

Stevensville Town Council Meeting Minutes
for THURSDAY, APRIL 08, 2021 7:00 PM

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)

Mayor Dewey introduced Public comment. There was no public comment.

4. Approval of Minutes

NONE

5. Approval of Bi-Weekly Claims

a. Claims # 16534-16681

Mayor Dewey: correction on the claims, it should read 16534-16684.

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

Councilmember Shourd: 2nd.

Mayor Dewey: it has been moved by <Mr. Vick and 2nd by Mr. Shourd to approve the claims as presented, council comments? Public comment? Hearing none we will call for the vote, Laura.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: thank you, we will move into administrative reports.

6. Administrative Reports

a. Airport

Mayor Dewey: airport in your packet for review.

b. Community Development

Mayor Dewey: community development in your packet for review.

c. Finance

Robert Underwood: so far to date the town has received 82% of the expected revue with still a large check coming in May or June. Also, as of today the town has spent 72% of the expected expenditures which totals 3214,000 not including tonight's claims of the 238,000. In the bank there is 3,636,388 minus tonight's claims we are just shy of 3.5 million in the bank. Any questions?

Councilmember Ludington: I noticed in the claims that monies from the airport, are we close to closing out that project?

Robert Underwood: that project right now is at 97% the project is done we just have one more draw down with just a few thousand bucks and it will be done.

Mayor Dewey: on that note with the airport project, you will have a budget amendment come in front of you next month for fiscal year 20/21 it will help to close out the books on that project because it was off, we will have you do that just in time for the audit there in May. You can expect public notices and public hearing for those. Anything further Robert?

Robert Underwood: no.

d. Fire Department

Chief Motley: gave his report that was provided to the council through the packet. Talked about the burning restrictions in the town limits. Spoke about the new members and the new cadets. Spoke to the rating of city and rural. Any questions?

Councilmember Ludington: zero mutual aid.

Chief Motley: we didn't exstend mutual aid to any of our outlying partners.

e. Parks & Recreation

Mayor Dewey: parks and recreation report is in your packet; Bobby is not able to attend tonight he has been in training this week.

f. Police Department

Officer Ellington: gave his report that was provided to the council through the packet.

Mayor Dewey: any questions for Officer Ellington?

g. Public Works

Steve Kruse: gave his report that was provided to the council through the packet. March was a productive month for public works. Over the past five weeks we went from 156 non reading outdated meters and we are not at 53 so over 100 in a month. We decided to make that our priority. First thing we are trying to do is rule out the meters and we have done a good job at that. Storm drains have been addressed. Any questions?

Councilmember Vick: what is the progress on the water quality issue that I brought up with you on Buck Street.

Steve Kruse: good question, we went and did the test, and their water came back in the parameters of where it should be. I can tell you that the water is right smack dab in the middle of every test, and I think there are thirty tests.

Councilmember Vick: thank you.

Steve Kruse: I sent her copies of the tests.

Mayor Dewey: any further questions?

Councilmember Devlin I do have a question going back to the airport I think Mr. Vick you haven't been able to go to very many of the airport board meetings. And we have not seen our eyeballs on our airport manager yet. So are we going to get to see his eyeballs at some point? It would be nice to have the information given to us like the rest of everyone. I just don't know if we are getting adequate information. When Mr. Vick is not able to go, and we are not seeing him.

Mayor Dewey: the airport managers position has been some what a slow role in terms of a transition of that employee into that position, he is a part time staff member for the town his hours are limited with us a lot of his attention and time has been dedicated to interfacing with the airport users there are number of personality dynamics there and relationship aspects with the town that he is trying to rebuild a lot of his time has been devoted to this. As you can see, we ramped up the airport report a little bit at least gave you something in writing to go with I would expect going forward over the next couple of months you will more frequently see him because it is only one meeting a month that he needs to come to. Your point is taken.

Councilmember Vick: I can tell you that I have been in contact with Craig pretty frequently at least once a month, who is the chair of the airport board, he is letting me know that the project is nearing completion, the manager is doing a great job getting things setup up there, currently going through some certifications to get folks to be able to drive the snowplow and really that is it, business is as usual things are going great no huge complaints just a couple of wildlife running through the air field no and then. Increased traffic of course because Hamilton is closed now, we will start to see increased air traffic due to the agreement with the forest service.

Councilmember Devlin: thank you.

Mayor Dewey: any thing further on administrative reports from the council?

7. Guests

None

8. Correspondence

None

9. Public Hearings

None

10. Unfinished Business

None

11. New Business

a. Discussion/Decision: HDR Task Order No. 9, Water Rights Needs Assessment

Mayor Dewey: introduce new business item (a) HDR task order No. 9 as the packet outlines this is another step in the lengthy process that we have undertaken to resolve the water rates issues that seem to haunt the town for decades and as you recall we have engaged Ross Miller as our water rights attorney some time ago now and we are continually building steps into this system to eventually get this global permit put together for the well field. So, there's some work being done and will have a recommendation for a contract for you folks at a subsequent meeting for the hydrology work that needs to be done with our well field and water rights that will be done by a separate firm and that RFQ is closing out pretty soon if not already this is kind of the third spoke in the that wheel that we have the water rights attorney, the hydrology and then we have HDR as our engineer pulling all of those pieces together that Ross will submit to the DNRC. If approved this is a step in resolving the many steps over water rights over the past several months.

Councilmember Vick: I will make a motion to approve.

Councilmember Shourd: 2nd.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Mr. Shourd. Council comments?

Councilmember Ludington: I think this is a great opportunity for us and I see by the worksheet that they have done it is going to be managed by Craig or a specific person?

Mayor Dewey: not necessarily, Craig has had the most experience with the process that we have taken on so far at least in my ten-year and that was really when HDR started doing our water work for us and so between he and Ross and I we feel we have built those relationships and have the best understanding so I think when he looked at this proposal and discussed it over with him about HDR doing this work for us he seems to fit that match as he has the most knowledge on our water rights issues. Last point, this is obviously, if you look at the dollar amounts at the bottom this isn't a task order that necessarily has to come before council, the reason that it is in front of you this evening is really to keep you informed about where we are in terms of the water rights because it is such a high profile issue for the community we wanted to give you folks and the public an opportunity to put your eyes on it on how we are solving the problem.

Councilmember Ludington: I was just hoping that they had a water rights expert at HDR, I see that they have a couple of other people listed in the task order for resources.

Mayor Dewey: we are using the same team that had done a lot of this work, almost exact same work as they did for Lolo, the Lolo water district had similar issues like we have and it happens to be, I don't know I haven't seen the RFQ's come back I am not sure what firms are submitting for hydrology, Ross and Craig and the folks at HDR did work together on the Lolo water rights situation so we are encouraged that they are bringing that experience with them to us. Any

further comments from council? Public comment? With that, we will call for the vote, Ms. Miller.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: the motion passes unanimously.

b. Discussion/Decision: Confirmation of Police Officer Jacob Guida

Mayor Dewey: introduced new business item (b). Mr. Guida has been with the police department for a year and at the close of their probation at the close of the police officer probation period we ask the town council to confirm the status with the Town of Stevensville's police department. Mr. Guida passed his field training with flying colors and Officer Ellington has done a great job over the past 13 weeks, he currently works night shifts along with Mr. Alspaw, they split the night shifts we have 7 nights of coverage a week.

Councilmember Vick: I will make the motion.

Councilmember Ludington: 2nd.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Mr. Ludington. Council discussion? Public comment? Hearing none we will call for the vote, Ms. Miller.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: thank you that motion passes.

c. Discussion/Decision: Construction contract for the E 3rd Street Improvements Project

Mayor Dewey: introduced new business item (c) we opened bids at the April 1st meeting. HDR has had the opportunity to evaluate those bids and get their hands on them and confirm where they stand on the engineers estimate. The engineers estimate is older, is more or less evaluated before we knew what things cost before the pandemic. So naturally these bids did come in higher than the original engineers estimate but they are in reason. On third street the recommendation from HDR is to take necessary steps to award the project to Three Rivers Landworks. The council has a couple of options here, you can simply award the bid this evening, we don't have a contract document in front of you tonight, so you can award the bid and ask us

to bring back the contract for your approval or you can authorize the administration to move forward and authorize the contracts knowing that contract process is.

Councilmember Devlin: I think that we were faced with something similar for the airport and at that time we requested to have the bid and I think for keeping everything equal I think that would be appropriate in the instance as well.

Councilmember Vick: I make a motion to approve the bid and ask that you come back to us with a simple contract for us to go over quickly.

Mayor Dewey: just to be clear we are not the one drafting the contract.

Councilmember Vick: I understand that.

Councilmember Shourd: 2nd.

Mayor Dewey: it has been moved to award the bid to Three Rivers Landworks with a contract coming before council 2nd by Mr. Shourd. Council discussion?

Councilmember Ludington: I was hoping that I would see Mr. Lubbers.

Mayor Dewey: I didn't ask him to come. I am trying to bring our engineering costs down a bit sir.

Councilmember Ludington: he graduated from high school with my daughter, so.

Mayor Dewey: we will see plenty of him after this.

Councilmember Ludington: okay good I can give him a really hard time; I had a little bit of an issues because this was 15% over the 5th street bid was 2%. That is always my deal with engineers estimates, I have to get them a hard time when they are not right, so they are not right even though it is old and we are dealing with a pandemic there they are still high, I expect ten or less that is doable. I have done it to engineers for years and comment on this is that it is really off, especially when the other one is really close.

Mayor Dewey: any further comment from council? Any public comment?

Councilmember Devlin: did they provide an explanation as to why it is more expensive than originally thought?

Mayor Dewey: not directly, when we saw the bids compared to the engineers estimate we think we are getting used to seeing cost increases, I guess some of us in the office are a little callus seeing increased costs, we just see bills trickling up the rising cost of stuff. One other plausible other reason, that this is slightly higher is because we did an amendment to the original request for bid, we are off on our original count on water and sewer services and then we didn't really, we had two people counting. The former public works director gave HDR a list and said these are the sewer and water that need to be replaced. Then when Riley came for the pre-conference, Riley, myself and Steve got out to 3rd street and started looking things weren't adding up so we went back to the maps, reverified, there was a discrepancy in the numbers so those services could have thrown numbers off, it is not going to add up to 15%. It is plausible that wasn't an engineer's estimate based off of the original numbers and they were off. The good thing is with doing those services we won't have to ever dig up that again, that was the

goal and that is why when one important thing to highlight in this, when we break out the costs of this project a good share of it will come out of the gas tax fund, and you will see the water and sewer expenses come out of the water and sewer fund, so they are going to help with this project in that piece of the project, that doesn't answer your question Jaime, does it?

Councilmember Devlin: no, it is 25, 0000 more.

Mayor Dewey: the 25,0000 does account for a handful of water and sewer that we miss counted that is not the best answer to give you, in realty I don't have an answer for you.

Councilmember Ludington: that is normally what they will get from the engineer also there are a couple of different things.

Mayor Dewey: I want to ask if you are satisfied?

Councilmember Devlin: ultimately, they can choose to do what they want to do, and we get caught up in this hamster wheel of getting an answer.

Mayor Dewey: there is nothing preventing the town to say, this is to above and beyond. I guess the question is do you blame the engineer for underestimating or the contractor overestimating I guess we don't know that, so there is nothing preventing the town to come back and say no, but it is going to delay it that much more time, we are intending to give notice to proceed the day after the last day of school.

Councilmember Devlin: mean while the cost of everything is inflating.

Councilmember Ludington: as long as it is on the engineering firm, the estimates that you are going to get from a lot of these construction companies is not secret they would like to try and keep it from each other but they really don't I just wanted to, my intention is to keep the engineering firms as honest as possible and make sure that they are doing their work how ever many of hundreds of dollars an hour it costs us to get this done.

Mayor Dewey: I will ask HDR for some sort of explanation for the discrepancy.

Councilmember Ludington: something would be great.

Mayor Dewey: at least we would have asked and that we are paying attention. When they did propose the engineering contract there were some time in the contract for council meetings. Any further council discussion or public comment? Hearing none we will call for the vote, Ms. Miller.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: okay.

d. Discussion/Decision: Construction contract for the E 5th Street Improvements Project

Mayor Dewey: introduced new business item (d) same process all though noted the engineer estimate is closer to the original. There is one condition of the administration that we will pay close attention to, JAG Paving and Grading is new company and so we are I guess as it talks about, wait I may be confused. I am sorry Three Rivers is the new company and we will make sure that they have everything laid out.

Councilmember Vick: I will make a motion to approve.

Councilmember Ludington: 2nd.

Councilmember Devlin: I would still like to see a contract first.

Councilmember Vick: I will add that to my motion.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Mr. Ludington to award the bid for the 5th street improvement project with a contract coming forth. Council discussion? Public Comment? Hearing none we will call for the vote, Ms. Miller.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: alright motion passes unanimously.

12. Executive Report

Mayor Dewey: gave his executive report. If there is something you want to ask go ahead. There is something that I want to show you. (the following is paraphrased) Gave a presentation using Williamsburg's website. How Williamsburg is continuing to deal with revenue losses due to the pandemic. Talked about their budget concerns. I mentioned that we were going to bring on a dashboard to town hall to help measure goals. We have put together 5 main goals. You will see our vision coming forward. We wanted to have some goals to move forward with. We have found a tool to help with this, I am using Williamsburg's dashboard to show how that is done. Mayor Dewey walked the council through the Williamsburg's website/dashboard to explain the process of how it works to measure the towns goals via a dashboard system. Mayor Dewey talked about myside walk and how they track the data for us and report it back to the public in a performance dashboard. Talked about the department heads replacing their current monthly reports with the new system through myside walk. It does help us nail down some much-needed data about our town. I have heavily weighed the cost of this system; I did have some sticker shock. I did some more research on other towns that use it. Mayor Dewey discussed the costs of the program and what we are currently spending on public relations, about \$5,000.00. Council feedback? I am happy to share with the council how other communities are using this.

Councilmember Devlin: the part that grabs me that I do like about it, is that the public would have an opportunity to validate rumors or not validate rumors or find out information at their fingertips if they need it. If they are thinking about something late at night or over a weekend, I do like that piece of it. I think the town has really rallied around.

Councilmember Ludington: I think if nothing else it gives us a reason for the council or the administration an opportunity to refute rumors and show them this is what happened this is where it was, this is how you find it. Especially for those citizens that are attempting to at least standup for the loud voices that we have in this community we can say, hear is an opportunity for you to take a look at this comment as you like, hopefully we will attempt to be, this is not opinion, this is how much water we use this is data. We can't make the data really show something we don't want to because it is there. People have the right to say their opinion this is what the data said.

Councilmember Vick: I think that it would be good for us to be able to actually as a council person to be able to do some initial research and look at prior years without having to look through numbers or make my own graphs or what not.

Mayor Dewey: (unclear audio) to go back and see where we have been. And what needs to be addressed. (unclear audio) we can acknowledge that we won't be at these tables for ever we need to be able to hand something off to say this is what we did. Are there any other questions?

13. Town Council Comments

Councilmember Vick: now I am going to be the downer, my decision to vote no on Burnt Fork Estates at the April 1st meeting was not simply based on yeah or nay comment that was presented at public hearings and meetings but rather based on the context of those comments this is not a political stunt nor to gain power it is purely a decision that I would hope would make change (unclear audio) and the way that she put it, (resighted a quote). I believe that the mayor was incorrect in not using the public comment as a finding of fact because the MCA code 73-6-608 section 6 says otherwise. (resighted MCA code) it is also my opinion that during the March 25th meeting I felt offended as some of our citizens did as well when it was stated, what do I have to do to get at least one of you to vote yes on this in a public meeting. There is one of the conditions that was approved seems to be a violation of 76-3-6087 (resighted code) lastly on April 1st I believe that there was a violation of Roberts Rules of Order in which there was a vote held on an agenda item that had failed with out a motion to reconsider from the party. There was no prevailing party on the March 25th vote and Mr. Mayor you chose to not break the tie there by causing the approval to fail and no form of government in the United States guided by Roberts Rules state that it be brought back on the table as unfinished business when the item has failed. Finally, I want to say I am not against the development but there are many other reasons that I was not a fan of it, but these are my main reasons for voting no, I rescind. Thank you.

Councilmember Devlin: I too am going to speak to the reason why I voted the way I did last week; some very very concerning rumors are floating around about my choices and I wanted the opportunity to clarify some of those in my own words. I am still very upset about the meeting that we had please do not misunderstand my vote I care of the concerns of many of the people

have against the subdivision in fact the representative for the subdivision, one of them, asked me after the meeting when my term was up, my assumption to that is that I did push them pretty hard through this process. (unclear audio) which leads to one more rumor, I am not up for re-election in November you can't vote me out in November I am not up so, just be clear on that. I sustained as a protest against the future of our town and this subdivision. It was made clear to us that if we voted no we would be headed into a lawsuit with not very good results. By voting yes, we put the town at great risk because we have not properly prepared for this type of growth. Our polices are out of date our master plan has not been revised since 2006 our growth policy from 2016 has got a lot of conditions in it. It specifically recommended updating the subdivision regulations. I will not have my name on a lawsuit, we have seen currently where individuals that have been on this town council have been named in a lawsuit. I don't want my name on a subdivision because I do believe the lack of preparation over decades will lead to some serious consequences for our town. I did go in Saturday morning after two sleepless nights I made a post on my town council Facebook page I am going to read that out load, I do owe you an apology Mr. Vick because I did get on the phone with you and bend your ear and I also thank you for allowing me to get me emotion out. The new subdivision known as Burnt Fork Estates has been a controversial topic for several months this is a project that holds many emotions when the tools in place allow for this type of development in our area change must happen, we have a master plan that has not been updated since 2006 and a growth policy from 2016 that contradicts itself through out. Because the developer was able to create and propose a development that falls in that outdated and contradictory policies that are in place our town is left with a no-win situation. Voting no would have opened our town up to a lawsuit from the developers, voting yes opens our town up to a development that we have not properly prepared for. Both carrying a chance of taxes being raised, both options were not acceptable to me, I abstained because I did not want to be responsible for these consequences of either option as I have stated several times the Town of Stevensville has had over a decade to prepare for this type of development. Past elected officials have failed to do so, yes, I am angry about this, our town deserves better I will not vote for something that I feel has potential to cause damage to a place that we all call home. With that said I have two and a half years left in my position and will do what I can to make sure that these policies are updated so that we as a town are not faced with this again. I am going to ask you to reach out to your councilmembers and speak to the change of policies that you would like to see. There is another rumor going around that is a quite personal one and it brings various emotions to the surface for me. Yes, I sold my house in Creekside, yes, I did. No, I did not sell it because of what is happening with the subdivision, I am not going to get into the details because it is personal and frankly it is nobody's business but I will tell you that I hope that nobody is faced with that decision there are things that have happened in my family that are requiring me to sell my home I don't appreciate the things that are being said in regards to that. There is a saying, we hear it, "you don't know what somebody else is going through so be kind" I can't emphasize that enough right now. You talk about how children are so cruel we as adults know better and we choose to do nothing but be cruel in certain situations, so I just ask that you think before you speak, if you have questions about my personal life or why I voted a specific way reach out and ask don't listen to the town crier, don't listen to other people's rumors don't listen to the view point ask me I am available.

Councilmember Ludington: I am going to say is I appreciate whole heartedly the amount of deliberation, attention that the council paid to this particular issue. It is probably the biggest thing we will come to be dealing with as time goes on. There are other paradigm shifts going on in today's world involving all of the major things part of the foundations that we have lived by not strictly because of the pandemic but because of the shift of the way things happen these days it is happening in education, it is happening in organizations it is happening in all different types of events and organizations this is part of that, you could have never predicted this I think that there are poles that have spent time in the urban development and growth community for lack of a better term over the years this is what happened here, this is not outside of the norm there are certainly bigger and we haven't laid a decent foundation to what is responsible if you, one of the ways I think people need to come to a realization first go out and drive through Creekside Meadows and go over and drive through Twin Creeks Subdivision then go drive through the George Smith development behind the post office to the May addition of 8th, 9th and 10th street. And then at the end of that drive down Charlo and see what you think, that is one of the older neighborhoods in town to be perfectly honest it looks like crap. It looks like absolute crap and we can put a shiny beacon on Creekside Meadows and Twin Creeks Subdivision something that looks nice, and I think we have come a long way in what we have done in building that community there are some really older crapy looking neighborhoods in this town and we can't do anything about it, it is going to look like that until it burns. So, if you look at some of the subdivisions that we have done over the past 10 or 15 years we have come a long way they are not perfect and we are not going to get a perfect one but I think we are going to keep trying and that means that we have to take risk and yes there is risk in this as I told one particular individual, I will do my darndest to make sure that we do not put the town and the citizens at risk with this subdivision. I will, we will do everything we possibly can to make sure that does not happen and that really all that we can do, that is all that we can do. We can't say wait a minute I am not paying for wait a minute that does not belong to me. Because there are areas of this town that we are paying for that don't have anything to do with what is going on now. I am sorry I drove down Charlos, and Buck and Mission Street the other day on this side of town I am ashamed, the houses are run down there are houses everywhere, those poor people that live over on Mission Street next to the house that burnt been like that for almost a year nothing, nothing has happened, looks the same as a year ago, what a shame, an absolute shame. Mean while at Creekside Meadows they are walking around pulling weeds on perfectly nice property, so yes, we have come a long way and we had some place to go, and I think that this is big step in that direction we need to look at what we have done in the past and what we are trying to do in the future. So, once again for your deliberations, I respect what you say and how you voted I have no issues with whether or not you approved or denied or afraid that you are going to get sued this is the job that we signed on for and I appreciate your common effort, I really do.

Councilmember Shourd: the decision regarding Burnt Fork Estates it wasn't a decision I wanted to make it was a decision that I signed up for and I committed myself to learning as much information that I could listening to as many people as I could I have had accusations from people that say you didn't listen to your constituents the neighborhood design that came out of planning and zoning is much different than what we approved the other night, I feel that we as a council took into consideration peoples concerns made adjustments to address those concerns and put in conditions to protect the things that people were fearful about. I told myself walking into that meeting what ever decision you make you have to justify, and I can go to bed justifying my decision and I am willing to discuss that with any one in town.

Mayor Dewey: that concludes town council comments.

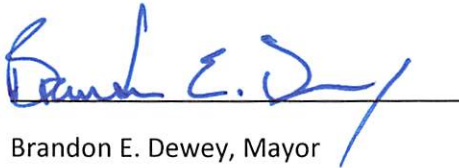
14. Board Reports

Councilmember Shourd: there is a park board meeting at town hall there is also a town hall meeting, this is an opportunity to get feedback on Lewis & Clark and Father Ravalli Parks.

Mayor Dewey: genuinely thank Laura Miller for pitching in unexpectedly this week, Jenelle had some family matters to attend to this week and wasn't able to join us but Laura reluctantly but willingly it was one of those situations where the devil and the angel were both on her shoulder saying Laura you have to go then she came and did a great job and she didn't know that is was going to put her on the spot tonight but she did a great job and I appreciate her being here so with that unless there is anything else good for the order we will adjourn.

15. Adjournment

APPROVE:


Brandon E. Dewey, Mayor

ATTEST:


Jenelle S. Berthoud, Town Clerk