

**Stevensville Town Council Meeting Minutes  
for THURSDAY, MARCH 25, 2021**

1. Call to Order and Roll Call

Mayor Dewey called the meeting to order, Councilmembers Devlin, Ludington, Shourd and Vick were all present.

2. Pledge of Allegiance

3. Public Comments (Public comment from citizens on items that are not on the agenda)

Bob Michalson, 222 Turner St, I would like to turn the attention to the skate park and the two signs about bicycles. No bikes sign are great signs, bad location.

4. Approval of Minutes

a. January 21, 2021, C.O.W. Meeting Minutes

b. March 4, 2021, Public Hearing Meeting Minutes

c. March 8, 2021, Public Hearing Meeting Minutes

Mayor Dewey: introduced the minutes for approval.

Councilmember Devlin: I will make the motion to approve the minutes.

Councilmember Vick: I will 2<sup>nd</sup> that.

Mayor Dewey: it has been moved by Ms. Devlin and 2<sup>nd</sup> by Mr. Vick. Council discussion? Public comment? Hearing none, Ms. Berthoud would you call for the vote.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

5. Approval of Bi-Weekly Claims

a. Claims #16588-#16648

Mayor Dewey: introduced the claims, #16588-#16648.

Councilmember Vick: I will make a motion to approve claims as written.

Councilmember Shourd: I will 2<sup>nd</sup>.

Mayor Dewey: it has been moved by Mr. Vick and 2<sup>nd</sup> by Mr. Shourd. Council discussion? Public comment? Hearing none, Ms. Berthoud would you call for the vote.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: okay thank you.

## 6. Administrative Reports

None.

## 7. Guests

None.

## 8. Correspondence

None.

## 9. Public Hearings

a. Public Hearing: approval, approval with conditions, or denial of preliminary plat for the major subdivision known as Burnt Fork Estates

Mayor Dewey: introduced the public hearings section to the council and the public. Does council want to provide any direction or any consent at the last two public hearings we instilled a five-minute time limit during the public hearing do you wish to remain consistent, or would you like to modify that time limit this evening?

Councilmember Shourd: I would like to modify the time limit and have individuals speak until they are done with what they want to say.

Mayor Dewey: is there any objection from council, very good. Before we open for public comment the developers have a presentation on, more or less an update for, the representatives from PCI have an update to for you tonight shouldn't make more than ten minutes and should provide the public with some insight before the public hearing.

Andy Mefford: gave an update to his presentation that he gave at the March 11, 2021, town council meeting, updates including updated version will be uploaded to the website.

Mayor Dewey: one other update that I will share with the council discussed the supplemental staff report update from the public works director, it was provided to the council yesterday and was also uploaded to the website in the BFE page and is available for the public review. As we thought nothing earth shattering on the staff report it concurs with the same conditions of approval submitted by the planning and zoning board representatives this evening actually addressed the concerns that were brought up in that staff report particularly around speed and those issues around the road design, so I think that was a bulk of that report that was addressed, there were four additional items on that report were not brought to council for consideration, didn't necessarily a condition that public works addressed but a traffic concerns

around Logan Lane, Eastside HWY and Middle Burnt Fork Road. Rather than conditionally the developers because I think we agree that they don't own the problem of those intersection and those roads or a portion of that if this is approved (unclear audio) project understanding that this phased project over ten years it will look very different from phase 1 to the end of the project. (Unclear audio) with that we go and move forward on opening the public hearing

Introduced public hearing section to the public, reminder to sign in and state your name and address for the record.

#### PUBLIC COMMENTS DURING THE PUBLIC HEARING PORTION OF TONIGHTS MEETING, BURNT FORK ESTATES (BFE)

Bob Michalson, 222 Turner Street, Stevensville resident, public comment. Mr. Michalson read from an article that was in the Bitterroot Star dated November 19, 2014, by editor Michael Howell about commercial businesses in the Stevensville area. (Nothing provided to the clerk for record) I don't see anything, I don't see we can take all of the water issues, surface water, water rights just this here I don't see how each one of you in good conscious vote for something that will kill this town you approve this main street will die. You have a business, Paul, I remember you were very active on the Main Street Association, Brandon you ran on this whole thing, Main Street Association, Civic Club and now you want to put a heart through the dagger shame on you all if you do this, it will kill it in time, but you will kill it.

Susan Brown, 1138 Middle Burnt Fork Rd, Stevensville resident, public comment. Ms. Brown set up a plat map of Creekside Meadows subdivision. I want to say I support a subdivision at this location. I brought forth my concerns at the Tuesday night meeting about traffic. Ms. Brown addressed the section of her public comment that was provide to the council via the town clerk about the numbers of houses vs amount of traffic. Also addressed the kinds of housing that Creekside Meadows suggested in their original plat map. Jaime you were concerned about straight roads, Mayor Dewey you were concerned about affordable housing. In these areas you could look at all of the open space for children to play, if you connected the bike path on Middle Burnt Fork Rd it would take the traffic off of Logan. I don't think that you can make a decision on preliminary plat without information. (Nothing provided to the clerk for record tonight, did earlier in the day).

Joan Prather, 534 Middle Burnt Fork Rd, Stevensville resident, public comment. I have watched the developments in the valley, I encourage you to listen to Ms. Brown she knows what she is talking about. Talked about planning, how critical it is. Talked about the main street association and how they encourage new business to the downtown area of Stevensville for over 17 years. I hope that you will look at the commercial development. Asked the council to look at our growth policy. It is a policy, and it is a guide, and it has consulted with the community. I hope that as you look to the future that you look at that. (Nothing provided to the clerk for record)

Steve Gibson, 1517 Creekside Drive, Stevensville resident, public comment. Talked about traffic and roads, when the town gave permission to the developers, they would need to get access from the county, not having access to Logan and Middle Burnt Fork Roads, traffic study was done a year ago during COVID, no schools no bars no restaurants. (Nothing provided to the clerk for record)

Gretchen Spies, 317 Main Street, business owner, public comment. Talked about not against new development but concerned about the commercial area at BFE. Talked about the businesses that have arrived in Stevensville on Main Street and have failed and left since she has been here on Main Street, Ms. Spies named the businesses that have come and gone through the years. We have worked very hard to keep Main Street old and lovely. (Nothing provided to the clerk for record)

Leanna Rodabaugh, 204 Ravalli Street, Stevensville resident, public comment. One of the things that I have heard is part of our problem is on Logan. How are you going to get to the commercial? Talked about the traffic issues in regard to BFE. I hope that you are listening to us. One thing that the Mayor did was hire Steve Kruse who has no qualification for his job and yet he has put himself in a nice position on Turner Street where the Mayor lives and where Bob Michalson lives, he has a commercial development there that is called I think it is called Timberline LLC he is a contractor and if anybody had any brains at all it should make you kind of wonder about what is being said. Ms. Rodabaugh read from a post, I don't know why we are here, at least one councilmember and our esteemed Mayor have approved of that disaster how the two of you are so enamored of getting your way you will no matter what give in to the wished of your constituents, Mr. Ludington are you going to sit there and plan that your wishes planned above those of others, how do you justify this? Do you know the meaning of represent it means to speak act or be present for another person or people not yourself, we all know that you are in favor of this no matter what we say, which I call arrogance? One is much more important than other people overbearing pride that would (unclear words)

Mayor Dewey: Ms. Rodabaugh would you refrain from attacking council members

Leanna Rodabaugh: I am done, I knew you were going to try and stop me because you always do, I am done try to think about his before, we don't want this. (Nothing provided to the clerk for record)

John Croft, 1618 Creekside Drive, Stevensville resident, public comment. Thank you for letting me comment. Talked about his concerns with BFE. Traffic concerns, BFE would add more traffic to Logan, attaching BFE to Creekside Meadows, wildlife concerns, water issues/water rights within BFE, commercial concerns within BFE. Please vote no for the preliminary plat for BFE. (Nothing provided to the clerk for record)

Jim Kalkofen, 287 Birch Lane, Stevensville resident, public comment. Talked about planning and zoning board minutes and that the board has not approved them. Discussed concerns about incomplete data and information in the proposal, until these things are on paper the application is incomplete. Talked about the commercial zone and what types of businesses could go in there. Water concerns, wells. (Nothing provided to the clerk for record)

Victoria Howell, 609 Middle Burnt Fork, Stevensville resident, public comment. Ms. Howell read her comments to the council, concerns about commercial zone, quoted the growth policy and the vision of commercial areas in that policy. (Nothing provided to the clerk for record)

Paul Ludington: point of order I have been misquoted, they do not have common walls there is a seven and a half side yard setback they are independent buildings C-1 requires no setbacks, C-2

does not. If that is what you heard, you were misunderstood they will be separate buildings it will not be a strip mall they do not have common walls they are independent buildings in C-2.

Jim Edwards: 601 Main Street, business owner, public comment. Talked about the commercial impacts that the BFE commercial area will have on downtown. I have no problem with the subdivision, but the commercial area I have concerns.

Lori Green, 302 Creekside Drive, Stevensville resident, public comment. Talked about the water run off issues, water already fills my basement I have to pump it out and there is nowhere for it to go, parking issues with multifamily housing, parking concerns with where to park when these multi-family housing units will have two cars each. (Nothing provided to the clerk for record)

Mayor Dewey: any further public comment on the public hearing? We will close the public hearing for Burnt Fork Estates, and we are going to take a seven-minute break or so.

Mayor Dewey: brought the meeting back to order after a brief break.

## 10. Unfinished Business

a. Discussion/Decision: approval, approval with conditions, or denial of preliminary plat for the major subdivision known as Burnt Fork Estates

Mayor Dewey: introduced unfinished business item (a). you have had three public hearings; you have had a chance to review the staff report and you have heard from the developer on several occasions her in this setting. I am not sure what is council's intent is tonight in terms of forward steps when we did the planning and zoning board meetings at the end of that process we worked through each of the criterion and criteria of the subdivision review and you have basically the review and recommendation report that was given is a format that we follow addressing each of those criteria and the findings of fact and the conclusions of law and addressing those prerequisites of approval and the conditions and with that we have that document available in terms if the council wants to work through those pieces step by step and make those notes and get that prepared if that is the route you want to go I will leave it up the majority of how you drive how this looks moving forward.

Councilmember Vick: I think that the one elephant in the room with this whole thing has been the proposed C-2 zoning. I can't deny that I have heard at least 45 people in the last couple of weeks are very much so against the C-2 zoning. My views on that is that it would risk the put a tear in the middle of the it would put two commercial centers in the town which a town this size we can't sustain. Because of this one section I am going to make a motion to deny the proposed C-2 zoning.

Mayor Dewey: is there a 2<sup>nd</sup>?

Councilmember Devlin: 2<sup>nd</sup>.

Mayor Dewey: it has been moved by Mr. Vick and 2<sup>nd</sup> by Ms. Devlin to deny the C-2 zoning request. Council discussion?

Councilmember Ludington: I think that there is a certainly an opportunity for us to certainly separate the C-2 from the proposal which I am not opposed to. I understand that reluctance to rezoning that particular area. What I think we probably need to do is separate that from the proposal. Because it is considered part of the proposal, if we separate it from the proposal, I think we can make a decision on whether or not we want to accept that rezone. I think that the proper way to go about it is to separate it from the proposal, otherwise we are looking at denying all, I am not saying that is what we are going to do but I think that is the proper way to go about it.

Councilmember Vick: I will rescind my motion and I will submit a motion to separate out the proposed C-2 zoning.

Councilmember Shourd: 2<sup>nd</sup>.

Mayor Dewey: it has been moved by Mr. Vick and 2<sup>nd</sup> by Mr. Shourd for the previous motion rescinded to consider the C-2 zoning separately. Council discussion?

Councilmember Ludington: I will go on the record to saying that the only reason, that in the discussions that planning and zoning had, the only reason they were thinking about a C-2 zone was that multi-family is allowed in C-2 but it allowed in a lower density I think that there is also (unclear audio) in the downtown area I think there is no doubt going to be an effect to the downtown area if there is allowed eating establishments that type of thing in that C-2 zone, in my opinion, the reason that the planning and zoning board was okay with it was because rather than 16units per acre it is 10. So, we were lowering the R-2 density because it is already zoned R-2 I don't know if that was in the intent of the developer to try and move away from multi-family or not but that was the only reason that we left it alone and to allow them to put in height restrictions and what would be allowed. I think under the town building ordinance you could make them more stringent you can't make them less. We couldn't say because of this we will allow this that would normally be permitted but we can say this is permitted. So that was the understanding in my opinion of what was done in the C-2 zoning as far as the planning and zoning board's recommendation.

Councilmember Vick: I understand that my thing is I completely agree if the intent is for residential to only be out there than let's leave it zoned residential and put conditions on that. That is how I would view that, rather than give them a chance to have three apartment buildings and then you have a Starbucks and then three more apartment buildings and then a Walmart neighborhood market. Let's leave it so residential only. That is my view of it.

Councilmember Devlin: I am an advocate for a lot of businesses here in Stevensville and throughout the valley I work hand in hand with several, I am on a lot of boards that promote our business' downtown, and it is something that I am extremely passionate about and to even remotely consider damaging that I can't do that, and I won't do that. This community has worked too hard to preserve the businesses that are here we have worked too hard to work side by side and help our community thrive. I think that we have a moral obligation more than anything we don't have Main Street any more we have to help our business that we currently have that is our obligation to think of commercial anywhere else at this point I can't do that.

Councilmember Shourd: The Main Street is the heart of Stevensville and that is where it needs to stay.

Mayor Dewey: any further council comment? The motion on the floor is to separate the two zoning. We will open the floor for public comment.

#### PUBLIC COMMENT

Steve Gibson: my understanding, if you don't approve that part C-2 which I think is a good idea, you will have to go back and be redone to the planning board, am I correct? These people are going to have to come back to the board, correct?

Mayor Dewey: if the developers reconfigure the subdivision substantially because of the C-2 zoning is not permitted C-2 zoning is not granted and they change the lay out of the subdivision, yes that would initiate a restart, but if they leave the lots and the configuration exactly how it is with no substantial modification the R-2 rezoning is already in effect.

Steve Gibson: I think at the last community meeting this came up this very thing about they would have to go back a redo it so it would have to be a new plan.

Mayor Dewey: today they could leave those lots alone as R-2 and build on them

Steve Gibson: I really think you are going to have to go back and reapply.

Jim Kalkofen: it was my understanding that when I read the full application it was a subdivision and a rezoning request. same application for two things if you deny the C-2 in my opinion I would like to get the towns legal opinion from their attorney and find out if that is something that can be done.

Susan Brown: you already have a traffic study, and it has been determined by the state of Montana to be an error and if you change any of the numbers that go into an impact study it changes the study. You change that to residential and we don't know the numbers it is violating the law.

John Kellogg: PCI, as far as numbers go, I appreciate Susan Brown. If it goes C-2 the number of residents that go in there is potentially 48 if it goes to R-2 that number jumps up to I believe 128 which is not possible. As far as the comparison of this commercial and what would go in there. I appreciate local business on main street this is not intended to draw from downtown. It is a low impact type of zoning. It could be medical offices, professional offices, the likeliest comparison is behind the post office. The C-2 that is on the back side of main street is largely unused, so it is difficult to draw a comparison there.

Mayor Dewey: just so we can keep this conversation going with the town council as a reminder folks that right now is not necessarily the time that we are debating the C-2 is approved or not approved we are debating on whether or not the C-2 should be together or separately. If you don't mind keep your comments to that point.

Susan Brown: if you change it from commercial to residential you change the model. Those numbers by the developer keep changing.

Andy Mefford: I will keep the comment directed to the two issues separating. Gave comment on the commercial, the connection to Burnt Fork.

Mayor Dewey: any further public comment on the separation of the two items. Mr. Mefford does bring up a good point two distinct fees were paid for the subdivision application and for the rezoning application. We combined the processes for efficiency sake because they are related project wise and I think from that perspective and I don't know if after this decision on whether to not split them I don't know what your intent is to go forward if you split the decisions I would ask for you to not make a decision on the zoning this evening because it is not agendaized as such, you do have the ability as the agenda reads you could make a decision on the preliminary plat, but the C-2 zoning I think we should do separately. Just a word of caution. I don't see anything prohibiting you if you split them out and you decline the C-2 and approve the preliminary plat maybe in the reverse order. The R-2 zoning still stays on the property so the lots remain exactly the same if approved, the preliminary plat would remain exactly the same unless you condition that they change, or the developer came back with a new proposal to change those lots. I think if a preliminary plat approval was granted, I could see it unlikely (unclear audio) or a preliminary plat discussion when it comes before you, whenever that may be. Any last council comments on separating the decisions?

Councilmember Ludington: the only reason that I suggested that is because it was part of the planning and zoning recommendation that was included. Rather than trying to rewrite the entire conditions. I thought that it would be easier to separate the conditions out because like you probably do have, I have questions after listening to testimony tonight. (Unclear audio) I have some questions that have evolved from that. This might be the opportunity where we can take that first little bite of this potentially an extremely large condition.

Mayor Dewey: the motion on the floor is to remove the zoning request from this, Ms. Berthoud will you call for the vote.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: motion passes unanimously. Council remains with the agenda item before them. If they consider, or the ability to continue the conversation on the preliminary plat.

Councilmember Devlin: I would rather not wait and do it all in one night. We have ample opportunity to go through this we have had ample opportunity to hear concerns and questions answered. I don't know what more we need in a week. We are hearing the same things.

Councilmember Vick: with us separating out the proposed C-2 zoning don't we have to agendaize that part?

Mayor Dewey: if you wanted to consider the preliminary plat approval this evening, the C-2 zoning is something that you will have to consider in a future agenda.



Councilmember Vick: there are somethings that I would like to see in the R-2 zoning different. I don't know if we have to separate that out.

Councilmember Ludington: I think we can add that to conditions to consider.

Councilmember Vick: the condition that I would like to have on the R-2 zoning is that multiplex housing be limited to duplexes. And I will make that motion.

Mayor Dewey: Mr. Vick has made a motion to condition the R-2 zone at Burnt Fork Estates as duplex or single family only. Is there a second to the motion? Motion dies for lack of a second. If you would like you can discuss conditions and agree to conditions as a bulk if you want to, I am going to cautiously make the assumption that you have reviewed the conditions of approval that the planning and zoning board has recommended and made it would be a good starting point to look at those conditions and decide if you want to keep or move or add.

Councilmember Devlin: I want to open some dialog, we have spent so much time talking about water and sewer I guess my concern is when we if we approve this subdivision, there is nothing that we can do when it is in, and we really have not talked about the effects that it has on the town of Stevensville. I guess talk about Logan, Burnt Fork, water and sewer. All that traffic goes somewhere all those people go somewhere. When I read this and it says three to six hundred or two thousand to four thousand I view that as vehicles that are going to be driving not just on those roads but in our town we have intersections that if we could half the passion and emphasis we have spent on this whole subdivision and taken those into consideration a decade ago we would not be sitting here today, but now it is this big deal because we are here. I don't feel like, we as the council are sitting here holding a bag for a lack of planning from over a decade. And to be honest I am having a really hard time with that. We can't do anything about his but why hasn't somebody done something along the way to prepare for this. Creekside was approved for ever ago, we have known about it, we have known about Twin Creeks we have known that Stevensville is going to grow. And we have done nothing to prepare for that and now we have all of these decisions to make to put this subdivision in, it is not the developers fault you made an investment. Other people in this room have the same opportunity to buy that land and do whatever they want, it is not the developer's fault. We are in this position with all these questions and concerns and this fear of lack of planning for over a decade. We somehow think that we are going to sit down and go through all these conditions or approvals and come up with this magic plan that should have started twelve, fifteen years ago. Are we going to do that in a couple of night I don't think it is possible? To be completely honest I don't think in two nights we can mitigate all these issues to make our town safe, to make our town happy, and to make our town to continue to thrive in a way that we are all accustomed to it thriving and working. I will follow up with that, we have the opportunity to possibly have four police offers we are still behind by two. We should have six, some say that we should have seven. I know that it is going to be over a ten-year process I know that we are going to add more. Which means that we need more safety in our town that has taken us this long to get just this far, I know that people don't want to have their taxes raised, I get that. I have real estate, I have commercial buildings I have homes I get it I pay plenty of taxes, but we are looking at spending money to prepare for something that is going to happen instead of taking care of these issues for the people that we have here right now, I don't feel good about that. I don't know why we

are all of a sudden going through this and worrying about Logan and worrying about Burnt Fork and worrying about Eastside and Main Street and Burnt Fork and Main Street. We should have been worrying about these all along. We should have been preparing for this all along and we haven't, and they need an answer from us, and we are still sitting here with our teeth in our mouth trying to figure out what should have been twelve to fifteen years ago. I don't think that we are in a fair position, I really don't. I don't know how to make a right decision about this because it effects so many things. We can go through conditions we can go through all this stuff, but I don't know how we are going to.

Mayor Dewey: I can address capacity; it was brought up in the public hearing we talked about capacity analysis of our system the goal with that analysis was to educate our citizens and the people that own our system through water rates not their taxes, through their water and sewer rates to help those people better understand what their system is, what it is capable of doing, where it has been all those pieces. When we talk about being prepared for growth, we did take so pretty significant strides in especially 2013 and 2015 and increasing our systems. We do have so we have our draw capacity analysis I will be very upfront with you, I am walking on eggshells on purpose, and this is in draft form, I happen to have the email sitting in front of me I will share some of this information, I want you to know, that it is still being firmed up by our engineers. The water capacity analysis is not being conducted by the public works director or the public works department it is being done by HDR Engineering which the town uses for its engineering services and our master's services agreement, and they have extensive experience with the systems in Stevensville over the years. In summary to just get right to the punch line that everyone is looking for these preliminary numbers shows the wastewater treatment plant has capacity to serve 325 single family residents, excuse me dwelling units, 325 dwelling units under average flow conditions. What may surprise you is that the water system has more capacity than not, the water system has the capacity to serve additional 1143 dwelling units if we, this will probably get you really riled up, if we reduce the unaccounted water that we lose from our system by 50% we could add 407 units to that number. We are mostly limited in our sewer capacity because of our DEQ permit, and the reason that this is in draft form is to confirm that our plant by design is capable in treating more in wastewater than what DEQ will permit it to do. DEQ usually holds you back, but at maximum capacity the sewer plant, especially after the nearly \$2 million upgrade that we did at the head works facility that we did in 2015 it is likely that we would service more than 325 units. The biggest issue with our water system, and it is not the fault of the growth at Creekside or Burnt Fork Estates or anywhere else in town, it is the town is striving to meet a fire flow capacity of 3500 gallons per minute for a 3-hour duration. That is where we have challenges in our water system because that adds up to 414,000 gallons a tank holds 430,000 gallons, so you can obviously do the arithmetic here and realize that we are cutting it close and cannot meet fire flow demands of 3500 gallons a minute in our commercial areas, we meet residential fire flow, no problem. And that is why the town has stuck away cash for several years for the water tank project. We have upwards of \$1 million in the water fund to pay for the water tank, so we weren't bringing additional bond or debt on to the water and sewer users. So, we have done some planning in terms of water and sewer infrastructure to make sure that we are ready for the eventuality of this subdivision and other subdivisions coming to fruition. Jaime is right in that roadways are less than ideal, maybe we set them with expectations because what we are seeing, we received revised numbers if you will from PCI

today regarding Ms. Browns study. And what that, so I will tell you the difference in the numbers, total trips 1675 daily trips to 2208 daily trips increases of 146 to 176 in the morning and 163 to 202 in the pm. Overall the (unclear audio) at these different intersection increases by .1 to .5 seconds per vehicle and the grades for those intersection do not change at all. These numbers are coming to us in an addendum. So, there is some information that should have been given to you from the get-go, Jaime's comments bring some of that to light. It may or may not help you.

Councilmember Shourd: I understand what you saying I do. This particular development I can't see another way where we can control the growth as well each phase has to go through the DEQ has to go through the DNRC has to go through the Montana roads we have seven opportunities to pump the breaks and say, based on this information, based on water supply based on storm water we can't go any farther. The first phase is six homes the second phase is 22, my concern is the growth that we are going to see outside of town, outside the city limits neighborhoods that go up with a hundred house, they are all tapping into the aquifer. They are all running drain fields and septic tanks. This is the one opportunity that we have to control the growth like you discussed modify it and regulate it and stop it if it impacts the water system.

Councilmember Devlin: I have no doubt about that, I agree with that. But the focus has not been on what is it going to do to our town how is it going to impact our town. We have a 4 way stop out here we add 4000 cars they just don't go down Logan and Burnt Fork and then disappear they go somewhere. Where do they go? Where do they park downtown where do they park anywhere there is no parking? There is nowhere for these people to go they are not just going to go down Logan and Burnt Fork. Do I think that potentially they could bring a lot of money to our downtown business, absolutely? I have zero problem with growth we need it. We really need it as discussed, but we look at a subdivision like this and like we talked the other night these are not affordable homes these are four, five, six-thousand-dollar homes that are going to go in here. Who are those people, right, that are generally in our area what does that mean for our town what does that bring to us? So, we put a subdivision in and there is usually an expectation of living that goes along with that do we meet that here? No, we don't. So, we are bringing homes to Stevensville for people to leave Stevensville to shop. It doesn't keep people here it doesn't keep people here to spend money. our town is charming but that is going to get boring really quick. What does it do to our town does it really bring along term business standpoint on money? I don't know that it does, initially, absolutely, our economy would get a boost. What do we do about our 4-way stop sign? In the mornings when I take my kids to school I am getting to the point where I am literally saying cuss words. I had never used Logan and now it is an option because over here it is a nightmare trying to get out over here it is a nightmare. I am now using this road that I absolutely hate, I said that I would never use it when I moved out to Creekside. I had a meeting with Jim and told him that I never use that road and don't intend to use that road I am now using that road because when everybody is going to the school you can't get to the school for me to get from Creekside to the school it takes me ten minutes in the morning so we are going to add that to two roads that in itself does not make sense to me but we can figure that out. What do we do about our town? There has been no mention what we are going to do with the 4-way stop and these other roads west of commercial 50% increase in traffic, 50%. What do we do about that? Are we going to widen our roads, who is going to give

up their land to do that? What do we do? And what do we do with them when they get into town? We didn't prepare, to be honest with you I am sick and tired of hearing about water and sewer. I mean it is water and sewer, you figure it out, but our streets in town. What do we do? We did not prepare for growth. Two items out of a whole list, two items that we prepared for.

Councilmember Ludington: I don't want to rain in Jaime, but I think we are onto a philosophical issue I am sure that you probably did as well as I did twenty years ago commute to Missoula every day and sit at malfunction junction and watch people of Missoula read a book it took them 18 years to get that changed and is it any better? They had no control over it all that they could do was apply, apply, apply to DOT to get something done. Higgins Street bridge, twenty-five years it took them to do that. It took us eight years to get a four way stop originally when I was on council years ago, we wanted to try and do something with that third and main improve the intersection make it easier for pedestrians and the DOT basically said that is a highway and we are keeping it a highway so that traffic will move better. So, some of this stuff we have no control over I tried to when Creekside Meadows was first proposed I went to a meeting with the mayor of that time to the county commissioners and said we would like you to dead to the town Logan Road from Eastside HWY to Middle Burnt Fork and Middle Burnt Fork to Eastside Hwy to give it to the town, so we were responsible for it. They said no. as far as I know they are still saying no, they want that roadway they are responsible for it so when accidents happen out there as they probably will it is their responsibility because they won't let us do it. They will let us take care of 3<sup>rd</sup> street and 2<sup>nd</sup> street and College and Church, but they won't let us take care of Logan or Middle Burnt Fork. Eastside HWY belongs to the state, try to get something from the DOT you are lucky to get an answer on the traffic study but to try to get them to tell you what the plan is on that corner which is horrendous as with the other three corners out there and the corner where some kid was killed recently. They have had a design plan on that since 2004. And they haven't done anything. They are right now working on a project from Pine Hollow to Birch Creek to widen the road, so it looks like from north Birch Creek to Corvallis they have been planning that since 2009. So, that is how long this stuff takes and this part of the way, don't get me wrong I am not standing up here advocacy that we go, go, go. I am saying that this stuff takes time, they have two people and in Missoula that spend all of their time applying to DOT for funding for roadways that they don't have responsibility for. HWY 93 business loop that runs through Missoula they don't have any responsibility for it, it is not their road. And all that money comes from gas tax, that is what we use in the town to keep our roads in the condition that they are in. We lobbied like heck to get them to put that walking path in from Logan on Missile Burnt Fork when they redid Middle Burnt Fork to put that walking path in and just this year, after talking to the County Road Supervisor plow the middle of the road and then plow the path. Don't plow the path first because that is where people drive, we kind of have that established so that we have that little bit there. That took a long time as well. This is going to take a long time, it kind of sounds like putting the cart before the horse but in order for stuff like this to happen you have to show an impact. When you want to talk about what the town has done to try and get stuff like this, (unclear audio) practically killed himself trying to get water moved and that cost the town very little. What was that \$12 million they spent on that project and the town spent less than a million I think they ended up paying four hundred some thousand dollars for that \$12 million project because they got funding from everywhere. We could probably do the same thing for the roadways to get some funding to apply to the improvement. But the DOT and

the county is going to come forward and say that is a cow pasture what are you talking about. No, look what is going to happen in the next ten years, part of the condition of this preliminary plat approval is that they show us that they are able to access those two roadways by permits, if they don't have those two permits stuff aint happening. So, without these conditions of approval this subdivision goes nowhere. I have been here twenty-seven years when I first moved here George Smith was barley getting started after it had been there for twelve years after they had been working on it. They had been working on 7<sup>th</sup> – 10<sup>th</sup> street and building on that after they had conceded three times to three different developers (unclear audio) none no sidewalk at all or lighting, that is what they had to concede to get something built out there. Guess what ladies and gentlemen I am not conceding on nothing. I am sorry that I am not, I want it to be right I want us to make sure that we dot all the "l's" and cross all the "t's" I want that as much as anybody else, but unless we are able to start nothing is going to happen and then they will be stuck with a piece of land that is part of the town and it, they are not going to start digging tomorrow I am not sure that they will dig this year. So, we have to decide if we want to look at growth and control that growth and try to move forward and hold these people that want to do this to those regulations that we put in place. I am not in love with the design either, I would like to see something different, but they are following the rules this is what they are allowed to do because of the rules that we put in place. At this point what I will tell you is no offense to anybody sitting at these tables, but the town has a credibility issue. With these people that are sitting out there, they don't think that we can do the right thing they think that we are getting bought off, they think that we don't care about you guys and how you feel about this, and we do. I love this town I don't want to live anywhere else I don't want to screw the town out of money I am not looking to send someone from California marching out of here with tons of money, why would we do that? We are no different than you, we are just trying to do what is right for the town and if you tell me that I have to do what you tell me to do that is not really how government works we are trying to do the right thing. And we do have a credibility issue it is hard for people in this town, I deal with this all the time, "I don't know if that is right, I am not sure if I believe that" whoa. I am really sorry that we have that problem that you can't believe what the town is telling you, we are trying to listen to experts we are trying to listen to engineers that tell us this is the capacity for water and sewer has this is what is going to happen. Is it going to cause a lot of accidents? I took a bus load of kids to Seattle, drove a bus to the opera house in a 42-foot-long bus, we don't have any idea what traffic is and we (unclear audio) clear so that we don't have to drive with anybody else and when we have to wait, I see it every day. I tell my drivers all the time you see a car coming into an intersection they are going to pull out in front of you every time, let them. It is what it is, I have been telling my wife for the last six months there are too many dang cars people are driving on my road this is how we have to go about improving things, we have to start somewhere. Yeah, we did a crapy job planning for this, we haven't done any improvements to the building ordinances in years we haven't really looked forward to what is going to happen at all we did the same thing with Twin Creeks, spent a lot of time trying to estimate what worked and then it sat empty and was forgotten about. So, what is going to be next. We are going to have to try and stay on top, let's talk about water rights for years a lot of small towns the town is run by the clerk not the mayor the clerk that we had in this town for years did not want to talk to DNRC and felt that the water rights that we had where fine and she was wrong but there wasn't anybody in Ravalli County that was going to mess with

her that is what so we have what we have and now come to find out that we are really being held to a high standard and I don't blame you, you should be holding us to a high standard and when we do something that you don't like you better stand up here and scream and we will have to face the music and that is just the way that it is. Take it one little step at a time and try to do what we think is best for the town and right now I think what I can say it with Burnt Fork Estates we are making the pie bigger. So, the reason you are paying \$35.00 in Hamilton for water is because there are about three times as many houses there and they have supply issues, they have water issues as well they have flow issues as well in their downtown. We are not alone here we don't live in a perfect world we are trying to do the best that we can.

Councilmember Shourd: this is a really challenging decision this is where I am going to raise my family and I feel an obligation to do what is best for this town now and in the future. When I purchased my home in 2009 I believe I paid \$73.00 every three months for water shortly that changed and then I was paying \$83.00 and every citizen that I have talked to about water issues has two main points for me; fix my water system but don't raise my bill our water system with or without Burnt Fork Estates needs our help this is an opportunity to put money into our water system for new storage tanks and raise the bills the least amount as we can. When we talk about density and look at the R-2 as a medium density there are seventy eight single family homes that I can't afford along with a majority of people that live in this community and Ravalli County cannot afford the average income in Ravalli County is \$24,000 a year and some change the R-2 provides opportunity for a community of people that live, work at the locations throughout this town and provide services to us deserve a nice neighborhood to live in, we can provide that . We can provide a very slow, very structured process where every single phase comes in front of professionals, DEQ the DNRC the roads department I can't think of a better way to grow our community in the most careful way possible in the way that is being presented.

Mayor Dewey: how would the council like to proceed? Are you interested in walking through the conditions of approval that have been recommended by the Planning and Zoning Board, are you wanting to jump into a decision and do your own conditions of approval, are you interested in continuing this at your next meeting held on April 1<sup>st</sup>?

Councilmember Shourd: I would like to walk through the conditions, and I would like to, based on the staff report, there are conditions to add. I think that is one thing that we can work through this evening.

Mayor Dewey: any objections from the body? Alright we will get after it then.

COUNCILMEMBERS WILL NOW GO THROUGH THE CONDITIONS OF APPROVAL

**Condition #1**

Mayor Dewey: introduced condition #1.

Councilmember Shourd: a public hearing is required for each phase?

Mayor Dewey: correct. Any discussion on that condition?

COUNCIL: no changes to number one.

**Condition #2**

Mayor Dewey: introduced condition #2.

Councilmember Vick: does that include if the C-2 gets denied?

Mayor Dewey: not because that is not a plat change.

COUNCIL: no changes to number two.

**Condition #3**

Mayor Dewey: introduced condition #3.

Councilmember Ludington: understand at some point if the developer decides to not give us the water rights, they would be in violation of this phase which is one of the conditions of approval.

COUNCIL: no changes to number three.

**Condition #4**

Mayor Dewey: introduced condition #4.

COUNCIL: no changes to number four.

**Condition #5**

Mayor Dewey: introduced condition #5.

Councilmember Devlin: should we put in there who is paying for it?

Mayor Dewey: you can, it is a condition of the subdivision approval all of these things are their responsibility. The town is not doing these things, but if you want to put in that language.

Councilmember Shourd: I don't need that clarification; my concern is it says phase four and it is clearly stated that the developers do not have a call on phases 1-7 so I would prefer that it says the number of units or connections needed prior to.

Mayor Dewey: that is 120.

Councilmember Ludington: yeah 120.

COUNCIL: changes to number five were noted to list the number of connections.

**Condition #6**

Mayor Dewey: introduced condition #6.

Councilmember Ludington: something that Planning and Zoning did not realize in the beginning that they could do but it was brought to our attention that there is a public comment portion to that application we wanted to make sure that there was a proper notification for the public's concerns and this is that area where we would be able to say we have reached what we feel is our limit with waste water and water and we are not able to proceed until upgrades are done. Which doesn't mean that you can't do phase 1-4 but when

you get to five, we may say we are working on upgrades and the impact fees that have been paid and the money that the town is using to those upgrades we may have to put on the brakes on the next phase until those are funded.

COUNCIL: no changes to number six.

**Condition #7**

Mayor Dewey: introduced condition #7

COUNCIL: no changes to number seven.

**Condition #8**

Mayor Dewey: introduced condition #8

COUNCIL: no changes to number eight.

**Condition #9**

Mayor Dewey: introduced condition #9

Councilmember Shourd:

Councilmember Ludington:

Mayor Dewey:

COUNCIL: no changes to number nine.

**Condition #10**

Mayor Dewey: introduced condition #10.

COUNCIL: no changes to number ten.

**Condition #11**

Mayor Dewey: introduced condition #11.

Councilmember Ludington: there is a member on the board from the county the county does this pro rata share with every subdivision application that they have there is a formula that they use a standard form that they use.

COUNCIL: no changes to number eleven.

**Condition #12**

Mayor Dewey: introduced condition #12.



Councilmember Devlin: I guess my concern is we have some traffic calming that we have put in place that we have spoken of that have not worked so why would want to risk that. We have signs that flash at you when you go to fast.

Mayor Dewey: I am concerned that you are saying that they are not working.

Councilmember Devlin: yes, I am saying that.

Mayor Dewey: do you have data to back that or just observation?

Councilmember Devlin: it was a great effort and putting it in here would be a great effort.

Mayor Dewey: I will get you some data that would show you that we are seeing success with the very low traffic impact one of the calming traffic measures was paint on the street, in the case of Burnt Fork Estates we are talking about concrete on the roadway, and I think that Andy addressed that in his report.

Councilmember Devlin: right, but you are saying we can be pretty vague about it, and I don't think that I am in any form of a mood to be vague about it.

Councilmember Ludington: one of the recommendation from staff on this should be given to the design of the streets and speeding drivers. We are not saying we want you to put in twists and turns we are saying speeding drivers are an issue when the roadway is proposed we would like you to put in how you are going to mitigate. So, one of the things that has been an issue in the pass is speed bumps, but if we put in some humps. The last time that we did a traffic study on Eastside HWY, and Main Street I think that it was 2012 and the speed on Main Street is 22 was the average speed. That means that some people are going faster than that and slower than that. The average speed on 3<sup>rd</sup> Street is 27. We tried to put some calming efforts on Main Street by narrowing them down. We could look at some of those. That is why we should leave that open.

Councilmember Devlin: what if we are saying that we want to see some twists and turns?

Councilmember Ludington: I won't disagree with you; it is not that imaginable. We don't have anything that says you have to have calming efforts in roadway plans. (Gave comment on straight roadways).

Councilmember Devlin: I remember that you said at our last meeting that this is the only time to do anything. The only time that we have control so, I would like to see consideration with the streets and not just a hope of some calming.

Councilmember Shourd: as you come down Central there is a jog to the right that creates a stop and there is a family that lives there with kids and they play there, my concern is curvy road or not fast drivers drive fast I feel like, I am a big fan of speed bumps. When it comes to identifying calming I am in favor of speed bumps?

Councilmember Ludington: that is something when you have curvy roads how do you protect people.

Councilmember Devlin: I guess there are pros and cons to everything, and we can go back and forth on that I just know what we have done isn't necessarily the best solution and we have a brand-new area and I think we need to take consideration and if there are measures I would rather somebody hit somebody's house going around a corner than hitting a child, or a dog or somebody walking.

Councilmember Vick: as everyone knows I live on Barbara Street and humps would do some good there.

Mayor Dewey: in this stage in the process, you have expressed your desire, what language do you want in the condition that would capture your expectations and allow the developers to bring back whatever those proposals would look like. You do have some opportunity; this whole thing is phased the traffic calming that you do in phase 2 will not continue onto phase 4 because of whatever changes. Does the supplemental staff report from public works does that accurately capture what you have talked about in this conversation or does additional language need to be added?

Councilmember Ludington: let me propose something, number eleven in the conditions actually it is number 12, (recited number 12), could add; pay particular attention to traffic calming efforts as to include a complete redesign of the roadway, to possibly include a complete redesign of the roadway. That is an option, they can make the roadway bendy and curvy to try and slow the traffic down they can make it jog and other calming efforts to make it less advantages for drivers.

Mayor Dewey:

Councilmember Devlin: I don't just like these streets, we have 4 straight streets, you have the acreage you have the space.

Mayor Dewey: there is an option in the streets master plan there is a section mentioned in there for residential streets that does lend itself to some traffic calming that contains a median.

Councilmember Ludington: referred to the plat map all of those intersections they should have three way stops and then a four way stop to Logan if they are going straight, they will have to stop there. Does it mean that you put a bend in the road I don't think that is it? Potential for a cross walk, flashing light, at least we are showing an effort.

Andy Mefford: (condensed) every community faces this, they all face it, every community faces this. One of the things that has been a frustration is the water issue, you have been paying low water rates for way to long. Jaime you brought up concerns about the traffic issues, appendix G it looked off site (listed all the intersections) it was far more reaching than that. It looked at the community. It says yes, we dump these 4000 cars into the town. Level of service is good here. The subdivision did look at this. I could suggest a condition on number 12, internal subdivision roads are to be designed in accordance with the town of Stevensville's Street master plan to include traffic calming measures that could include (gave examples). There was actually a study on speed bumps. It had a 40-foot-wide road, residential street, 25 mph.

Mayor Dewey: do you want me to stick with the language that Paul proposed? Would you like me to stick in some language suggested?

Councilmember Shourd: I would like to see the humps and curb extensions listed in there.

COUNCIL: changes made to number twelve were noted by Mayor Dewey to see humps and curb extensions.

**Condition #13**

Mayor Dewey: introduced condition #13.

COUNCIL: no change made to number thirteen.

**Condition #14**

Mayor Dewey: introduced condition #14.

Councilmember Ludington: do we want to say something about speed limits as well?

Mayor Dewey: the ordinance regulates it at 25 mph.

COUNCIL: no changes to number fourteen.

**Condition #15**

Mayor Dewey: introduced condition #15.

COUNCIL: no changes to number fifteen.

**Condition #16**

Mayor Dewey: introduced condition #16.

COUNCIL: no changes to number sixteen.

**Condition #17**

Mayor Dewey: introduced condition #17.

COUNCIL: no changes to number seventeen.

**Condition #18**

Mayor Dewey: introduced condition #18.

COUNCIL: no changes to number eighteen.

### **Condition #19**

Mayor Dewey: introduced condition #19.

Councilmember Shourd: I would like to open up some discussion about the parks. While the town of Stevensville manages every other park in town, my concern is allowing these homeowners to manage these parks they can allow to not have anyone use it outside of Burnt Fork Estates. That does not feel inclusive to the town of Stevensville.

Mayor Dewey: (condensed) I don't disagree with that. I think that this is a carry over when Creekside Meadows was put in, they left the common areas up to the homeowner's association. Our concern was taking on a lot of open space like this we would have a hard time maintaining it. We challenge ourselves with what we already have. We discussed the common areas; we did not see people driving out to that subdivision to use that space.

Councilmember Shourd: is the appropriate time to discuss (unclear audio)

Mayor Dewey: yes, to discuss the storm water facilities. The storm water facilities are owned and operated by the town of Stevensville. I am not sure where you build the fence and who mows what.

Councilmember Devlin: have you seen where that has happened?

Andy Mefford: (condensed) yeah, I think so what you probably see, it was not a requirement to fence that. That is just a shallow detention basin. There is a common area very well defined so those fences are falling on property lines, and they had a large common area I know that we had that discussion about the town wanting control of that, I know that it is a grey area and may need to clarify that. It was our intention that it would be the homeowner's association responsibility. If we are going to go out and mow, then we are going to mow it all. Like Brandon mentioned it was not in the interest of the town at the time due to resources.

Councilmember Ludington: (condensed) from my view point any ways our discussion was from the residence of Creekside was that these retention ponds would not be functioning correctly if they weren't maintained by the town. Or paying someone through fees. My intent with this was at those facilities within the storm water system that make them function would be the responsibility of the town and that would probably require some mowing. Making sure that those things function. In the summer let's jet those drains and make sure that they are functioning. If they are not working properly, it will affect the other subdivision. It is no different than wastewater or potable water.

Mayor Dewey: is that discussion satisfactory?

Councilmember Shourd: I understand that the town will maintain those systems, my concern is the HOA responsibility to keep that mowed and trash picked up what power does the town have

with the HOA if they are not holding their weight and keeping those maintained as they should be?

Mayor Dewey: (condensed) if there is a situation that makes a hazard for the public safety, we have the power to intervene. Even with a subdivision outside of town that wasn't caring for their storm water, and it was flooding town we are going to intervene. Our experience has been with the HOA's that do exist in our community that we have zero problems with those folks maintaining those facilities.

Councilmember Devlin: so, weren't we discussing fencing around it for some safety issues?

Mayor Dewey: that is something that Andy brought up in his updated.

Councilmember Devlin: that is what I am wondering, have you seen instances where that has been a thing.

Andy Mefford: (condensed) I have seen storm water areas fenced. There were some concerns. We were more than willing to fence those areas for safety. Where we could gate those two areas. We heard it from them and thought that it made sense.

Councilmember Devlin: your concerns is how would the town access that and who would maintain the weeds inside the fence?

Mayor Dewey: I don't know that. What I was pointing to, I think that you fence the whole area where the hazard was.

Andy Mefford: we would fence the whole area, the whole lot. People could open a gate with a latch, not locked.

Mayor Dewey: in my mind Jaime when thinking of the fencing I thought that we were fencing the whole off and that was stupid. Is it the council's desire to fence off those areas do you want to condition that?

Councilmember Ludington: yeah, that is where we would put that, number 19.

Councilmember Shourd: the two that will be fenced will commonly be the dog park.

Councilmember Ludington: a retaining fence.

Andy Mefford: just a comment to that, we had a double entry to the dog park.

COUNCIL: no changes to number nineteen.

#### **Condition #20**

Mayor Dewey: introduced condition #20.

COUNCIL: no changes to number twenty.

#### **Condition #21**

Mayor Dewey: introduced condition #21.

COUNCIL: no changes to number twenty-one.

**Condition #22**

Mayor Dewey: introduced condition #22

Councilmember Ludington: I proposed that it should read after the town approved a final plat the applicant should provide the town a final plat. We will be approving phases of that subdivision.

Mayor Dewey: what I put in here was when the town approves the phase the applicant should provide to the town a final plat.

COUNCIL: no changes to number twenty-two.

**Condition #23**

Mayor Dewey: introduced condition #23.

Councilmember Ludington: just for the record we had a problem getting a final plat from Creekside. The town was able to say no further until we get a final plat.

COUNCIL: no changes to number twenty-three.

**Condition #24**

Mayor Dewey: introduced condition #24.

Councilmember Shourd: they did provide that they want a fence.

Councilmember Ludington: because they also want money.

Mayor Dewey: I don't know if the town conditions those types of things for other governing bodies. Up to you folks if you want to condition that.

Andy Mefford: (condensed) you know I want to, we understand, the first time the school did not ask for \$200 they said a teacher costs \$50,000 I met with Bob and the facilities committee, and they actually were free to discuss that. So, when I got back to the office and got that letter it was surprising to me. We did certainly discuss, and we are happy to fence the back of the property and that could be a standard of filing that plat. There main concern was that they did not want residences with their dogs running free. The \$200 per lot, right now that lot is taxed \$14.00 to the school. I know that there is a delay but once Creekside was plated it was bringing in \$200 per lot per year to the school there is that concept that they are getting \$200 per lot not only once but every year until that lot is platted out. I can understand everyone always wants money; it was just a condition that we wanted to provide. It is a pretty significant amount going to the school when the lot is built on.

Councilmember Ludington: (condensed) what I will say is the delay was actually because, in my opinion, reassess every six years and now it is every two years, so that delay is shortened. Like Andy said as soon as it is plated, they should see their money within that year.

Mayor Dewey: they are talking \$200 per lot I would be curious.

Andy Mefford: to clarify that I think that his letter was per door. I think if you read his letter, it is per door. There was no condition on \$200 per lot it was per door.

Councilmember Shourd: family occupancy is the term he used.

Andy Mefford: that is the other issue. When you file the final plat what is it, is it a R-1 you would almost have to collect at the time of building permits. It should probably be tied to the building permit because we don't know what the structure is going to be.

Mayor Dewey: that would be a nightmare, collecting money for the school when the building permit is pulled. It has already been a challenge to collect the \$300 per lot at Twin Creeks for the police department.

Councilmember Ludington: one of the things the school experiences the county will pass for their rural fire department to keep their funding correct. I am sure some of this is for rural fire. I am in favor of putting something in that condition about a pet proof fence.

Mayor Dewey: I think we can take out the school part and replace with the fence, a pet proof fence should be installed on properties bordering the school property.

Andy Mefford: should that be noted at the time of the respective phase?

Councilmember Ludington: phase four, right? Oh, phase five.

COUNCIL: changes to number twenty-four were noted by Mayor Dewey, pet proof fence installed bordering school property.

Mayor Dewey: that concludes the conditions.

**Condition #25, added by council**

Councilmember Shourd: I think that we need to add a condition about number of stories a house can have. One story adjacent to Creekside. (Listed off lot numbers, unclear audio)

Andy Mefford: I think that is a condition we would be receptive to it is similar to Creekside. They did what lots could not have two stories. We are fine with that.

Councilmember Devlin: hold on, you are saying that two story houses can go behind Creekside?

Andy Mefford: what I am saying is the R-1 zoning must be one story.

Mayor Dewey: no two-story houses on the blue lots.

Councilmember Devlin: how come you just picked those lots?

Andy Mefford: (condensed) it represented a concession on what we heard, originally, we had nothing proposed. These homes are going to feel more like Creekside homes, we also wanted a greater buffer along there. Tried to give a view shed. Those are the lots that we chose, 18 lots that would allow two-story homes.

Mayor Dewey: can you tell me what lot on Logan Lane is exempted?

Councilmember Vick: lot 1. So, it is the lot two down from you listed at lot 1.

Andy Mefford: the reason that we did not pick that one adjacent to Creekside because Creekside said that you could put two-story on those, a buffer to Logan. We would limit lot 1 if need be.

Councilmember Devlin: something is not making sense to me; I can picture when you are out there.

Councilmember Ludington: all of the lots in the middle there and in that loop will be able to put a two-story house on it.

Councilmember Devlin: why would you want to have two-story homes throughout the area.

Andy Mefford: marketability, some people may have a desire to have a story and a half built.

Councilmember Devlin: you are saying the blue are only allowed single story and the rest you could have two-story.

Andy Mefford: that is correct.

Councilmember Devlin: are you guys happy with that?

Councilmember Shourd: my concern was that Creekside residence views be obstructed by a two-story.

Councilmember Devlin: it will be. I can look out my porch I can see all around.

Councilmember Ludington: you are thinking two dimensionally, from your house to that corner lots are on that blue, you will be able to look right over the top of that house.

Andy Mefford: I think the likely hood that you set from here with the maximum height of 30 feet you are seeing over that. We are still limited in height restrictions in zoning.

Mayor Dewey: in covenants it should stipulate that only single-story homes should be built adjacent to Creekside Meadows and Burnt Fork Estates in a R-1 zone with the exception of lot 1 in phase 2.

Councilmember Vick: I would not have an issue with that on 74-76 to that, which is a buffer area to Creekside. On the other side of the common area.

Councilmember Devlin: I agree with that.

Mayor Dewey: any of conditions?

Councilmember Shourd: are we looking at conditions or covenants?

Mayor Dewey: you have a couple of avenues here, if you want the covenants, if you want a condition that the covenants contain something you can do so now. The covenants will also come before you at the filing of phase 1.

Councilmember Ludington: the HOA is probably going to change it anyways. They have to come back to the town and ask.

Mayor Dewey: sometimes the developer will change those.



Councilmember Shourd: I was just looking through those covenants. What I heard were similarities. Just want to make sure that all the issues brought up on Tuesday are the same.

Mayor Dewey: any other conditions that you want to place on the preliminary plat approval?

Councilmember Devlin: I am curious about why do the roads have to go through to Creekside, why can't we end those streets?

Mayor Dewey: one of the challenges that we have with Creekside Meadows today is that it is one way in and one way out it is a public safety issue, outside of that I don't have an answer to it besides interconnectivity to the community. Infrastructure is leading to those areas. Stubs are there.

Councilmember Devlin: those were left to continue Creekside, which we are not continuing Creekside.

Mayor Dewey: you are continuing development.

Councilmember Devlin: but we are not continuing with Creekside.

Mayor Dewey: so why not.

Councilmember Devlin: because there is a big concern that the people that purchased their homes at the start of this development, they were aware that development would continue but they were also told in some bought their house on being told that it was going to be a continuation, and everything would basically be the same. And that is not the case so to give some piece of mind to validate their purchase I don't know why we have to continue those through and connect the two subdivisions.

Mayor Dewey: I don't think that the town wants to get into the business of accommodating misinformation given by people who are selling property.

Councilmember Devlin: at the time it was not misinformation, that was what the plan was.

Councilmember Ludington: it was always misinformation, once it was a dead end does not mean that it is a dead end.

Mayor Dewey: Jaime's point is that somebody buys a house and the person selling the home says whatever is here is going to match there. What Jaime is saying is that is not the case today, today what is being built there is entirely different.

Councilmember Devlin: it had been approved at that time.

Mayor Dewey: the current covenants says in Creekside is those covenants would continue into the new development until 2013. After that date those covenants would not continue into the new subdivision.

Councilmember Devlin: sure, however some of these people purchased their homes in 2004 and 2005. I would like to see those streets end I would like to see a condition that those streets end.

Councilmember Vick: gate them off?

Councilmember Devlin: I don't care, they are not a through street.

Andy Mefford: (condensed) can I speak to that a little. We met with police and fire and that was one of the concerns of one way in and one way out. Which of the preferred options is on the table? There were pros and cons to the roads. What else we heard was why not a connection from 2<sup>nd</sup> or 3<sup>rd</sup>? We heard it from the police and fire, it is better for traffic flow for both Burnt Fork and Creekside.

Councilmember Devlin: with emergency it has not been an issue, but if it was a concern for Creekside, I am sure there is a solution.

Councilmember Ludington: here is the problem that I have, how it sits now, and you have an emergency vehicle, ambulance, fire you can go to the end of those streets at Creekside and not have an issue getting out. From the other end of Burnt Fork Estates you can't go to the end and get out without driving into somebody's yard or turning around in a driveway. Unless you want to put a cul-de-sac there, which homeowners love and everyone else hates we have to have something. I realize it is an issue for those people that live on those streets, but I say the same thing to people that call me up and say "well the bus goes right by my house" unfortunately you live in the wrong district. "The realtor told me that the bus goes by my house" sorry there is nothing that I can do about that stuff, same thing happens here, there is a barricade there is going to be a road there someday. I apologize that it is not the way that you want it I am not in favor of not allowing through traffic on those roadways for safety concerns. You cut that road off and a fire truck tries to go down and clogs it up and then an ambulance can't get down there, then the police department can't get down there then you have a huge traffic jam and accidents.

Councilmember Devlin: sure to go into my next condition which would be other accesses.

Councilmember Shourd: I just want to comment, from my understanding when realtors were selling those homes, they were telling people this is going to be built out you are going to have neighbors driving by. If it is like Creekside, and SUV is an SUV. They were aware that this was going to be built out and traffic was going to come this way, regardless of how the houses look cars are going to come through.

Councilmember Vick: also, to speak to connectivity, I don't understand why Clover can't connect to Juniper to me that would just make more sense.

Mayor Dewey: the developers are trying to make a concession to the Creekside to limit travel through.

Andy Mefford: if that turns into a through connection you are going to be able to collect a lot of this traffic now these streets are on the border, we tried to collect as much as we could and get it out of Creekside.

Mayor Dewey: do you want to address your next point?

Councilmember Devlin: they are all wrapped into one, we can argue that. Why should they have to build a new subdivision going in that is different, that doesn't mirror what they were told. I

do understand they knew traffic would be going by that has nothing to do with what I am saying. Let's cap off those roads. If access is an issue than let's create more access.

Mayor Dewey: if you applied that principal to the neighborhood that Patrick lives in his subdivision would not exist either. The original town site were established well before Central Ave was built in the 90's and Central Ave is heavily traveled because of that subdivision and people that live on the road that is part of growth.

Councilmember Ludington: those people that live in Creekside don't want to have anything to do with any other subdivision in town, great we can unaccess they can figure out how to water and sewer because they won't get it. That was part of the plan the town in the original plan, whether it looks different or not is unfortunate it has happened to me. There are people that live down the street and it is not what I had envisioned being there or having built there. It is going to happen in a neighborhood especially when there is a road that is going to continue on from where it was. It doesn't look like how I would like it to look either, but they are following the rules.

Mayor Dewey: some of the things that we have to keep in mind when we are looking at this at the higher level, we are having this conversation 20 years after this was originally proposed at least these streets connecting. I would be curious it is difficult to do, what will this area look like 20 years from now and will we be kicking ourselves for not connecting these because there was a desire for interconnectivity to that neighborhood. Are we accommodating residents now or are we accommodating residents that will live there for the next 50 years? We are never going to make everyone happy around traffic.

Councilmember Devlin: then why didn't they right that in their conditions?

Mayor Dewey: it was plated that way, because they had it on the map already.

Councilmember Devlin: you said there was a conversation that was about it and it was a recommendation.

Andy Mefford: (condensed) you bring up a point, I think because of Creekside we actually proposed the idea, and they did not like the idea of not connecting those. We had heard that Creekside did not want any cars or any traffic. We brought that up to them and the department heads and they were not a fan of not having those through streets they wanted those through streets, and we accommodated the design.

Mayor Dewey: (condensed) we talked about gates and asked public safety and the consensus was that those were put through. When you talk about other connections, and we explored those as early as Tuesday 2<sup>nd</sup> street is a very difficult thing to grip, it is going through the county and property lines. We have talked about 3<sup>rd</sup> street and the master plan from 2006 does call for 3<sup>rd</sup> street to go through and we have had those conversations with the school about this may happen someday and they have accommodated that through their parking project. There may be a road someday, that price tag is between \$1 million and \$1.5 million. The challenge is we don't know who to charge that amount to.

Councilmember Devlin: so how is it any different from connecting to a county road and 2<sup>nd</sup> street as it is connecting to a county road and Burnt Fork?

Mayor Dewey: you have to go through some one's property to make that connection.

Councilmember Devlin:

Councilmember Ludington: (condensed) the way it was when we originally did the original Creekside Meadows the property owner across from it did not object from a roadway coming up there. The same thing would have to happen on 2<sup>nd</sup> street those property owners that have frontage on that road would not have to object to having a through street done, they would probably have to be paying for some improvements as well. In the case of Creekside Meadows there wasn't an objection from the adjacent property owners across Logan Lane where it was proposed to be. That was the issue that we originally had.

John Kellogg: gave comment about Bill Misner and the possible connection of 2<sup>nd</sup> street there were huge hurdles to that process.

Councilmember Vick: can I make a motion to take a 10-minute recess.

Mayor Dewey: we will take a 10 minute and we will reconvene at 11:30.

Mayor Dewey: (condensed) we are back, we left the conversation around connecting streets. And secondary to that I think we do need a conclusion to the connection of the southern lots and the rest of the subdivision, and the alternative is on the deal for you.

Councilmember Vick: I think that we should establish the roads that are in the proposed C-2 area do connect over to Alpine Loop.

Mayor Dewey: we can condition that; we will carry over the recommendation from the Planning Board which states we recommend that there is a connection, and we can copy that language up. Do you want to continue to discuss the internal roads? Any further conditions?

Councilmember Vick: the only other condition that I can think of is we need to come up with a number of those multifamily dwellings what type.

Mayor Dewey: I think that is a good point to address because there is some discussion about 16 plex's and 10 plex's giant buildings being built to house hundreds of people. Our zoning codes already restrict a lot of the building that can occur so if a lot was a quarter acre for example and it were in a R-2 zone it is going to have a 25-foot front setback, 7 ½ foot side setback, and a 20-foot rear setback. That is going to limit the envelop that you can build in square footage wise. Our code also addresses minimum square footage of dwelling units, and they are off street parking requirements so by the time you get anything on a lot it is a pretty narrow envelope that you can make something happen. I think on Tuesday we went through the lots that could accommodate what. Our code drives what can be built on a lot.

John Kellogg: (unclear audio) (condensed) there has been a lot of discussion around the lots the reason that we have it that way. It ends up being a large lot connected to the frontage. They were not originally designed to hold 10 plex units. My guess is the market here is not going to

yield that kind of housing. The lots that back up to the west you could fit three units on some of those. (Referred to the map of the subdivision)

Councilmember Ludington: the only that worries me is (unclear audio) somebody tries to buy multiple lots and (unclear audio) or one lot is the parking lot, and one is the building.

Andy Mefford: (condensed) you are still going to have those setbacks on those units. The one thing that we contemplated was being able to have ownership. Maybe something more affordable. It has a possibility to have a smaller footprint and the possibility of ownership. We stepped back and looked at our intention. Some of the ones proposed will turn into single family homes. Some diversity was created for affordability.

Mayor Dewey: council does that address your issues/concerns.

Councilmember Vick: (condensed) as far as the map goes, I understand how the map works that number of acres means that number of homes. This is the chance where we can say here is the maximum of what you can put on each individual lot. What I am nervous about is having lots being aggregated all of a sudden you have a 24 plex or the possibility of that happening. We should put a cap on the number of dwellings.

Mayor Dewey: (condensed) if that is your concern, I have never seen or heard of that before. I think that the code is already doing that. You are restricted by the size of the lot and what you can build on it.

Councilmember Vick: I guess I will propose that no more than two lots can be aggregated together.

Councilmember Ludington: I would like to see that we say no lots can be aggregated. If you are as a developer going to propose these are the lot sizes, someone wants to come along and buy many together. I would say no aggregation of lots.

Councilmember Vick: I could go along with that.

Mayor Dewey: the consensus is that no lots can be aggregated. Anything else before we entertain some public comment.

#### PUBLIC COMMENT

Steve Gibson: (condensed) gave public comment on the access through Creekside, it has been a dead end since 2004. I talked to Mr. Huley last year about gates. With all due respect I don't think it is an issue with credibility, and what has been reported is about 97% of the people of Stevensville are opposed.

John Kalkofen: (condensed) gave public comment on P&Z minutes, a couple of conditions that you have talked about is access to county roads. Those have not been met at this time. Road mitigation is not settled. The booster station, everyone agreed that it should be paid for by the developer, it should be a condition. I asked earlier that construction traffic and the crews that are working go through Burnt Fork Road. I would recommend that you have a condition that stormwater permit be met. A security bond of 125% was mentioned by Andy Mefford.

Mayor Dewey: (condensed) to clarify the bond issue for the town council that is an alternative to, so if you wanted to allow a developer to file final plat for the infrastructure before anything else is built you would require that bond. Opposite of that is that you would not be allowed to file the final plat for the property before the town has signed off on all of those infrastructure pieces and they are in place and paid for by the developer. Sidewalks are in and everything is done, and then it comes to the town council for approval. Any further public comment.

#### PUBLIC COMMENT

Victoria Howell: I am still a little nervous about the commercial area. You could put a condition that there is no commercial area.

Mayor Dewey: it does not look like there is any further public comment. How would council like to proceed?

Councilmember Ludington: I make a motion to approve with conditions as amended tonight of the Burnt Fork Estates Subdivision.

Councilmember Shourd: 2<sup>nd</sup>.

Mayor Dewey: it has been moved by Mr. Ludington and 2<sup>nd</sup> by Mr. Shourd. Council discussion?

Councilmember Ludington: I will address a couple of other concerns that Jim had and there is a condition in there that they have to have approval of their stormwater system, that is a condition, they won't be able to move forward until they have that. Same thing with when we get to figuring out water and wastewater at some point, we may have to say, we can't issue a final plat on phase 6 because we are not sure where we are at with our water yet. Because one of the things that the town is obligated to do is to provide utilities which are owned by the citizens of the town that is why you pay water rates separate from property taxes. I think that we addressed a lot of the issues that you have. One other thing that I will say is I think that at least someone from the road department or somebody from public works will be out talking a picture of what the roadway looks like before they start bringing construction vehicles out there and that will be what the road looks like before they sell a lot. That means that they have to repair some roads because of damage that they caused because of equipment that they moved across there it is pretty standard in construction. So, if they do damage to the town's roads, they will repair the town's roads to the condition that they were in when they started construction that is pretty standard. So, whether or not the roads that they use don't belong to the Creekside residents they belong to the town, and I pay taxes on those roadways just like you do. I want to make sure that those roads are maintained properly and if they are damaged by construction or fire or flood or something like that, they will be prepared to the state that they were before hand by whomever is responsible.

Mayor Dewey: further discussion from council? Public comment? Hearing none I will call for the vote, Ms. Berthoud.

Councilmember Devlin: no.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: no.

Mayor Dewey: this may not come to a surprise for some and not to others. And I have watched a few meetings in communities that they have come to ties at midnight. I am a firm believer that as a representative of the community this group specifically needs to come to a consensus. And that may be 3-1 or 4-0 but the fairest outcome for our citizens comes from the four of you coming to an agreement on how this proceeds. I think that it is relatively clear where I stand as the chief executive of the organization. They have met the rules and all those things there are things that I don't like about the project, but I have no footing to say that we have to change it, it is just the position that we are in. and so, I am not going to break the tie, the motion is going to fail. I do want to encourage the council and it is your decision obviously because this is your meeting if I had my way we would sit here and discuss the subdivision for another hour until you folks are completely sound in your decision and if you think that we need to reset and come back on the first of April or on the 8<sup>th</sup> of April to vet this more with a fresh mind I completely understand and don't hold that against you. It is your process collaborating with the public the consensus has to be built with this body it is not something that the four of you can split it and then I get to be the bad guy on whether it is approved or not approved. So that is where I sit.

Councilmember Vick: I make a motion to table this to April 1<sup>st</sup>.

Councilmember Ludington: I will 2<sup>nd</sup> it.

Mayor Dewey: the motion was made by Mr. Vick and 2<sup>nd</sup> by Mr. Ludington to table this until April 1<sup>st</sup>. Council discussion?

Councilmember Ludington: I will just say I appreciate that Mr. Mayor, I think that is correct I think we need to come to a consensus we need to figure it out. I would encourage people to put down in words or sentences or paragraphs how they would like to proceed and what they would like to see happen. Do you want to decrease the density, want a complete redesign you will have to resuscitate why that should happen? Unfortunately, yes, emotionally as you can because I know that this is an emotional issues for a lot of people, I would like to see this come to some sort of consensus. I am not opposed to any kind of discussion and compromise that might be involved with that.

Mayor Dewey: if there is suggestions or tools or accommodations that I can help with this body build consensus that is a big part of my job I am here to help the four of you come to a decision I would love to have that feedback from you.

Councilmember Devlin: my concern of tabling it for another week is that I don't think there is anything that I haven't already heard to base my decision on that is going to change my opinion I am looking at that plat and these conditions, so we can table it for another week, and I would bet we would sit right here, and the outcome would be the same. I don't know if I agree with tabling it unless something drastic is going to happen in the next seven days, I haven't seen that drastic piece happen in the months that we have been whittling this down. I am tired I think you are tired we want to go home but I don't know at this time.

Councilmember Vick: I will rescind my motion.

Mayor Dewey: the motion has been rescinded.

Councilmember Devlin: I am not sure why you voted no, why I voted no not just because of the concerns that I have heard from in this area frankly not just Stevensville. The requirements were met. But I feel like our area was promised something that they were not getting. When something is approved you have the right to move forward with that I am still caught in the weeks as area lot of people as to why we are making such a drastic change between what was originally approved and what we are looking at now. If that plan that we are looking at now, what was originally approved I have no problem with that whatsoever, but it doesn't. And because it doesn't, I am not I am stuck there. We can't promise somebody something and then take it away. Maybe that is how it works in some areas of the world, but it is not how it works in my area of the world. It is our job to protect our town and I don't think approving that is protecting our town I think there is a way to have a happy medium. That is where I am at. I would be interested in hearing where your no comes from.

Councilmember Vick: my no comes from a similar place as yours, the people in Creekside were promised something and granted you know unfortunately. Mr. Ellington passed away and something different is going to come up, but they don't want something this drastically different. But also, to the number of people that I have talked to in ward 2 that are opposed to a subdivision of this size being out there and there are people living up as far as Iron Cap and south Burnt Fork Road and whatnot. And out there close to the Gold Creek Recreation area they are opposed to a subdivision of this size because of the growth is going to happen no matter what, I come from a city in south Florida originally that I don't even recognize anymore because of how growth has happened, but I think the reasoning behind my no is the people that I represent, and they believe that this project is way too large to throw onto 58 acres. And that is why I voted no.

Councilmember Devlin: I guess I have a question. Technically the motion failed which means the subdivision failed which means are we starting over with our vote, making that decision or what are we doing?

Mayor Dewey: what I need from you is a motion to approve or a motion to approve with conditions or a motion to deny. Or the application just sits and that is why it doesn't fail, the flip side when you motion fails to approve with conditions that is where we get into this dead lock. You could make a motion to deny the subdivision well if that motion also fails then we are stuck in this same gridlock. I would propose what kind of information do you need to discuss tonight or in a future meeting to help either a. turn two of your votes to yeses or b. turn two or your votes to noes. Somebody meets in the middle and says I can live with this for these reasons. I mean I don't know; I think that I have been able to speak frankly with you Jaime that everybody has in the back of their mind that they are willing to negotiate as far as a chair what is the piece that you want. Can you put your thumb on it and say this one thing would help me sit back in my chair a bit?

Councilmember Devlin: I don't think that it is one thing I think that it is a reduction that we are looking at. Convenances would be the same we would reduce what we are looking at there



would be no commercial it would be pretty much the plan that was already approved. That is where I am at. And I would believe that would allow the developer to make money, I believe that would be a win-win for everyone, I really do.

Councilmember Ludington: I guess what I will say at this point, those people that live in Creekside now did not know that this is what they would be looking at and I understand that. I understand that is not what you expected when you bought that house. Adversely to be perfectly honest we don't know if this is what it is going to look like either. This is what somebody thinks they would like to do but there is also another plan that they wanted to do, and it did not work as well so, we are not sure if this one is going to work, I can't tell you that this one is going to work. Lumber is up 174% I am not sure that they can be successful at this time. They do phase one and phase two and somebody comes in and does something different and it doesn't work. Do we make sure that it stays the same impportunity? The general concept that was put in place when Creekside Meadows was originally done was this was a way for the town to expand in a certain way so that we would be able to enlarge the pie that we are paying rates to the town, so we are able to continue the town to grow residentially. The purpose that we took was east 2<sup>nd</sup> Street that connection was not accomplished the second one was there were some economic issues along the way that really hindered the selling of the lots once they came in and proposed phase two 85% of those lots were bought by one person. Who then turned around and sold some of them and while they were able to build that out relatively quickly? Same thing happened with Twin Creeks the town of Stevensville bankrupted a very successful businessman trying to get that done. Ended up being owned by the bank and the bank wrote off, I don't know 16% of the value of that piece of property in order to be able to sell it and move ahead. Same thing happened with George Smith and other subdivisions in town this is kind of a record of history for this town. To be perfectly honest, no offense guys but I am 25% sure that this is not going to happen. Approved or not approved, denied, redesigned I still don't see it happening. You are right it is a huge development it is a big monumental task to start putting in 6000 feet of roadway infrastructure that has to go along with that and making sure that all of connections are there and everything is done correctly and then all of a sudden you have water running everywhere or the next door neighbors have water running everywhere, there are a ton of issues that could happen here same way we had no way of predicting when those people moved into Creekside Meadows. I would like to see us, and I am pretty sure that we will be in the same position if we make a motion to deny this. I don't know if the developer has representatives on their team trying to look at something different or stick with what they got. Obviously, there is, we are going to have to try to come to some sort of compromise.

Mayor Dewey: Andy when you guys calculated the total potential number of units compared to, I recalled that you said worst case scenario on Tuesday, you took the streets out and calculated acreage, right?

Andy Mefford: that preserved worst case scenario time to really roll up our sleeves, we looked at the lot dimensions that we had set to the city standard, did the setbacks, looked at parking, looked at the density that is how we came up with that number. The only one that was really focused was the duplex lots, the 7 plex and the 10 plex were just square footage do the math here is hypothetically how many could go on this lot.

Mayor Dewey: I guess where I am going with this is part of this conversation is about the size of this project and I think that ties into density and the concentration of people if I am hearing what Jaime is saying. That is a hang up, we are looking at a difference, the proposed number of units was 155 the potential number of units is 225, 70 units is what is holding us back in that specific aspect of the subdivision. I am not saying if you removed 70 units from this proposal that is going to magically pass or not pass. But I think I am trying to grasp that piece of the dialog here to see if there is. How critical I think you have spoken to the reality; I don't know if the reality is those 70 units or not. I don't know I am more or less speaking out loud to try and see if there, is 70 units as bad as we want to believe that it is or is 70 units to use or what the community expects.

Councilmember Devlin: I think our community has high expectations, which I don't think that is wrong, we have a lot of people in Stevensville and the surrounding areas that don't want any growth. That is not a reality we are going to grow it is going to happen. I don't think that many people so, Steve has spoken of 97% are not wanting this development. And I think when we hear that our assumption is that they just want this to stay there. That is not what I heard and that is not the way that I interpreted that. So, we got people that don't want anything and people that are willing and want something, but not this. That is what we keep hearing, we don't want this, this is scary. It does come up with a lot of potential issues just like anything does. So, I don't know that we don't want anything I think that we just want a modified version. We want to scale this back and slow this down a bit, this sets a precedence, Creekside did, we learned a lot from Creekside some of those we have carried through to this and some we have not. This sets a precedence for the rest of the acreage that is up for sale around the same area, and we just have to, at the end of the day this is, it is 12:30 so I don't know if this is politically correct, there are items our towns people have an absolute say in 100% not items that they turn over to us to make those decisions. If something is followed to a "T" and there is no, there is nothing that you are doing wrong as in this case we can't, we have to be very careful in speaking for the town people we are following the laws and the regulations. However, going back to what I was saying earlier we have an obligation to our town and so I feel like we are checking those boxes and you are meeting the requirements. We need to find a place where we can meet in the middle that makes all of us comfortable, but still allows for growth that still allows for development and some change for Stevensville to compromise a little bit, I am not saying that you did not I think that you guys have done a really great job in that. The meeting that you had and just tonight coming up with, not saying that you haven't I would just like to see it toned down a bit.

Mayor Dewey: so, promise me you won't hate me for this, we are professionals, and we can sit here and debate this. Allow me to take a less soft gentler approach to this conversation. The developer has given us a plan that checks all of the boxes we have all acknowledged that it checks the boxes in terms of what is legally required for a subdivision inclusion of law, this body and the planning and zoning board. and the developer has confirmed willingness to mitigate all of the impacts that we have identified required them to mitigate those impacts with our conditions from a legislative perspective I don't know if the town council is even allowed legally to say no to a subdivision it means all of the requirements of the law I do hear and I totally emphasize with this concept and I agree with it that we have to fulfill our moral obligation to

our community but there is also a legal piece to this I think if we push a little to hard and try to get more out of this than it is reasonable that we will find ourselves in a stickier pot and an unfriendly relationship. I do want to build consensus amongst the town council on this decision I also want to keep the peace between the town of Stevensville and the property owners that have a right to the property to a degree clearly the publics participation and what happens with this property at this level but there is still a balance there and the fact that they pay \$14.00 to the town of Stevensville in taxes every year does not diminish our representation of those people in this community either. They are property owners in the town of Stevensville just the same. We are balancing a lot of voices here. That is just one other piece that I would like to interject here to the council as you consider this, sometimes we hit a wall where it reaches a, you can't say "no" I am out of rope and we are there, we have to say "yes" to it because the law says so.

Councilmember Devlin: then why does it come before us for a decision?

Mayor Dewey: it guides your decision, now if we sat here and said that you are going to traffic calming, they said no way forget it we are going to keep these racetracks and in fact we are going to make them ten feet wider, deny the subdivision conversation is over, that is what happens. But when they say that they are willing to do some speed humps and some curb extensions we think we can make this work we will bring back some construction plans and that seems to be where the conversation has been so far. You are not in a position to say no to it because they have been willing and have demonstrated the willingness to mitigate the impacts of their subdivision and what happens on their property to the rest of the community. It sucks but I think purposefully the fathers that wrote the code were protecting those individuals just as much as they were trying to protect our citizens. It is a balance it is not one sided.

Councilmember Ludington: I will go on the record as saying, this will have to be an unfinished business item on the next agenda for the next council meeting since it was a motion that failed we really can't revisit it we can certainly have a discussion on how we can get to a better place than we are right now I think that there is room for that as you had said I think in, I kind of resisted saying this the whole time part of this is that we are in a canceled culture right now, compromise is not in our vocabulary we want to say no we want to say don't do that to me we want to say you can allow that to happen we want to be able to say that and to be perfectly honest this is where this is supposed to happen this is where we are supposed to be able to say "no" we don't want that in a place like this so what we have tried to do is make that so that we can do that we can say you have to do this, you have to do this and do you still want to do it, yes we want to still do it, okay than you have to do this and this and this twenty six times these are the things that you have to do to accommodate what you want to do with this particular piece of property. We really can't do anything else than that, now conversely if the town owned this property and it belonged to the town, we could probably take a year, year and a half deciding what we thought it should look like and come up with something that would be acceptable to 51% of the people maybe and then the other 49% would hate it. So that is kind of where I think we are at now some people who like it and some people who hate it. I personally know half a dozen people in Creekside Meadows that will not show up to a public hearing that think that this is fine, growth is going to happen we are regulating it the best that we can but they are not going to step forward because they live in a neighborhood, I know a particular couple that have I

been run across by people coming to their house and saying you have to stand up and say no. and they say no we don't, we are not against growth we are regulating it the best that we can. Look at what is happening north of town, that sucks those houses are, I am sorry but ten years from now they will be floating the Bitterroot River they just will that is the aquifer that we live in. Using the water in the property and here we have an opportunity we want people to live here we want to be able to take care of them. Is it perfect? No. is it going to turn out the way that it looks? Maybe, but in my opinion, we are going to have to make a decision, or I should not say that this will have to be on unfinished business on the next agenda until some decision is made.

Councilmember Shourd: I did not have an opportunity to why I said yes. In listening to constituents, people on the block, people in the grocery store when I asked what they thought about the neighborhood they expressed concerns about wastewater they expressed concerns about stormwater and water supply. They were under the impression that this would be approved, and those issues would be disregarded. In the process DEQ and DNRC they are protecting those and evaluation those step by step. This is the way we protect our system this is the way we build a system I agree with Paul I think this needs to be unfinished business on our next agenda.

Mayor Dewey: unless there are any final remarks from council we will move on in the agenda and you can pick up this conversation at your next council meeting.

John Kellogg: I would like to offer if we can provide you a comparison there has been a lot of talk about the original Creekside design versus what we are proposing and I think it would be helpful for you to see if we went through the original Creekside 3,4,5 versus Burnt Fork Estates and show you comparative numbers on how many units and what we are proposing. Andy has done that to some extent but what we have not do is look at each lot and say, "okay given the square footage what is the max that anything could be done on this lot with that zoning" and kind of skip over the whole question of whether it is reasonable or can you get parking which is basically if you do the math and compare those things and provide that for you.

Mayor Dewey: I think any information that you can give to the council would be helpful in considering this at the next council meeting we welcome you to provide.

Councilmember Devlin: I have a question. Can somebody provide me with an area or two where there are two subdivisions that bump up against each other that have different covenants that are adjoining.

John Kellogg: we certainly could provide you with that.

Mayor Dewey: is there any other information that council would like to request. If you think of anything let me know and I will send it on to them. We will continue this on the April 1<sup>st</sup> meeting.

## 11. New Business

- a. Discussion/Decision: Consent to the Mayor's appointment of Sydney Allen to the Park Board

b. Discussion/Decision: Approval of new credit card and credit card expense tracking system provided by Rocky Mountain Bank

c. Discussion/Decision: Resolution No. 457b, A Resolution Amending Billing Policies and Procedures for Municipal Water and Sewer Services

Mayor Dewey: I would like to entertain a motion to suspend council rules and take new business items 11 a, b, and c under a consent item

Councilmember Vick: I will make a motion.

Councilmember Ludington: 2<sup>nd</sup>.

Mayor Dewey: it has been moved by Mr. Vick and 2<sup>nd</sup> by Mr. Ludington to consider new business items a, b, and c as a consent item on the agenda you have the items there in front of you, council comments?

Councilmember Ludington: can you give us your two minutes on the credit card.

Robert Underwood: the agenda item is to switch to a new credit card from Farmers State Bank to Rocky Mountain Bank, and that program will allow us to have multiple cards that we could put out to designated persons like the department heads that will also give us the ability to turn off a card, set credit limits with in town hall, it also gives us the ability to get back 1% cash back which you don't get now, it also will give us the ability for an app that we pay for but actually free comes off the front of the 1% you can take a scan of the receipt and code it to the budget and then it comes back to us. Also save money on stamped envelopes because we will go to paying more bills with the credit card. Any questions?

Mayor Dewey: one thing that I would like to highlight, we occasionally, depending on who is in charge get the records request that comes through the office that says I want to see all of the mayor's credit card purchases, and today we can't give you that as we only use one credit card, and it is in a drawer under lock and key. This scenario, the reason individuals will be issues cards with certain authorities so in this case if I was issued a card as the mayor than any transaction that I use that card for can be specifically retrieved and turned over as a records request if it were in question. It provides us a better level of transparency of who is spending what. Any further questions from council on the consent? Hearing none I will ask for a motion to approve. Any public comment on the items? Hearing none, Ms. Berthoud call for the vote please.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

## 12. Executive Report

Mayor Dewey: I will keep it short. Your water capacity has been addressed and hope to get that out to the public soon. One piece that needs to be clarified on the record is a gross misstatement and was absolutely unequivocally wrong. Steve Kruse our public works director does not own a business in Stevensville he does not own Timberline LLC on Turner Street he lives on Turner Street and used to work for the Timberline Lodge of Oregon I want to make that clear he does not have any business interests in Stevensville he is our public works director trying to help the town. On some what of a sour note I thought that it would be prudent to answer some questions on legal issues bogging down the town of Stevensville. There are three active cases that the town of Stevensville is party to in some manner. One is Dwayne Bell vs. the town of Stevensville that case and that process has been concluded that Stevensville is not at fault and so they are trying to come up with a settlement between the two property owners of the joint sewer line. More or less the two lawyers between Bell and Eric Hayes figuring it out. The other case is Tribbensee vs. the town of Stevensville that case started in 2019 we are going on two years, arbitration is scheduled for that case in June hopefully we see a resolution out of that arbitration that is the goal instead of taking it to trial. The last case is Tribbensee vs. Bob Michalson, and that case was filed after actually Mr. Michalson's resignation from the town council, town of Stevensville was not mentioned in that lawsuit, but however Mr. Michalson's issues as he was a councilmember at the time. Stevensville's insurance is footing the bill for that lawsuit, we are paying for his defense. Next round of liability premiums that will come due July 1<sup>st</sup> will more than likely not favor our pocketbook due to those issues. The last piece, two more things, performance; excited to share with you a performance based dashboard that will be a public web page that will have key performance indicators for each department and our strategic goals that we work towards and that will be updated on a quarterly basis, monthly if we can we hope that the town council will be able to use it as a tool, we also want to use it as a tool for the citizens to engage with the town and have a better understanding of how we are meeting goals and key performance indicators. I will send you links. Lastly, I mentioned a little bit on leakage. Public works supervisor wants to get that under control. So just to visualize, we drain and fill our reservoir every day.

### 13. Town Council Comments

Councilmember Ludington: I have just one, the roadway in front of the (unclear audio) plant is that ours or the county?

Mayor Dewey: it's likely ours, and it has been noted by another individual in the room that it needs to be repaired.

Councilmember Ludington: holy cow!

Councilmember Devlin: did you lose your whole car in it?

Councilmember Ludington: I lost a bus in it.

Mayor Dewey: if you would use Middle Burnt Fork Rd instead of Eastside HWY Jaime.

Councilmember Ludington: that is what we are doing now we are going around Logan.

Mayor Dewey: yes, it is on the docket to address.

Councilmember Vick: what road is that?

Mayor Dewey: Railroad Ave.

Council chatter.

Councilmember Devlin: is there any chance that we can do, I am concerned that some of the comments you made about the suits that we are involved in, our last mitigation that we tried to do Dempsey and I were the only ones that showed up for it. So, is there a way to get something together for that were we can discuss some of what you just said, and I think that those tend to be closed sessions.

Mayor Dewey: to clarify for everyone this isn't a meeting you weren't invited to; this was previous to your ten year. Yes, we could schedule a closed session. It will take a while to get scheduled I will put it on Mr. Owens's plate to coordinate with the other attorneys involved in the cases and figure out the best strategy forward. We will put together a town council closed session to discuss.

Councilmember Devlin: one more, with the transparency program that you were talking about rolling out it brought me back to when we had our meeting the 5<sup>th</sup> Friday meeting and we were talking about the piece that was missing when we talk about involvement with our communities that PR piece that we kept referring back to. Correct me if I am wrong, there was a PR position I don't think it was called that, part time position that was approved by the council and that person's duty was to give the information to our community. We talk about this process that we are going through with Burnt Fork Estates. We have come up short handed in explaining our water and sewer speaking to transparency and what that means and bringing that position back would be extremely helpful not in just that area but in many areas. I believe right now you are the person that puts that information together to get out to the public. I think your time would be better spent. If any one is interested in that position it took quite a bit of time in January at our Friday meeting to discuss this.

Mayor Dewey: we can discuss that if the council wants to entertain that.

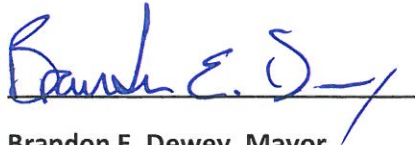
#### 14. Board Reports

None.

#### 15. Adjournment

12:45 a.m.

APPROVE:

A handwritten signature in blue ink that reads "Brandon E. Dewey". The signature is written in a cursive style and is positioned above a horizontal line.

Brandon E. Dewey, Mayor

ATTEST:

A handwritten signature in blue ink that reads "Jenelle S. Berthoud". The signature is written in a cursive style and is positioned above a horizontal line.

Jenelle S. Berthoud, Town Clerk