school kids have participated in cleaning up around the school grounds in conjunction with the Arbor Day celebration. Leo Malinak is working with the forester, Dave Jones, on dates he is available to participate. Leo then will work with Jackie Christiaens on a date that will work with the elementary kids. This will be around the beginning of May.
5. Mariah Sheble – New Town of Valier Website Design.  
Mariah Sheble is a senior at Montana Tech in Butte, Montana majoring in communications. Her senior project is redesigning the Town of Valier's website. The current website will not be updated. The date for the new Website will be middle to end of May 2015. She will present the new website at the June Town Council meeting. The website will include a link to a Facebook page and the website can be accessed on your mobile devices. Abbie Boumans will manage the Facebook page and website.
6. Seasonal and Part-time hires.  
Mayor Miller presented a list of seasonal and part-time hires for the Town Council's approval. Abbie Boumans – part-time utility billing clerk; Shannon and Renee Gabbard – mowing and Dick Steinhoff – recreation area caretaker. Mayor Miller called for a motion to approve seasonal and part-time hires. Alderman Wunderlich moved to approve the seasonal and part-time hires, Alderman Nelson seconded. Mayor Miller called for discussion. Duties for the recreation area was discussed. Mayor Miller called for a vote on the motion. Motion carried unanimously.
7. Liz Makarowski – Valier Public Library.  
Liz Makarowski is a member of the Board of Directors for the Valier Public Library. She is requesting that the library is named specifically in the Town of Valier's Growth Policy and Capital Improvement Plan. This is very helpful when seeking grant funds for the new library addition.

8. So-Lo Air Annual Water Purchase Agreement.

**WATER PURCHASE AGREEMENT**

This Water Purchase Agreement ("Agreement") is entered into on this 13th day of April, 2015, between So-Lo Air, a sole proprietorship under the laws of the State of Montana, hereinafter "So-Lo Air", and the Town of Valier, a municipal corporation of the State of Montana, hereinafter "the Town."

Whereas, the Town owns and operates a public water supply system; and

Whereas, So-Lo Air has requested that the Town provide it with a supply of water for private and public use in conjunction with the sale of chemicals by So-Lo Air; and

Whereas, this Agreement is designed to set forth the terms and conditions between the parties relating to a supply of water;

Now, therefore, in consideration of the covenants herein contained, the parties agree to the following:

1. So-Lo Air shall pay the Town a fee of One Hundred Dollars (\$100.00) for the use of the water hydrant number six (#6), located on Montana Street near Wisconsin cross street.
2. So-Lo Air shall install a flow meter on the hydrant.
3. So-Lo Air shall purchase water from the Town at a rate of Twenty Five Cents (\$.25) per fifty (50) gallons of water pumped out of the hydrant.
4. The Town shall take a monthly flow meter reading and bill out the usage to So-Lo Air.
5. The Town shall provide a back flow preventor for the hydrant.

So-Lo Air hereby agrees to be solely responsible for any and all damages it causes through its own acts of negligence or the negligent acts of any of its agents, servants, or employees, which cause damages to the City of Valier or any third party. So-Lo Air agrees to hold the Town of Valier harmless and to protect, defend and indemnify the Town of Valier against any damages caused by its negligent acts or omissions in conjunction with the performance of this contract in any and all respects.

This Agreement shall be governed by the laws of the State of Montana. Venue for any legal action taken in this case shall be at the Ninth District Court, Pondera County. In any litigated dispute the prevailing party shall be entitled to reasonable attorney fees and costs from the other party.

The term of this Agreement shall remain in effect for one year from the date above and renewed on an annual basis upon agreement by both parties.

Mayor Miller called for a motion to renew the water purchase agreement. Alderman Loch moved to renew the agreement, Alderman Widhalm seconded. Mayor Miller called for discussion. None heard. Mayor Miller called for a vote on the motion. Motion carried unanimously.

9. Resolution # 148 – Acknowledging Support for the CDBG Non-Competitive Housing Rehabilitation Grant the Pondera County Port Authority is submitting on Behalf of Pondera County.

**Resolution # 148**

**RESOLUTION ACKNOWLEDGING SUPPORT FOR THE COMMUNITY DEVELOPMENT BLOCK PROGRAM (CDBG) NON-COMPETITIVE HOUSING REHABILITATION GRANT THAT THE PONDERA COUNTY PORT AUTHORITY IS SUBMITTING ON BEHALF OF PONDERA COUNTY**

WHEREAS, Pondera County is applying to the Montana Department of Commerce for Community Development Block Grant (CDBG) funds for assistance to those citizens of Pondera County meeting the eligibility criteria as described in the non-competitive housing rehabilitation program application, for:

1. Rehabilitation through reconstruction, old abandoned or hazardous houses (remove and replace) or
2. Rehabilitation hazardous, unhealthy occupied houses to create safer environments for the occupants; and

WHEREAS, the grant application is county-wide focusing efforts on the incorporated communities; and

WHEREAS, there is no cost to the Town of Valier; and

WHEREAS, the Department of Commerce will need documentation that the Pondera County Port Authority has acknowledged support from the Town of Valier; and

NOW THEREFORE, BE IT RESOLVED THAT the Town of Valier's Town Council and Mayor hereby acknowledges support for the CDBG Non-competitive Housing Rehabilitation Grant that the Pondera County Port Authority is submitting on behalf of Pondera County.

INTRODUCED AND PASSED at the regular meeting of the Town Council of the Town of Valier, Valier, Montana on the 13<sup>th</sup> day of April 2015.

Cheryl Curry gave an overview on the CDBG grant and the grant's main focus. Mayor Miller called for a motion to adopt Resolution #148. Alderman Wunderlich moved to adopt Resolution #148, Alderman Nelson seconded. Mayor Miller called for discussion. None heard. Mayor Miller called for a vote on the motion. Vote was as follows: Alderman Nelson – Aye, Alderman Widhalm – Aye, Alderman Wunderlich – Aye and Alderman Loch – Abstained. Motion carried.

10. Poppy Day Proclamation.

## PROCLAMATION

WHEREAS – America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and

WHEREAS – millions who have answered the call to arms have died On the field of battle; and

WHEREAS – a nation at peace must be reminded of the price of war and the debt owed to those who have died in war; and

WHEREAS – the Red Poppy has been designated as a symbol of sacrifice of lives in all wars; and

WHEREAS – the American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower.

NOW, THEREFORE, I, Bob Miller, Mayor of the Town of Valier, Montana, do hereby proclaim the 8th day of May 2015 as

### *POPPY DAY*

AND ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the memorial poppy on this day.

Mayor Miller called for a motion to approve the Poppy Day Proclamation. Alderman Loch moved to approve the proclamation, Alderman Nelson seconded. Mayor Miller called for discussion. None heard. Mayor Miller called for a vote on the motion. Motion carried unanimously.

11. Public Works Report.

Leo Malinak gave the following report. These are highlights for the Public Works Department for the month of March 2015. The Town pumped 1,150,800 gallons of water for the month, for an average of 37,122 gallons per day. Bulk water sold 71,660 gallons and Hydrant sales was 0 gallons for the month. The water sample was good for the month. The water levels in the wells are fine for this time of the year. The Public Works Department will be doing the routine maintenance of chlorinating and flushing of the Town's water system from April 10<sup>th</sup> to April 30<sup>th</sup>. Our Wastewater Treatment Facility samples for the month had no violations under the AOC limits. We would have had no violations without the AOC. The spring start up for the Wastewater Rehabilitation Project will be April 7, 2015.

12. Law Enforcement Report.

Sheriff Carl Suta was in attendance to report on activities in the western part of Pondera County. All deputies and dispatchers completed CPR training. Deputy Ross Drishinski

will be the DARE officer. Sheriff Suta offered with assistance if needed while Highway 44/Teton Avenue is under construction. He does not want the construction workers to be in danger of speeding traffic. Mayor Miller thanked Sheriff Suta.

13. Consent Items.

(A) Permission to Build:

Stan Hogsett at 613 Dupuyer Avenue is requesting for a variance to build a home on property which is currently zoned as a commercial property and will be living in a camper until the home is completed. He also submitted a permission to build for the house. The zoning board advertised the variance request and held a public hearing April 13, 2015 at 6:30 p.m. No objections were heard at the public hearing. The application was reviewed and approved by the zoning board. Mayor Miller called for a motion to approve the zoning variance and application for permission to build for Stan Hogsett. Alderman Nelson moved to approve the variance and permission to build, Alderman Loch seconded. Mayor Miller called for discussion. None heard. Mayor Miller called for a vote on the motion. Motion carried unanimously.

Valier School District #18 is requesting permission to demolish and rebuild an announcer booth at the football field. The application was reviewed and approved by the zoning board. Mayor Miller called for a motion to approve the application for permission to build Valier School District #18. Alderman Loch moved to approve the permission to build, Alderman Nelson seconded. Mayor Miller called for discussion. None heard. Mayor Miller called for a vote on the motion. Motion carried unanimously.

(B) (C) (D) Claims:

Mayor Miller called for a motion to pay the bills consent items B, C, and D. Alderman Loch moved to pay the bills, Alderman Wunderlich seconded. Mayor Miller called for discussion. None heard. Mayor Miller called for a vote on the motion. Motion carried unanimously.

14. Announcements.

Next meeting will be held on Monday, May 11, 2015 at 7:00 pm at the Valier Civic Center.

15. Adjourn.

There being no more business to come before the Town Council, Mayor Miller adjourned the meeting at 7:50 p.m.

ATTEST:

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Bob Miller, Mayor

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Jacalyn G. Sheble, Clerk/Treasurer