

Stevensville Town Council Meeting Minutes

for THURSDAY, MAY 26, 2022, 7:00 PM

206 Buck Street, Town Hall

CONDENSED MINUTES

1. Call to Order and Roll Call

Mayor Gibson called the meeting to order, Councilmembers Barker, Brown, Michalson and Wolff were all present.

2. Pledge of Allegiance

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

PUBLIC COMMENT

Jim Crews, 316 9th Street. Council, Mayor and citizens. Mr. Crews gave comment about leases at the airport. Mr. Crews read his public comment. Mr. Crews gave comment about the airport board, and their roles with airport leases. Mr. Crews gave comment about contracts in relation to airport leases. The public comment given by Mr. Crews will be added to the minutes of this meeting.

Mayor Gibson: gave comment to Mr. Crews' public comment.

4. Approval of Minutes

a. Town Council Meeting Minutes for May 12, 2022

Mayor Gibson: introduced the meeting minutes for May 12, 2022.

Councilmember Barker: I move to approve town council meeting minutes for May 12, 2022.

Councilmember Wolff: I 2nd.

Mayor Gibson: there is a motion and a 2nd. Council comment?

Councilmember Wolff: page 6 b, discussion with councilmember "Loey" is spelled incorrectly.

Mayor Gibson: council comment? Public comment? Seeing none, Jenelle take the vote

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 4-0

5. Approval of Bi-Weekly Claims

a. Claims #17707-#17722

Mayor Gibson: introduced the claims, #17707-#17722.

Councilmember Michalson: I make a motion to approve.

Councilmember Barker: 2nd

Mayor Gibson: motion and a 2nd. Council discussion?

Councilmember Michalson: #17717, GoDaddy. I thought that we mentioned that we were getting away from GoDaddy and going with the state site?

Mayor Gibson: yes, we are working with people until we get it worked out with the state, we still have to keep GoDaddy.

Councilmember Michalson: #17719, Fire department iPad, I don't have an issue with the fire department, I have an old invoice for \$64,450 and \$28,000 for eleven computers, laptops for department heads. I am wondering if these are going to the fire department are they replacing?

Pam Sosa, Finance Officer: these are specifically going to the fire department, and they are going to be reimbursed by a grant, those iPads.

Councilmember Michalson: chairs for \$2388.00, how many chairs

Pam Sosa: it was approved for upstairs and it was previously approved in the 20/21 budget.

Mayor Gibson: any further council comment? Public comment? Hearing none, Jenelle please call for the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 4-0

6. Administrative Reports

NONE

7. Guests

NONE

8. Correspondence

NONE

9. Public Hearings

NONE

10. Unfinished Business

NONE

11. New Business

a. Discussion/Decision: Consent to the Mayor's Appointment of Jim Tadvick to the Planning & Zoning Board

Mayor Gibson: introduced new business item a, consent to the mayor's appointment of Jim Tadvick to the P&Z Board

Councilmember Michalson: I make a motion to approve and give consent to the appointment of Jim Tadvick to the P&Z Board.

Councilmember Brown: 2nd.

Mayor Gibson: motion and a 2nd. Council comment? Public comment? Hearing none, Jenelle please call for the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 4-0

b. Discussion/Decision: Establishing a Brand for the Stevensville Airport

Mayor Gibson: introduced new business item b.

Councilmember Michalson: I make a motion to establish a brand.

Councilmember Wolff: 2nd.

Mayor Gibson: motion and a 2nd. Before I go to public comment, can I have consent from the council to have Tim present. Thank you.

Tim Smead, Airport Manager: gave comment on new business item b. Community outreach and a business plan for the airport. Looking at a fresh year. I would like to get this going before school is let out. I want to get the kids and the community involved. I have started a Facebook page for the airport, good marketing.

Mayor Gibson: thank you, discussion from the council? Public comment? Seeing none, Jenelle call for the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 4-0.

c. Discussion/Decision: The Sale of Airport Millings, Establishing Price/Value, and the Process

Mayor Gibson:

Councilmember Michalson: I make a motion.

Councilmember Barker: 2nd.

Mayor Gibson: motion and a 2nd. Do I have permission from the council to let Tim speak to this agenda item?

Councilmember Michalson: sure.

Tim Smead, Airport Manager: presented to the council how the federal guidelines. MCA 67, and how this code is specific to FAA and the sale of millings. Grant and AIP funding play into policies and procedures. What you are lacking is policy and procedures. I am given the authority to work with these things, if you want to establish policy and procedures, please do. I am getting tired of it. Please let me know what my job is, please use the FAA standards to set policies.

Mayor Gibson: go to public comment and then come back to the council if they have more questions.

PUBLIC COMMENT

Jim Crews: gave comment to the airport board, airport manager in regards to new business item c. Cited MCA and Town Codes. If you have not read the airport manager position, review it. This public comment will be added to the minutes of this meeting.

Nancy Lowell, 211 Church Street: gave public comment. I would just like to say that Tom Brown that was on the airport board, there were policy and procedures to follow. I don't think that any one has explained the process, you do have to follow the procedures. We made sure that we kept in close contact with the FAA. We worked within our budget.

Craig Thomas, airport board chair: the town does not own the millings, they belong to the airport. We paid fair market value for it, it was not paid for by the town, it was paid for by the FAA. Tim could you please read 67-22? I think that is what I have to address at this time, we have struggled through this for a long time. We are under extreme timelines with the FAA.

Jim Crews: Craig is right, we the town did pay the airport for the millings. The millings belong to the airport, if you are going to sell the millings there needs to be a process.

Mayor Gibson: any further public comment? Seeing none, I will ask how the council would like to proceed. You do have an options, if you do want to at a later meeting you could have a resolution. It was put on the agenda as a decision item it appears to me if the council would like to pursue changes it is up to you. There are some timelines, so what do you want to do.
Councilmember Barker?

Councilmember Barker: we are hearing all of this about who owns what. I am a citizen and I pay taxes. There are so many unanswered questions who has property. We don't have policies, I think that the council needs to sit down with the airport board or directors to see what they are looking for we don't know this the manuals are so big, I think that we need to figure it out as a council like a COW meeting, so that we have a better understanding of what is up there.

Mayor Gibson: do you have any other questions for Tim?

Councilmember Barker: it just seems like not knowing the correct policy or procedures put in front of us as a newer council it would be nice to know.

Councilmember Wolff: I agree with Stacie, I think that this is premature to make a decision tonight. I would like to meet with Tim, he has all of the information. I have a letter from the FAA stating that the millings belong to the airport and the sale of the millings. We need to think this through, so I would like to hear from Tim tonight on what has been discussed.

Councilmember Michalson: I have listened to both sides tonight and there is no doubt that the airport is owned by the town and its citizens. The airport is under the direct control of the town council and the Stevensville Airport Board, the manager of the airport is under the supervisor of the mayor as all town employees are. The bottom line that I am seeing is all surplused material needs to be reviewed by the town council, I can't believe that we can give the airport board or any board powers that are not granted to them by the state of Montana. We cannot let you guys go rouge. I will be danged if I am going to give up authority because the FAA. I don't think the FAA cares how it is sold. If you leave the town council out of this and do it on your own, what is to say that the FAA grant money could go to the public safety, what is to say that they want to sell a car, it has to be even across the board. I would propose that we should not sell any more millings until we get this figured out. I don't think that the town of Stevensville should be granting the sale of millings, in the past they always had to come in front of the council.
Thank you.

Mayor Gibson: thank you councilman. So, how do you wish to proceed, and again it is your decision. It sounds like you want to follow up with this possibly approve a resolution. Is there a motion to table this, I would entertain that.

Councilmember Michalson: I would like to table this until we get more information from Tim Smead.

Councilmember Barker: 2nd.

Mayor Gibson: how would you like to proceed? Any public comment to table? Seeing none, any further discussion?

Craig Thomas: you stated that you pay the taxes for the airport? We do not get any tax money from the city or the county. That was by a vote in Ravalli in October of 1980.

Jim Crews: I think that the airport board chairman and the airport manager come up with a value for these millings. A resolution be written to the process of selling the millings.

Mayor Gibson: we have a motion and a 2nd to table. No further discussion on that , Jenelle could you please take a vote to table.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: 4-0 to table new business item c. you can't meet with Mr. Smead that would be a quorum. Councilmember Michalson?

Councilmember Michalson: I would propose that if he puts it forward with the value and how that is going to get to town hall and then that comes to the council for review and decision.

Councilmember Wolff: Mayor, I really what to hear from Tim tonight.

Mayor Gibson: I think that you have tabled this. In my opinion it is up to you, Mr. Smead can provide that information to us and go with a Resolution. I will request that information from Mr. Smead and provide it at the next meeting.

12. Executive Report

Mayor Gibson: don't have to much, I do want to, next council meeting is going to be a little busy. Hopefully you saw website regarding the horrible event in Texas. These are strange times for all of us people I am not going to talk politically on what is the problem, but I encourage us all to take the time to hug our kids and grandchildren our friends and families, people are suffering out there, give support as a community, this could happen anywhere. I think that this was a town, Pam correct me if I am wrong, a town of 11,000 people.

13. Town Council Comments

Councilmember Michalson: I would like to thank our city crew I walk the path every day, it took them two days to do it, cemeteries. It looks good.

Councilmember Barker: I just have a question from citizens about the three large trees removed off of College Street. It came before the council in June to remove trees, and I am wondering why it did not. I don't think that people understand, recited town code. For clarity, I want to know why. Airport gate, locking people out? Many have concerns that we are blocking the public out. Another concern is the bulb outs on Main Street, who is responsible to care for those. I have seen that some have been cleaned out, is this something that we bring forth to

the Park Board? Last thing, we have enough people to have a Park Board Meeting. It is just getting everyone together, preferable 6 or 6:30.

Mayor Gibson: let me start, you all received an email from our public works director about that tree and it had been identified as diseased, I think that there is a difference between a new tree and a tree that causes a hazard. This is my opinion, I am going to contact our insurance agent, MMIA and review it with the attorney, here is my concern. If we had a major windstorm tonight and there are trees hanging, in order to have council approval we would have to at least have three days to notify the public to have a meeting. There was an MMIA claim some time ago, I think that it was over on College Street, and the tree was diseased, and it fell on a car. I think that we have two different things here, on the trees I will get back to you because I think that it is important to talk with our insurance company about the liability. The towns public works people have identified trees that were diseased that needed to be pruned this tree was paid for by private owner. they had talked to the town about this tree being diseased, I received a text message on Sunday from somebody that the tree was cut down, I drove over there and if you look at the middle of the tree it is rotten it was a hazard. I will get back to you. as far as the airport gate, and Tim correct me if I am wrong, and this came to me in another meeting I had today, there has been a gate put up but it will not be locked.

Tim Smead, Airport Manager: because it is a public use airport FAA states that we can lock it.

Mayor Gibson: so they will have access. As far as these little corners with flowers and weeds, and thank you Mr. Michalson, yes, they have sprayed the parks and both cemeteries. We have had one staff person so far, Colette that has been out pulling weeds, I plan on helping next week, anyone that wants to help. It is not just spot spraying; they look pretty nice and they have looked pretty bad for a long time. Yes, Colette has been out there on her own, pulling weeds.

Councilmember Barker: Park Board Meeting, need to set a time and date for the Park Board meeting. I know that there are several things that they are working on, Father Ravalli Park, tables, Creamery Park picnic tables. Minutes from the last meetings to bring the board up to speed.

Jenelle Berthoud, Town Clerk: would you like to propose a date tonight so that I can work on it?

Councilmember Barker: what are the dates that were proposed?

Jenelle Berthoud: right before the new year they were proposing on a month that had 5 Wednesdays or 5 Tuesdays. It turns out to be like every three months.

Councilmember Barker: lets propose the third Monday of a month.

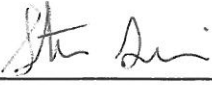
Mayor Gibson: regarding all boards, I think we have an opening on the Airport Board, I think there is still an opening on the Park Board. P&Z Board, our chair is moving north to Alaska, Jim Tadvick replaced Jim Sayer and we will need a replacement for Leanna. If you know of anyone, please let us know.

14. Board Reports

NONE

15. Adjournment

APPROVE:



Steve Gibson, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk

Public Comment Regarding Airport Leases

By

Jim Crews 316 9th St., Stevensville Montana 59870

I will premise this with the fact that I am not an attorney, have no intention of providing legal guidance or advice, I am just a private American Citizen that can read. Perhaps I am misreading the words that have been lain down by the State Legislature and the Stevensville Town Council, but it is the way I see it, so consider it just the opinion of a taxpayer that has a small amount of ability to read and understand what has been written.

Airport Leases

Regarding the leasing of property at the airport and who can authorize or sign a lease, and set rates for leases.

I think if you will review § 7-8-4201 MCA as follows:

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.

(3) If a city or town owns property containing a historically significant building or monument, the city or town may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property. The contract for the transfer of the property must contain a provision that:

(a) requires the property to be preserved in its present or restored state upon any subsequent transfer; and

(b) provides for the reversion of the property to the city or town for noncompliance with conditions attached to the transfer.

With the above in mind, please note that § 7-8-4201 (1) MCA states that the “**town council**” may sell, dispose of, donate, or lease any property belonging to the city or town.

That does not say that a town employee, the mayor or anyone else has the authority to set a lease rate, set a term for a lease or execute a lease or sell anything belonging to the town.

Leasing or selling of town property requires a council vote. This is a safeguard to protect the property of the Citizens of this town.

As for an ordinance as referenced in 7-8-4201 (2)(a) please refer to the Stevensville Municipal Code (SMC)

Sec. 3-34. - Duties of airport board.

The Stevensville Airport Board shall provide recommendations to the town council as pertains to development, operation and maintenance of the airport. Specifically, the board shall:

(2) Recommend to the town council rates, fees, charges and assessments based upon the capital needs of the airport;

(3) Review and recommend to the town council approval or denial of all construction and development projects, including hanger construction and leases at the airport;

That means that the Town Council considers all lease rates, lengths of leases and approves or disapproves all leases for the Stevensville Airport.

§ 2-59 SMC

Sec. 2-59. - Contracts. The council has power to make any and all contracts necessary to carry into effect the powers granted by state law, and to provide for the manner of executing the same.

How can anyone other than the council be authorized to set lease rates or to consummate or sign a lease obligating the Town of Stevensville without Council consent via an open council meeting.

The Airport Manager, the Airport Board nor the Mayor are authorized or empowered to set any rates regarding the lease of any property at the airport. The Airport Manager, the Airport Board and the Mayor may advise the Council as a proper course of action but are not empowered to take the action.

By allowing an employee of the town without proper authority to assign a lease rate, term and signing a lease without proper authorization the Constitutionally guaranteed rights of the Citizens of this town under the Constitution of the State of Montana may have been violated. Specifically, Article II, Section 8, Right of participation and Section 9, Right to know.

It is the Town Council that has the authority to lease Town Property, of which the Stevensville Airport is Town Property. It is owned by the Town of Stevensville; it is incorporated by annexation as part of the Town of Stevensville.

It should be understood by the Town Council that all proceeds gained from the properties leased by the Town of Stevensville at the Stevensville Airport are to be collected and then transferred into the Airport Fund which ought to occur via a Resolution of the Council.

Point to note: According to Black's Law Dictionary 6th Edition page 889, A lease is a contract for exclusive possession of lands, tenements or hereditaments for live, for term of years, at will, or for any interest less than that of the lessor, usually for a specified rent or compensation.

Contract wherein one lets to the other a certain space, property or building for a specified unit of time....

Public Comment Regarding the sale of Airport Millings

By

Jim Crews 316 9th St., Stevensville Montana 59870

I will premise this with the fact that I am not an attorney, have no intention of providing legal guidance or advice, I am just a private American Citizen that can read. Perhaps I am misreading the words that have been lain down by the State Legislature and the Stevensville Town Council, but it is the way I see it, so consider it just the opinion of a taxpayer that has a small amount of ability to read and understand what has been written.

The Sale of Millings at the Airport

The recovered asphalt millings that were retained by the Airport as a result of the various projects belong to the Town of Stevensville Airport, which belongs to the Town of Stevensville and the Citizens of the Town.

There is no question as to the ownership. The airport is owned by the Town of Stevensville and is under direct control of the Stevensville Town Council with the advice of the Stevensville Airport Advisory Board.

The Manager of the Airport is a town employee who answers to the Mayor of the Town of Stevensville and who also makes reports to the Town Council, the legislative authority of the Town of Stevensville. The Airport Manager is not an Officer of the Town as referenced in Article IV, Section 2 of the Stevensville Municipal Code.

The Airport Manager as part of his duties is to act as a liaison between the FAA and Montana Aeronautics, and is to attend Council meetings, public hearings and is to present a monthly report to the Airport Board and the Town Council.

The Airport Manager, the Airport Board nor the Mayor are authorized nor empowered to set any rates regarding the sale of surplus materials at the airport. The Airport Manager, the Airport Board and the Mayor may advise the Council as a proper course of action but are not empowered to take the action.

Any surplus or salvage materials should have a value assigned as recommended by the Town of Stevensville Airport Board, then reviewed for approval or disapproval as to the value by the Town Council. The condition of the surplus material sale should then be specified by a resolution of the Council so that there is a:

- Method of determining a monetary value vs. volume of material
- The appropriate contact person in order to make the purchase
- The method of payment to the town
- When proceeds are realized and collected by the town a resolution should be created and put before the Town Council in order to transfer funds to the Airport Fund.

One thing to keep in mind during these considerations is the fact that the Town of Stevensville government is a Weak Mayoral form of government. The Council has the authority in the Town of Stevensville, the Mayor simply has a vote to break a tie and participate in the meeting, it is the Town Council that has the authority.