

**Stevensville Town Council Meeting Minutes
for THURSDAY, SEPTEMBER 23, 2021, 7:00 PM**

CONDENSED MINUTES

1. Call to Order and Roll Call

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

2. Pledge of Allegiance

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

NONE.

4. Approval of Minutes

a. 8/12/2021 Meeting Minutes

b. 8/26/2021 COW Meeting Minutes

c. 8/26/2021 Meeting Minutes

Mayor Dewey: introduced the meeting minutes for 8/12, 8/26 COW, and 8/26/21.

Councilmember Ludington: make a motion to approve.

Councilmember Allen: 2nd.

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

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: thank you.

5. Approval of Bi-Weekly Claims

a. Claims #17024-#17036

Mayor Dewey: additional claims have been added to your claims sheet, #17037-#17040

Councilmember Devlin: make a motion to approve the claims.

Councilmember Ludington: 2nd

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

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes

6. Administrative Reports

NONE.

7. Guests

NONE

8. Correspondence

NONE.

9. Public Hearings

NONE.

10. Unfinished Business

a. Discussion/Decision: Reconsideration of Resolution No. 491, Adopting a Master Fee Schedule for FY2022

Mayor Dewey: introduced unfinished business (a.) gave an explanation of the changes made by council's direction. Please note the changes in your packet. Added a curb cut fee that was left off on the last one.

Councilmember Allen: I feel the changes reflected the feedback that Councilmember Wandler and I made. The special event permit fee address the size of the event a little bit better. I would like to make a motion to approve.

Councilmember Wandler: 2nd.

Mayor Dewey: it has been moved by Ms. Allen and 2nd by Ms. Wandler. Council discussion?

Councilmember Devlin: where we see the farmers market event fee it is all inclusive?

Mayor Dewey: all one fee per season.

Councilmember Delvin: stage fee, who else uses that besides civic club?

Mayor Dewey: we have had some church groups for a concert. If the expectation is that town personal move it and set it, we are going to charge the fee. The cost is supposed to cover the personal time. Any further discussion from council?

Councilmember Ludington: went through the city of Hamilton's fee schedule. What I could find was pretty much in line, what I found to not be in line was the planning and zoning fees. For instance, we are looking at \$1000 for an annexation application fee and on here it is \$100

Mayor Dewey: it is \$1000, we pretty much copied there's. those fees that are proposed on our schedule should be the same as Hamilton.

Councilmember Devlin: after our last meeting I was trying to figure out a comparison. Perception is that we are recharging for a service that they are already paying for through taxes and what not. A federal or state park we have to pay those fees. If you don't want to pay for it then don't use it.

Mayor Dewey: we don't like to increase fees, but the fees that we are charging are above and beyond what a normal government provides.

Councilmember Ludington: I agree, and I also think that the reverse of this is when there is a fee there is an expectation. We have placed upon our selves these fees and when you want to use the park or have something done and we are prepared to do that. We can't say we don't have anybody to do that.

Mayor Dewey: any thing further from council? Public comment?

Victoria Howell: gave comment on the funds that were raised by the Civic Club and would like to invest in the stages and the power panels. We would like to invest in the town by fixing these items.

Councilmember Devlin: the civic club possibly owns both stages? Does the town house them?

Mayor Dewey: they are stored on our property at the sewer plant and because we store them, we often get called to move them.

Councilmember Devlin: that was my question. So civic club is responsible for the maintenance of it?

Victoria Howell: I think that it is important to point out. (Not at the microphone when speaking unable to hear full comment)

Mayor Dewey: any further public comment? Any further council discussion. Hearing none we will call for the vote, Ms. Berthoud.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: that motion passes.

11. New Business

a. Discussion/Decision: Lease Agreement with Dustin Cumming for Lot 3, Block 2 of the Stevensville Airport

Mayor Dewey: introduced new business item (a.) this is actually a transfer of a lease. We have documentation for that transfer.

Councilmember Ludington: make a motion to approve.

Councilmember Wandler: 2nd.

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

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: that passes. We will get that prepared for signatures.

Craig Thomas: (Not at the microphone when speaking unable to hear full comment)

Mayor Dewey: change to 3500?

Craig Thomas: gave comment to the size change.

b. Discussion/Decision: Contract with Cote & Associates for AFR Preparation and Financial Statement Preparation Services

Mayor Dewey: introduced new business (b). administration recommends approval.

Councilmember Devlin: make a motion to approve.

Councilmember Ludington: 2nd.

Mayor Dewey: it has been moved by Ms. Devlin and 2nd by Mr. Ludington. Council discussion?

Councilmember Ludington: option to do additional work? Can you speak to that?

Mayor Dewey: do you remember when there was a conversation about attest services when auditors did their entry they asked if it was going to me or Wendi, I think that is what she is referring to, she can't independently attest to our accounting because she has her hands on it. So, she is not comfortable doing that. Any further council comment? Public comment? Hearing none we will call for the vote.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes.

c. Discussion/Decision: Resolution No. 492, Approving a petition to annex and annexing land into the Town of Stevensville

Mayor Dewey: introduced new business item (c.) walked the council through the petition and explained Montana law about review and approving this all at once.

Councilmember Allen: make a motion.

Councilmember Devlin: 2nd.

Mayor Dewey: it has been moved by Ms. Allen and 2nd by Ms. Devlin. Council discussion?

Councilmember Ludington: I looked this over and trying to put this together. We are going to have to do some more work with the public and surrounding homeowners to decide on what zoning to do.

Mayor Dewey: zoning is currently R-1 or R-2. You get to pick and run with what you want to do. We decided to leave it R-1 or R-2 and have the planning and zoning address this. It is my understanding that he does have plans to develop some type of multi family housing at that property.

Councilmember Allen: building 4, 4-plex apartments is what he is building?

Mayor Dewey: that is what he is proposing but it has not been reviewed by a permitting standard.

Councilmember Ludington: this property does butt up against the Dayton Addition, 7th and 8th Street. Those people at the end of those streets are going to be impacted.

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

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler:

Mayor Dewey: motion passes unanimously

d. Discussion/Decision: Resolution No. 493, Declaring the second Monday of October as Indigenous Peoples' Day in the Town of Stevensville and encouraging other institutions to recognize this day in honor of the indigenous people who traditionally lived in the area

Mayor Dewey: introduced new business item (d.) I think that the resolution speaks for itself.

Councilmember Devlin: make a motion to approve.

Councilmember Allen: 2nd

Mayor Dewey: it has been moved by Ms. Devlin and 2nd by Ms. Allen. Council discussion? Public comment? Hearing none we will call for the vote, Ms. Berthoud.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes.

e. Discussion/Decision: Resolution No. 494, Amending the wages and compensation of elected and appointed officers and all employees of the Town of Stevensville for Fiscal Year 2021-2022 and establishing an effective date for wages and compensation

Mayor Dewey: introduced new business item (e.) misunderstanding between Chief Motley and the administration. We are adjusting to the original honorarium.

Councilmember Ludington: make a motion to approve.

Councilmember Devlin: 2nd.

Mayor Dewey: it has been moved by Mr. Ludington and 2nd by Ms. Devlin. Council discussion?

Councilmember Devlin: I just want to thank you for doing this. When we were going through our budget meeting, we were discussing how everyone in the organization is important.

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

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes.

f. Discussion/Decision: Resolution No. 495, Authorizing the sale of 6.47 acres of Town owned land/property in the Home Acres Orchard No. 3 Subdivision

Mayor Dewey: introduced new business item (f.) this is the initial stages of a process that the town council is taking to surplus this property. It has not been the towns gravel pit for a long time, we use a higher quality. This is a time for the public to weigh in and the council to make a decision to move forward.

Councilmember Ludington: being that it says in the resolution 6.47 acres and in the legal description is says containing 5 acres more or less. We will probably be going to need to do a survey and a pin location.

Mayor Dewey: correct we will have it surveyed. There is some dispute in the legal description.

Councilmember Ludington: I can tell you that it will be more than \$23.00

Mayor Dewey: we had an area at Father Ravalli Park recently surveyed and it cost us about \$250.00 to set a few pins.

Councilmember Allen: make a motion.

Councilmember Ludington: 2nd.

Mayor Dewey: it has been moved by Ms. Allen and 2nd by Mr. Ludington. Council discussion?

Councilmember Wandler: it is my understanding that we are authorizing you to sell the property?

Mayor Dewey: you are authorizing the administration to move forward to get someone to buy it. When there is an offer, we will come back to the council and see if you are okay with it.

Councilmember Wandler: I spoke to someone about this property, and I was told that the gravel was very poor.

Mayor Dewey: poor quality. When I spoke with George Thomas about 2-3 years ago, he said that he had never used the gravel off that property in the 30 years he was here.

Councilmember Ludington: back when I was on council in the early 2000, we also went through a sale of a piece of property over by the Bass Mansion and also did this through a resolution.

Councilmember Delvin: I think that the confusion for us as well as the public is where it says authorizing the sale, we are authorizing putting it up for sale.

Councilmember Ludington: I think that the council has the ability to earmark where the funds should go besides the general fund. And that could happen at the time of the sale or the agreement, we can say where we want to put the money or what we want to use it for.

Mayor Dewey: that is a great point, by default it will be general fund funds unless you state differently. You can put it across many funds if you want. Any further council discussion? Public comment? Hearing none we will call for the vote, Ms. Berthoud.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: that motion passes.

g. Discussion/Decision: Resolution No. 496, Requesting distribution of Bridge and Road Safety and Accountability Program funds for the fiscal year 2021-2022

Mayor Dewey: introduced new business item (g.) I think that we are looking at around \$40,000, to use some of these funds to work on Spring Street.

Councilmember Ludington: with the correction of 2019-2020 changed to 2021-2022 I will make a motion to approve.

Councilmember Wandler: 2nd.

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

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes.

12. Executive Report

Mayor Dewey gave his report about our water billing system and the cost. It is not costing us more money; in fact, it is resulting in a cost savings for the town. The reason that we switched was to save money. Leagues of Cities and Towns has gone virtual. So, Wendi and I will be attending that virtually, the National League has also been moved to virtual. So, no traveling. If there are educational opportunities that the council would like to do let me know.

Councilmember Wandler: I don't think that everybody knows that you can go paperless.

Mayor Dewey: we are going to try to do a push and get that information out to the public. The last thing is that you can expect a revised engineering report at the end of October. One thing might be moving meters out of crawl spaces and if it is leaking than we can tell. If the council approves that direction, we will bring forward some information about an insurance plan for homeowners.

13. Town Council Comments

Councilmember Devlin: one good thing to mention is to talk about yard debris on October 4th at Lewis & Clark Park.

Mayor Dewey: yes. We will not be picking up around town, if you need help with taking your yard debris you can call town hall and ask for help.

Councilmember Delvin: so, I want to clarify, if someone can't do this, they can get help.

Mayor Dewey: yes, we have youth groups and churches that are willing to help out.

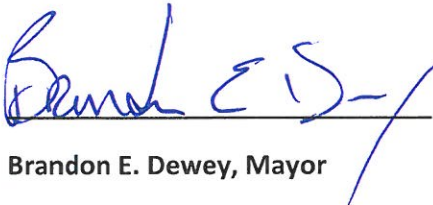
14. Board Reports

Councilmember Ludington: Planning and Zoning Board met last night. We are getting through the subdivision regulations with considerable help from Mr. Chilcott. You will also see an agenda item come forth for a request to look for someone to help us update the growth policy that was last updated in 2016. We will also put forth a request to get help with a master streets plan. We have 4 we could use a couple more members on that board, it is important work. We have a work plan and are trying to work through it as best as we can.

Councilmember Wandler: met with the airport board, they did not have a quorum, so they were not able to talk about anything. There is a plan for one of the other hangers they want to add a 5x10 slab and a 5x6 slab for their heating and cooling facilities. The Cummings that are going to by that lease are going to be an asset to the community.

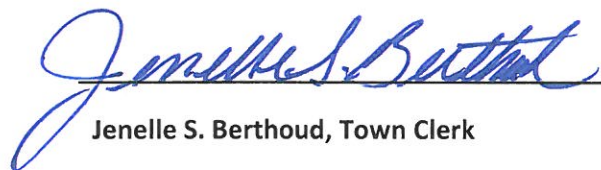
15. Adjournment

APPROVE:



Brandon E. Dewey, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk

From: James V. Crews
316 9th St.
Stevensville, Montana
59870

9-22-21

To: The Stevensville Town Council
206 Buck Street
Stevensville, Montana
59870

Subject: Resolution 495

Members of the Town Council,

The mayor has placed on the Agenda, item 11.F of New Business.

I simply am not going to beat around the brush on this one. I am going to lay it out for you plain and clear.

There should be a hearing regarding this sale, in the full public view, with all the details of the potential sale exposed in public for all to see and hear with public comment before you make a decision to sell this property.

1. The mayor does not have the authority to designate any town property as surplus. That is a job for the council. You cannot empower the mayor to do that job. **State law clearly states that it is your job. He may merely recommend to the council such action.**

7-8-4201. Disposal or lease of municipal property -- election. (1) Subject to the provisions of subsection (2), the city or **town council may sell, dispose of, donate, or lease any property belonging to the city or town.**

(2) (a) Except for property described in subsection (3), the lease, donation, or transfer must be made by an ordinance or resolution passed by a **two-thirds vote** of all members of the council.

Based upon subsection (2), it is the Town Council that may sell, property belonging to the town.

Not the Mayor.

The council makes the decision at an open council meeting in full view of the public, with full disclosure as to the condition of the sale and you document the council decision by resolution. You also need determine how any monies generated by the sale of the public property will be utilized.

By the way, how is the money going to be used from this potential sale?

Were there discussions or meetings between the Mayor and Council prior to this resolution being drafted to discuss the selling of this property?

If so, where are the public notices for the meetings and minutes of the meetings, because I have seen none.

What is driving these two questions is the fact that someone, in the town government has made a decision with or without council knowledge to sell PUBLIC PROPERTY.

Why is there such sudden need to sell this property?

2. What the Mayor is trying to get you to do is empower him and/or the Town Staff with the ability and authority to sell off public property without following an approved **Process**. Such **Process** should include the following:
 - The mayor and/or Staff should present a proposal to Town Council, which would be placed on the Council Agenda for Council Consideration thus providing for Citizens Right to Know and the Right to Participate. The mayor and/or Town Officers make the proposal to the Town Council stating that there is a need to raise revenue for some purpose, and that there is a method to do that. For example, sell the property on Willoughby.
 - As of this writing, there has been no public meeting whereby such proposal has been presented to the Town Council. *If there was one, when and where did it take place?*
 - Thus, it is assumed by this Citizen that this is a decision of the mayor and no one else.
 - The Council should take the time to consider this proposal, potentially over several weeks as things need to be considered.
Such as a written justification as to why the property should be sold.
 - The Council should entertain written public comment on the idea of selling Citizen Owned Assets. **As the Citizens are the Town of Stevensville, the 4th part of the government, we have a right to know and participate in the process and you have an obligation under the Constitution of the State of Montana to see to it that those rights are protected.**

The **Process** should also include the following which is missing in the Mayor's Proposed Resolution 495.

- **Survey**-The Property must be surveyed so that the Town Council can be advised as to the exact acreage to be sold. This is necessary because the Deed only accounts for 5 acres, and in fact the mayor is advertising 6.47 acres within the proposed resolution. Without a proper up to date survey, and location of boundaries and their pins, you do not know what you are selling and thus cannot assign a value. **The deed is only for 5 acres.**

Just in case you do not know, an acre is 43560 square feet.

The dimensions of the property are 330 feet on each side (East and West sides), 660 feet on the North side and an unknown footage on the County road, South side.

The deed specifically states 5 acres more or less.

330 feet x 660 feet = 217,800 sq ft.

217,800 sq ft ÷ 43,560 sq ft = 5 acres.

We know there is more than that, but how much exactly. Only a survey will tell for sure and you need to know the actual acreage to ascertain the true value.

- **Appraisal**-Once you have in your hand a proper survey, you can request bids for 3 property appraisals so that you can determine estimated value of the property and decide the minimum bid that the town will accept on the property.

This will involve RFQ;s, allocation of funds for the appraisals. These have to be on a council agenda so that you can formally request bids, and those bids have to come in and be opened by the clerk in the presence of the council. Then they can be awarded.

- **Determination of the Properties Value**—Once you have the appraisals in hand, you can ascertain the minimum bid the town will accept on the property.
- **Advertise the sale via sealed bid**—At that point you can advertise the land for sale via sealed bid over a period of time.
- **Opening of Bids and award the purchase**—Once the bids come in, they should be opened at a council meeting and the high bidder is allowed to purchase the property.

This property has been used as the town's gravel pit for many, many years. I have been here for more than 22 years and its been used far longer than that. Having discussed the property with previous Town Council Members and a former Mayor, it was probably used and maintained for 40+ years for this purpose. Thus, there is a historical significance regarding the use of the land. Which may place it under § 7-8-4201(2)(b) MCA. You will need a legal opinion on that I suspect which must be made public for all to see.

- 7-8-4201(2)(b) Except for property acquired by tax deed or property described in subsection (3), **if the property is held in trust for a specific purpose, the sale or lease must be approved by a majority vote of the electors of the municipality voting at an election called for that purpose. The election must be held in accordance with Title 13, chapter 1, part 4.**

I believe that in order to sell this land you need to bring it before the electors for a decision. We had a similar event when I was Mayor, whereby I had to do the research, and I did right along side of the staff of the Bitterroot Star to prove that the River Park Property had been deemed to be a Park and thus could not be sold until approved by the Electors.

As this particular property has been in the possession of the town since legally purchased by the Town on the 31st of July, 1943 and has been used for the purpose of a gravel pit, there are likely to be records of the Town Council indicating that there was a decision made by the Town Council dedicating this property specifically as the Town's Gravel pit. I suggest that no further sale action be considered until such time as a thorough historical search has been completed to prove otherwise.

Furthermore, the Mayor has unequivocally stated that that the property “has served its use for the Town of Stevensville’s purposes and needs” and “the Town does not anticipate using said property at any time in the future.”

I suppose the mayor prefers to purchase gravel rather than to use the natural resource the town owns. There is nothing wrong at the gravel pit. I was just out there Sunday to look it over. I did however notice a pile of gravel on College, East side just South of 3rd St., for the sidewalk project over there. I am curious as to whether we paid for that gravel and if not, where did it originate.

- *Does the Mayor have the sole ability to predict the future needs of the Town?*
- *What analysis did the mayor prepare and deliver to the Council regarding his conclusion?*
- *Did anyone in Public Works submit a valid review of the sale for Council Consideration?*
- *Is there any documentation to support the mayor’s claim?*

That gravel pit could be a very useful pit. With the appropriate authorizations, we can sell gravel to the community, county or state. It's a potential money-making, money saving resource for the town.

As it has been used as a pit and at one time if memory serves me I remember a discussion regarding the pit in that it may have been used as a shooting range at one time. **Is there a lead abatement issue we need to consider?**

This tax paying Citizen believes that there is no rush and no immediate need to sell this property.

Signed,

Jim Crews

Private American Citizen

Sec. 2-24. - Powers.

The mayor is the chief executive officer of the town, and has power:

(5)

To recommend to the council such measures connected with the public health, cleanliness, and ornament of the town, and the improvement of the government and finances, as he deems expedient.

7-5-4102. Powers and duties of mayor related to administration and executive function. (1) The mayor may:

- (a) communicate to the council, at the beginning of each session and more often if considered necessary, a statement of the affairs of the city or town, with recommendations that the mayor considers proper;
- (b) recommend to the council measures connected with the public health, cleanliness, and ornament of the city or town and the improvement of the government and finances that the mayor considers expedient;