

Stevensville Town Council Meeting Minutes for
THURSDAY, JUNE 09, 2022, 7:00 PM
206 Buck Street Town Hall

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)

NONE

4. Approval of Minutes

a. Meeting Minutes 05/26/2022

Mayor Gibson: introduced meeting minutes for 5/26/22

Councilmember Barker: make a motion to approve meeting minutes, 5/26/22.

Councilmember Wolff: 2nd

Mayor Gibson: motion and a 2nd. Council discussion? Public Comment? Seeing none, Jenelle please call for 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 #17727-#17749

Mayor Gibson: introduced new bi-weekly claims.

Councilmember Michalson: make a motion to approve #17727-#17749.

Councilmember Barker: 2nd.

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

Mayor Gibson: introduced administrative reports, reminded the council that the reports are in their packets.

a. Airport

b. Building Department

c. Finance

d. Fire Department

e. Police Department

f. Public Works

7. Guests

NONE

8. Correspondence

NONE

9. Public Hearings

NONE

10. Unfinished Business

NONE

11. New Business

a. Discussion/Decision: ILamar Properties LLC, Subdivision Exemption Application

Mayor Gibson: introduced new business item a. asked the council for their permission to let the developers give their presentation and then the town attorney, Mr. Overstreet to give a brief presentation and then we will go to public comment if there is any and of course then come back for discussion, questions. Is that okay with council?

Councilmember Michalson: yes.

Mayor Gibson: with that we will start with Mr. Kellogg, Mr. Cyr.

Jeff Cyr: PCI representing Jeff Jessop with Ilmar Properties. What we are proposing is an aggregation of lots on Pine Street the aggregation would be of lots 1, 2, 3, 4, 17, 18, 19 and 20. The town site of Stevensville block 10 and lot 2 of block 5 May Addition. This is a required aggregation as the town code requires under section 10-173 C that states basically that all non-conforming lots are required to be aggregated, the eight lots in town site block 10 are all non-conforming lots under the current zoning. They are all under the 10,000 square feet in size, so these are non-conforming lots, the stated section of the development code requires us to come before council and request that these be aggregated prior to anything be developed on them so that is what we are here at this meeting doing. I believe that there is a map showing the lot aggregations, it shows the existing parcels as they currently are, or the existing lots as they currently are. Along with the boundaries that we would like to have removed these are all lots within the town of Stevensville we would like to remove these boundaries, so that this can be developed within the required zoning as it is zoned R-2 currently in the town of Stevensville. That is pretty much how this stands.

Mayor Gibson: thank you. you are proposing 11 four plex's, correct?

Jeff Cyr: eventually we may be doing that, everything that is proposed will be in the R-2 zoning district.

Mayor Gibson: you did say 11 four plex's.

Jeff Cyr: that is possible what is going in there, prior to this we went through the zoning process to change the zoning and there was a drawing that showed something like that and that has been through the zoning process and hearing.

Greg Overstreet, City Attorney: I will be very brief because I can be. The developer in his application cited a statute considering the exemption it is 76-3-207 (f) and it reads and I quote "aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the parcels have been eliminated" I turn your attention to the application and you are not going to see a certificate of survey in there and to take care of the possibility that it was a last minute submittal that is not an issue I have an email from May 24th with the developers attorney which I said to her "I wanted to memorialize one of the things that you said that the materials your client wishes the town council to consider consists of the subdivision extension application" which is what you have, correct me if I am wrong I did not hear from her. There was a map that was submitted and it is not a certificate of survey, because this is important issue I wanted to be 100% correct, so I got a hold of the executive director with the league of cities and towns and their general council, both are experts in land use, and I asked them to review the application and to validate my initial impression which was that there was no required certificate of survey, they both concluded that the certificate of survey is required and that it had not been presented and that they helpfully provided me regulation that, very long regulation, that described what a certificate of survey has to have. It has to have among other things a surveyor's name. I actually pulled up on the Ravalli County deed site, the last deed that was filed, which ever day I looked at it, the sample one does indeed say certificate of survey. It is very clear what a certificate of survey is, and it is also clear that there is not one in this application, so I believe it would be unlawful at this point to approve this with out a certificate of survey. I can answer any questions you may have.

Mayor Gibson: thank you. we will after public comment we will have council make motions or ask questions if they would like of PCI or Mr. Overstreet or department heads. Is there any public comment at this time?

PUBLIC COMMENT:

Tawnya Dockens: I live across the street from this. Gave public comment on the drainage issues in this area. I just think that if you are going to put in houses there it is going to be a lot of pressure on that little lot. In 2019 people's basements flooded. I have had to redo my pipes. It seems like a lot of pressure on that land.

Dave: one lot up from mine. Gave public comment on the swamp area around the proposed Pine Street Development. It routinely floods, you look at Spring Street, about 5 years ago they built houses and they had to build that up and that is displacing that water into the street and pushing up the street.

Leanna Rodabaugh: 204 Ravalli Street. Gave public comment on the land, that land has been vacant for so long, no one has been stupid enough to develop that property. There is no reason to develop this property. There are other areas in this town to build on, why build on a swamp.

Mayor Gibson: any further public comment? Seeing none, council are there any questions?
Councilmember Brown?

Councilmember Brown: maybe you can answer them Mayor or maybe the attorney, I did read through their exemption and what they claimed on their form, and I felt that it did comply with that, but I have a couple of concerns. A year ago, I went back in the minutes, and they did get classification in R-2, but I did not see any supporting documents with regards to if there are any deed restrictions or covenants. Any easements that we should be concerned with, I know that there is one historical ditch in that area, was the town provided with any of that information to review?

Mayor Gibson: to my knowledge they went through the Planning & Zoning Board, and they did get approved for R-2 like you said, other than that I have not seeing anything like that.
Councilmember Wolff?

Councilmember Wolff: I would like, and I would presume that Mr. Overstreet or the developer would have to answer this, you see the term "townhome development" and my question is in MCA they talk about condominiums, and these are four-plex's. What is the definition, are there definition differences?

Mayor Gibson: I think that the definition changed in the legislature, but you can correct me if I am wrong Mr. Overstreet, legislation did a lot of things last time and I believe they classified four-plex's as town homes is that correct?

Greg Overstreet: basically, but I want to be clear that the nature of the buildings whether they are townhomes or four-plex's is not at issue right now because the question is whether there is a certificate of survey to allow an aggregation, so I do not want the record to be muddled. It is a very good question, but I do not want someone to look at the record this evening and this had to do with townhomes, and it doesn't that is not relevant at this point.

Councilmember Barker: just seeing some history of some other complexes that this particular company has put in right behind ACE Hardware is a good example of building up on a wet land. I am looking out my window along with several others that are on that same area that had to be built up at least five feet. Things that they say they are going to take care of when they come in are not necessarily taken care of. We have a dead-end street and there were some concerns of water displacement, and it is trickling down the street. To have something else built on swamp land again where is the water going to go. Obviously, they are looking for the exemptions, but it really makes it tough for those living down below and I think that it is going to get even worse if we put in 11 four-plex's in there. That is a small area there are 16 units behind our house and it is a small area, there is no fire turnaround in there so these are some things that we need to look at to.

Councilmember Michalson: I also reviewed the minutes of last year when the zoning went from R-1 to R-2 and one of the questions that was asked by Councilmember Shourd at the time, it was about a DEQ study being done. They said that would be done yet, I don't think that it has been, and I see that Mr. Kruse from Public Works brought this up along with areas of storm water, ground water, a study for the ground water issue of all the things going on this is the biggest issue of all because this gentleman here lives in the green house right behind it and Marilyn and I talked to him yesterday and it will be up 5 feet in his kitchen, water is around his house all year. If you build up it is going to impact everyone and what are they going to do. There are a lot of issues going on here.

Mayor Gibson: how would the council like to proceed?

Councilmember Brown: may I ask the attorney a question? You just said that this is not giving the okay to build, it is just to record a plat, a certificate of survey amended plat to aggregate the property into one, is that correct?

Greg Overstreet: yes, it is the application in front of you is to aggregate the parcels into one and I don't want to discount any of the concerns that have been raised, but I need to state again for the record that the only item up on this application is whether there will be an aggregation. Drainage is not part of this evenings; I just want to be clear.

Mayor Gibson: but you did say is that it is not complete.

Greg Overstreet: it is missing the required certificate of survey, that is correct.

Councilmember Brown: I think what the attorney is trying to say is the official record set plat is not in our packet.

Greg Overstreet: it would not be a plat that you have it would be a certificate of survey and that is different than a plat. They look physically similar, but different.

Councilmember Brown: true. I just through that out, because working with routine if it is lots in a subdivision she usually calls up and records as some kind of amended subdivision plat, so that is why I through that word out. Yes, there needs to be the acknowledgement the instruction on the three copies. So, they are actually missing the actual record set to present.

Greg Overstreet: to be specific, what is missing is a certificate of survey which is different.

Councilmember Wolff: I really feel at this point without that and not going into all the details of this development, the only thing that we can do is to table this.

Mayor Gibson: before we do that, we will be fair, Mr. Cyr do you want to step up if you have something to say, usually we would not allow this, but you can.

Jeff Cyr: what we are applying for is an exemption affidavit, this is just to allow us to create a plat which the town would be required to sign, and I believe that the executive officer, the mayor, would be the one signing that. This is a procedure that we go through in the state of Montana we apply for an exemption affidavit, so we are allowed to move forward with this process, and we prepare the plat and move the plat through the process this is a standard procedure, it is a plat and since this is an existing plat we have to go through an amended plat process to amend the plat we can not get a certificate of survey on plated ground, that is a requirement per state law.

Mayor Gibson: thank you, again, I talked to you and the developer back in early February it is not up to the mayor we have been through that many times; it is up to the council. I met with Mr. Jessop, met with you and I made it very clear that this is not how this town operates so please no more of that, thank you. Councilmember Wolff would you like to make a motion.

Councilmember Wolff: I would like to make a motion, based on the fact that we are missing a document in this application, the certificate of survey and I feel the motion is to table this until that is produced.

Councilmember Michalson: 2nd.

Mayor Gibson: there is a motion and a 2nd, any further discussion? Seeing none, Jenelle please take the vote to table.

Councilmember Barker: aye.

Councilmember Brown: I feel that it is a conflict of interest for me to vote on this so I will abstain.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: 3-0 with one abstaining. Thank you.

b. Discussion/Decision: Purchasing of Police Department Mobile Communication Radios

Mayor Gibson: introduced new business item b. asked the council for approval for Mac Sosa to present.

Mac Sosa, Police Chief: the issue that we currently have is the most valuable radios that the department has are commonly used on a construction site that being the reason that I can take two steps this way and not hear anything or I can take two steps this way and might catch something, and that is what we deal with whether we are at town hall, the schools or any of the

buildings. Town policy indicates that I must present several bids so that is what I have done. The reality is that it is anticipated over the next five years a trunking system will come to Ravalli County and when that happens there are only two radios that will comply with that trunking system and meet the demands of the frequencies those two are going to be Harris and Motorola. (A break down of the bids was provided to the council in their packet) Motorola is the Cadillac of radios and you can see they are the most expensive. We can put a band aid on it, we can prepare for it or we can correct the problem. Of course, I would like to see you approve the purchase of the one that would completely correct the problem those are P25 Radios. They are going to last 20-25 years. There is money in the budget, I pulled my actual, there is plenty of savings in the budget to accommodate this.

Mayor Gibson: thank you chief. Any discussion from the council before I go to public comment? Councilmember's Wolff?

Councilmember Wolff: I looked at this and with your budget surplus, I like how Chief Sosa laid this out. That was very good, and it made a lot of sense. And it looks like the L3 Harris Radios are going to be sufficient, I am curious if these new radios will offer more security when it is needed when officers are talking to each other, I remember people having police scanners and I am just curious if there is more security.

Mac Sosa: there is actually more security with P25 Radios so the others offer P25's and may have better reception, but when the trunking system comes, we only have to options.

Councilmember Michalson: knowing little or nothing about radios, are these compatible to Chief Motley. Can you interact at an accident scene?

Mac Sosa: I believe that the radios that Chief Motley has are pretty much 15 to 25 years old. They suffer the same situation that we do, they could be responding to a fire and two steps one way or two steps another way.

Councilmember Brown: I understand that we have fire department and police department is there a discount if we get more? Jeff if you are looking at replacing radios too, maybe a better discount.

Jeff Motley, Fire Chief: there may be a volume type discount, as a fire department we have been talking about this throughout Ravalli, it is going to be a huge number that is going to be needed, we have 26 radios, it is going to be huge. We take the approach can we go with all departments in the valley.

Councilmember Brown: thank you.

Mayor Gibson: good question, any public comment on the radios? Any further council discussion?

Councilmember Michalson: make a motion to purchase bid #4.

Councilmember Wolff: 2nd.

Mayor Gibson: motion and a 2nd. Any further discussion? Seeing none, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 4-0

c. Discussion/Decision: Consent to the Mayor's Appointment of Maureen O'Connor as the Town of Stevensville City

Mayor Gibson: introduced new business item c. Judge you have a statement in your packet, there are two things here consent and compensation. Judge is here, do you want to present?

Maureen O'Connor, City Court Judge: I think that I presented in my paperwork and if there are any question, I will take those.

Mayor Gibson: discussion? Do we have a motion?

Councilmember Wolff: I would like to make a motion to approve the appointment of Maureen O'Conner.

Councilmember Michalson: 2nd

Mayor Gibson: motion and a 2nd, public comment? Further discussion? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 4-0

d. Discussion/Decision: Judicial Compensation for Town of Stevensville City Court Judge Maureen O'Connor

Mayor Gibson: introduced new business item d. you also have in your packet something from the judge, I talked briefly with the judge it is clear what she is asking for, you have been here six years? And again, if you were to approve this it would have to be approved in the budget. I explained to the judge, and she was okay with that, if it was approved tonight the compensation package would be retroactive to July 1st. with that is there any discussion? Councilmember Michalson?

Councilmember Michalson: I am all for a compensational raise and I think that she deserves one and she has not asked for one, but I would like to table this until we know what we have in the budget. We really don't know what is in there, if she is comfortable with that and once, we find out what we do have in the budget then we can bring the compensation package back to her and retroactively pay for that. I think that would work better for all parties.

Councilmember Barker: 2nd the tabled motion.

Mayor Gibson: we talked about this, and it is not that you do not deserve this.

Maureen O'Connor: I understand Mr. Michalson's point and I know that times are what they are, so I understand that the town has to look at their budget and know what those numbers are.

Mayor Gibson: thank you judge, we have a motion and a 2nd to table until we get to the budget and when it is approved will be retroactive to July 1st. Councilmember Barker?

Councilmember Barker: I just want to say that Maureen O'Connor has done a lot for the town since she has been here, and I know that we had a lot of outstanding cases, and she has been bringing those cases current and taking care of a lot of outstanding things. I do think that she is a big asset to our town.

Mayor Gibson: motion and a 2nd to table, until we go through the budget. Jenelle would you please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: 4-0 to table.

e. Discussion/Decision: Resolution No. 505, a Resolution to Establish a Process for Selling Airport Millings

Mayor Gibson: introduced new business item e. this is being presented and proposed by Councilmember Wolff, airport manager Tim is here to answer questions.

Councilmember Wolff: due to important new information in regards to airport millings I would like to make a motion to table this agenda item until June 23rd.

Councilmember Michalson: 2nd.

Mayor Gibson: motion and a 2nd. Without seeing further discussion to table, Jenelle call for the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 4-0 to table.

f. Discussion/Decision: Resolution No. 506, A Resolution Adopting Infrastructure Access Fees for Water and Sewer Services

Mayor Gibson: introduced agenda item f. you have information in your packet, Public Works director is here. To make this clear this only has to do with new builds. Meters have gone up. Any questions? Councilmember Wolff?

Councilmember Wolff: I was just trying to make sense of the size of water pipes, and I am wondering what is the typical size of the hook up for R-1 versus R-2?

Steve Kruse, Public Works Supervisor: a typical size for a residents is $\frac{3}{4}$ inch which is the majority of what we have in town now and what has been proposed. When you go up in size you are looking at more commercial some folks have 1 inch if they irrigate. Could I say a few things about this topic? I think that the need for this IAF, the intent of these funds are to go into a fund. My background is in the private sector, and we call it a deferred asset replacement fund, in the government parlance it is a reserve. It is for when something goes bump in the night six years from now and it is the intention to grow some reserve. The other part of it to understand, is when someone comes up to build a new house or build a multi-unit project like we were discussing earlier, what that does to the town is increases the roads to be plowed, miles of sewer line, water line, police protection, fire protection and I feel that it is extremely important to be far sided enough to be building that nest egg. And currently, I believe in your packet we are 50% of what Hamilton is and we limit ourselves at only looking at water and sewer and if you look at Hamilton's what you will see typically is that you look at all of the functions of the town.

Mayor Gibson: we have had that conversation and we will be looking at it in the future.

Councilmember Michalson: I make a motion to approve, Resolution 506.

Councilmember Barker: 2nd.

Mayor Gibson: motion and a 2nd. Any further discussion? 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

g. Discussion/Decision: Approval of Special Event Permit for Western Heritage Days

Mayor Gibson: introduced new business item g.

Councilmember Michalson: I make a motion to approve.

Councilmember Wolff: 2nd

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

Victoria Howell: chair for Western Heritage Days. When I applied and I totaled up fees, compared to last year it was \$150.00, this year \$715.00 and I will pay it because we have to have the event, in the future I would like to think about that, this is not a for profit event. Any money that we make goes back into our community all of the money that Western Heritage Days has been making has specifically helped children, kids backpack program. No one is making any money on this, I thought that this was an excessive increase.

Mayor Gibson: correct me if I am wrong, the fees were increased by the former council.

Victoria Howell: I know that, since it wasn't you maybe you feel the same way that I do and may want to look at that.

Mayor Gibson: any further public comment? Seeing none, any further council discussion, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 4-0.

h. Discussion/Decision: To Rescind Ordinance 166, an Emergency Ordinance of the Town of Stevensville

Mayor Gibson: introduced new business item h. presented by councilmember Michalson, to me this should be fairly simple if you are aware the governor canceled this a year ago March, I will let Bob go into it.

Councilmember Michalson: make a motion to rescind Ordinance 166.

Councilmember Wolff: 2nd.

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

Councilmember Brown: I believe that we have one email for public comment on this.

Mayor Gibson: did we Jenelle, I do no recall seeing one.

Jenelle Berthoud, Town Clerk: Councilmember Brown do you know who that was from?

Councilmember Brown: Jim Crews.

Jenelle Berthoud: I do not have anything in my emails, I had 156 emails when I came into today and I did not see one unless it was just sent.

Mayor Gibson: there was an email, but it was not requesting that it be read here to my knowledge.

Jenelle Berthoud: let me check.

Mayor Gibson: any further discussion? Jenelle, please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 4-0

12. Executive Report

Mayor Gibson: not much, as Mr. Kruse mentioned we will be brining forward some more proposals in relationship to making sure that the town does not loose money. that is really all that I have at this time. Good meeting.

13. Town Council Comments

NONE

14. Board Reports

Councilmember Michalson: P&Z Board, finished chapter 7. We have given that to Angela and then kick it to Commissioner Chilcott and have his people look at it and then back to Angela and then to City Leagues and Towns and they will review it and then bring it back to the council with public hearing for their approval.

Mayor Gibson: when it gets to that point it will need a public hearing, it is a big deal and then the growth policy is next.


15. Adjournment

APPROVE:



Steve Gibson, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk