

Stevensville Town Council Meeting Minutes
for THURSDAY, JUNE 23, 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)

Craig Thomas: airport board chair, I would like to ask that the council please review the ordinance for the airport, I would like to thank Marilyn, Jenelle, Steve and the airport board for their work.

4. Approval of Minutes

a. Town Council Meeting Minutes 06/09/2022

Mayor Gibson: introduced meeting minutes for 06/09/2022.

Councilmember Michalson: make a motion to approve.

Councilmember Wolff: 2nd.

Mayor Gibson: there is a 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 #17755-#17778

Mayor Gibson: introduced approval of bi-weekly claims, #17755-#17778.

Councilmember Michalson: make a motion to approve the claims, #17755-#17778.

Councilmember Barker: 2nd

Mayor Gibson: there is a motion and a 2nd, discussion?

Councilmember Michalson: HDR, for Park Street, I did speak with Mr. Kruse on this, and it was for a follow up meeting.

Mayor Gibson: correct me if I am wrong Mr. Kruse, but basically the project was supposed to happen this fall, not sure why that did not happen, supposed to happen this spring it did not happen. So, we asked for two things, one what do we owe at this point if we don't move forward and two what will it cost for the change order. Originally the cost was around \$250,000. Councilmember Michalson?

Councilmember Michalson: Montana Law Enforcement Academy, came into talk to Pam about this claim and Officer Wortman is at academy and this is for meals and a cot.

Councilmember Wolff: I thought that was also extraordinary, but it is for a 13-week course. And that is why it is \$1236.00.

Councilmember Michalson: sign damage at airport, volunteer, explain to me why we should pay for that.

Mayor Gibson: you are right, Pam correct me if I am wrong, it was a volunteer that was mowing the lawn and the lawn mower damaged a private sign.

Pam Sosa, Finance Officer: correct.

Councilmember Michalson: if we approve this it will come out of the airport budget?

Pam Sosa: yes.

Councilmember Michalson: did the airport discuss this?

Councilmember Wolff: yes, it was discussed at our monthly meeting and my understanding after talking with Craig Thomas this is one of many accidents that have been covered. This one is under the deductible for our insurance.

Mayor Gibson: I looked into that too.

Councilmember Michalson: that is the only problem that I have with the claims.

Mayor Gibson: any public comment on the claims? Seeing none, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Michalson: no.

Councilmember Wolff: abstained.

Mayor Gibson: 2 for, 1 no and 1 abstained.

6. Administrative Reports

NONE.

7. Guests

Mayor of Philipsburg, Dan Reddish.

Dan Reddish: thank you for having me.

8. Correspondence .

NONE

9. Public Hearings

NONE.

10. Unfinished Business

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

Mayor Gibson: introduced unfinished business item a. With the council's permission I would like to proceed as before, I would like Mr. Overstreet, the town attorney, to present and then we will ask for a representative from ILmar to speak and then we will go to public comment and then back to the council.

Greg Overstreet, City Attorney: the bottom line is that I recommend that you approve this application tonight. If you remember at the June 9th meeting it was tabled because of a statute that was cited by the applicant and it said pretty clear that a certificate of survey was required, I presume that you wanted more information and did not want to make a rash decision. I have spent the past two weeks going over this and looking at what authority she had that supposedly said that a certificate of survey is not required. She did not provide it I persuaded her to provide it. She did provide it, and I looked at other towns and see how they handled this issue. I found one in Missoula County, and it listed what you needed to submit with your application, and it did not include a certificate of survey. So, I have to conclude that Missoula has reason to not include a certificate of survey and I have to conclude that a certificate of survey is not needed, and it is in the town's best interest to approve this application and I can answer any questions that you have.

Mayor Gibson: Councilmember Michalson?

Councilmember Michalson: Greg, I would like to go back in time to April 22, 2021, meeting minutes and the former administration. They went through the conditions that had to be met when applying for R-2. It is very interesting that they talked about many things, how to mitigate ground water, surface water, the parking everything that had to be done. They tabled it and gave the developers until the next meeting on May 13th meeting under unfinished business. Councilmember Michalson read from the meeting minutes. They went over it pretty extensively and they are going on 14 months now and I don't think any of these conditions have been met. I have the planning and zoning meeting minutes and they go into the steps that have to be taken and none of those have been addressed. My issue is the town is small, why would we want to make another mistake again. I would like to make a motion to table this.

Mayor Gibson: before you make a motion, can we have public comment? Mr. Overstreet.

Greg Overstreet: if I may clarify, as a legal matter we are talking about, the record needs to be clear that the application for lot aggregation does not consider those conditions there might be another way to enforce those conditions, but for the record what you are approving does not have to do with those conditions.

Councilmember Michalson: what you are saying is if we approve this application and none of this applies?

Greg Overstreet: it may, but I want to create a separation of the aggregation that is before you and those conditions, they are two separate things.

Councilmember Wolff: I just want to add what Bob has said. This neighborhood will be increased plenty unless there is an engineering report. I am very concerned with that neighborhood, and they are worried about it. Even though this is a separate issue I just want to voice my concern.

Councilmember Barker: another thing that we have talked about time and time again is water hookups. We are lacking services, and then we add more services what is that going to do to the town?

Colleen Dowdall: attorney for Ilmar Properties. This particular statute is kind of new some of it is not. The part that is not new is what it restricts and what it allows, and what this statute allows is for someone that has a piece of property that has a lot of boundaries and lots within and with the exemptions from the subdivision platting map and ask that all the boundaries be removed and have one big parcel. It is exempt from subdivision review it has to comply with zoning and the current zoning there does comply with it because it is one big lot once this is approved and so it is a part of the process the zoning was approved and now it the next process is to do the boundary adjustment and to be quiet frank and have done land use work pretty much all over the state of Montana no other city or town council considered this question. It is something that is not to (unclear audio) because there are the statutes to subdivision review by eliminating the lot lines. So, that is what we are hoping that you will consider tonight when we bring in the next part you will get to talk about all of those other things, there is no way around that. This has been pending for about 6 or 8 weeks and that has put us behind about 6-8 weeks at least. What you have to consider is that this builder is a local guy, and he is trying to make a living too. It is unfortunate that he keeps coming up in front of these obstructions to getting his job done (unclear audio, phone rang in the background) and that is all I have to say.

Mayor Gibson: is there any further public comment? Seeing none, council further discussion.

Councilmember Michalson: so, I can get this straight, what we are approving now is getting rid of the boundary lines and making is just one piece.

Greg Overstreet: that is correct.

Councilmember Michalson: that is, it, they are not going to start digging tomorrow, this is just part of the process moving forward.

Greg Overstreet: that is my understanding.

Colleen Dowdall: I would remind you that if someone owns a piece of land, they are entitled to dig but they can't build anything until they have zoning compliance, so this is just one step in the process to getting to that.

Mayor Gibson: further discussion? So is there a motion to approve just the subdivision application. Councilmember Brown?

Councilmember Brown: I would like to ask the mayor to rephrase that.

Mayor Gibson: that is what it says in the agenda. Discussion/Decision: ILmar Properties LLC, Subdivision Exemption Application. Correct?

Councilmember Brown: okay.

Greg Overstreet: correct.

Mayor Gibson: Councilmember Michalson?

Councilmember Michalson: make a motion to approve.

Councilmember Wolff: 2nd.

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

Councilmember Barker: no.

Councilmember Brown: aye.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: passes 3-1.

b. Discussion/Decision: Resolution 505, Process for Selling Stevensville Airport Millings

Mayor Gibson: introduced unfinished business item b. Councilmember Wolff.

Councilmember Wolff: I would like to read the Resolution. Councilmember Wolff read Resolution No. 505. (Resolution No. 505 will be attached to the minutes of this meeting). Councilmember Wolff introduced Exhibits that were attached to the agenda item.

PUBLIC COMMENT:

Craig Thomas, airport board chairman: want to say thank you to Marilyn, Tim Smead.

Councilmember Michalson: what is the current price.

Tim Smead: \$10.00 per yard.

Councilmember Michalson: so that is what we go by then.

Tim Smead: so, if a sale was to come up we would call and get the best price and take the average.

Councilmember Michalson: the reason that I brought that up is if you are selling it at \$10.00 and the price goes up then would you have to come back to the council, if you set it at \$10.00?

Tim Smead: I would just keep it at fair market value.

Mayor Gibson: any further discussion, if not I would entertain a motion.

Councilmember Wolff: I would like to make a motion to approve.

Councilmember Michalson: 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.

11. New Business

a. Discussion/Decision: Mayor's Request to Explore and Evaluate the Benefits and Opportunities to the Community Afforded by the Federal Aviation Administration's (FAA) Airport Investment Partnership Program (AIPP)

Mayor Gibson: introduced new business item a. With the council's permission I would like to ask Mr. Smead to give his presentation. Before we move forward, I would like to make it clear, there seems to be so confusion on this agenda item, this agenda item is solely to make a decision if the council approves to explore this possibility this has nothing to do tonight with selling the airport. And obviously if the council approves to look into both leasing and sale it is going to be a long process, we are going to have to follow a lot of guidelines including the FAA, if it got to that point there would have to be public hearings and ordinance changes. So, I want to make it very clear if you look at the agenda item, this is not about selling the airport tonight.

Tim Smead, Airport Manager: read a presentation that he had provided to the council. (This three-page presentation will be attached to the minutes of this meeting.)

Mayor Gibson: any public comment? Seeing none. Council discussion?

Councilmember Brown: I just want to make other councilmembers aware that there is a reburdment (unclear) clause, the deed from Ravalli County in 1980 excepting are reserving the right of the first party and the right which is Ravalli County, to retake possession or ownership of the subjected property in the event that the second party attempts to convey the subject

property without the permission of the first part or the subject property is no longer used as a public airport.

Mayor Gibson: thank you that was kind of what I was talking about, tonight we are here to have a discussion in whether we want to pursue this, and all of those things would be taken into consideration. Also there has been a confusion, I have talked to a few gentleman and I have different years on it, it came from the county supposedly all of the taxes were to come back to the town. And what I discovered when I talked to Tim Smead, when I talked to the finance officer and other people that is not entirely true, this is along with your comments Councilmember Brown, my understanding is that we only get \$12,000.00 per year from the TEDD fund and that is to expire in 2024. What I have been told and there has been a lot of confusion around this and correct me if I am wrong, but those taxes go to the county for schools.

Tim Smead: that is correct.

Mayor Gibson: any further discussion? Seeing none, can I entertain a motion to only explore this possibility. This has nothing to do with selling the airport. I will not and I am sure none of you will put FAA funds in jeopardy.

Councilmember Michalson: make a motion to have the mayor explore and evaluate the benefits and opportunities.

Councilmember Barker: 2nd.

Mayor Gibson: we have a motion and a 2nd, further discussion? Seeing none, Jenelle please call for the vote.

Councilmember Barker: aye.

Councilmember Brown: no.

Councilmember Michalson: aye.

Councilmember Wolff: aye.

Mayor Gibson: motion passes, 3-1.

Mayor Gibson: we will go over to discussion/decision motion to approve Morris and Maierle. Excuse me?

Dean Whitesitt: I was board chairman when this airport was taken over, I don't think that you can just eliminate it like that, this was sold to Stevensville with the understanding that if Stevensville did not want it, it was turned back to the county.

Mayor Gibson: sir that is what we said, this is not about selling the airport tonight, if that is true.

Dean Whitesitt: the taxes or any part of that are for upkeep and maintain the airport with no money coming out of the town of Stevensville.

Mayor Gibson: I need to interrupt you, first I am being very respectful allowing you to come up after public comment. Secondly, I have explained the information that I have from the airport manager from the finance people, I don't doubt, and we had that discussion. But what I have been told and however this happened, we had money, \$12,000 the rest goes to the county for the schools and will be explored.

Dean Whitesitt: it should be because it was never to cost the town anything and the taxes were to come to the airport.

Mayor Gibson: I don't deny that.

Dean Whitesitt: they were supposed to come back in a secondary loan from the Montana Aeronautics. They only thing that I saw that cost the town

Mayor Gibson: thank you, if you have that information, I would like to see that.

Dean Whitesitt: I don't have that it should be in the airport minutes.

Mayor Gibson: thank you. back to where we were.

b. Discussion/Decision: Motion to Approve Morrison Maierle to Apply for ARPA Grant for Water/Septic at the Airport

Mayor Gibson: introduced new business item b. Tim it is your night.

Tim Smead: I am going to bring up Morris & Maierle.

Arron (unclear audio) with Morrison & Maierle: just briefly been working with the airport and supporting Tyler and I am a wastewater engineer at the Missoula office. Trying to find solutions for reliable and safe drinking water and wastewater at the airport. There are some private wells used by airport users and there are concerns of water quality. I think the town operates those, but they are not connected to the city system, and they don't meet Montana's DEQ. What we have discussed is applying or exploring the use of the ARPA funds, there were several pots of money available, what is possibly available to the town of Stevensville is Ravalli County's money. Approximately \$280,000 not used. What the airport is asking for is the town's support to approach Ravalli County for the state assistance that assistance needs to be done prior to September 1st that is what is recommended.

Mayor Gibson: I think that pretty well covers it, if the, Councilmember Wolff?

Councilmember Wolff: my understanding is there is no matching. That was already met by two other towns in Ravalli County.

Arron: ultimately it is the Ravalli Commissioners to free up the money there were two other communities, they exceeded the 2.1 million in match funds, so you are correct in saying that the counties obligations are met. It would be in their privy to request a match.

Mayor Gibson: with that questions, I would like to ask Mr. Kruse a question. I totally support this, but it is up to the council.

Steve Kruse: Public Works with Stevensville.

Mayor Gibson: you were approached several months ago by county commissioner, and you were told a 1:1 match.

Steve Kruse: I was not approached, but I was brought aware.

Mayor Gibson: further discussion? Public comment?

PUBLIC COMMENT:

Craig Thomas: airport chairman, this is a perfect blessing for Stevensville. Wells have tested in the past for chloroform, (unclear audio).

Mayor Gibson: public comment? Council discussion?

Councilmember Barker: to make it clear, that town is not responsible for this.

Mayor Gibson: that is the way that it is being proposed.

Councilmember Barker: it seems like we have one project after one project and we are still paying on those, correct? There are too many things that been just passed through.

Mayor Gibson: I agree, I am going to trust the airport manager and I am going to trust these people to follow through. If it comes back at some time and if there is a match of some kind that it will come back in front of the council.

Arron: just really quick to clarify the process. We would present a letter to the county commissioners, if the county commissioners support it a formal letter will be submitted to DNRC, it then can come back as an award letter and there is no obligation. The financial reporting, framework would be down the road if we were awarded the money.

Mayor Gibson: thank you.

Councilmember Wolff: I would like to make a motion to approve.

Councilmember Barker: 2nd.

Mayor Gibson: motion and a 2nd. Any more discussion? Any more public comment? 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 Brian Germane to the Airport Board

Mayor Gibson: introduced new business item c.

Tim Smead: he is not available this evening.

PUBLIC COMMENT

Craig Thomas: airport chairman, the board and the review of the applications were all excellent applicants. He will be a good fit.

Mayor Gibson: thank you. any more public comment? Any further discussion? I will take a motion.

Councilmember Michalson: make a motion to approve.

Councilmember Wolff: 2nd.

Mayor Gibson: motion and a 2nd, any 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: Cemetery Guidelines Pertaining to Riverside Cemetery and Monument Markers

Mayor Gibson: introduced new business item d. it is all in your packet.

Steve Kruse: the west end of Riverside Cemetery is pretty much at capacity. We have started to sell lots in the east end. It has been brought to my attention that the said property is to be used as a cemetery. Deeded the property to the town of Stevensville I brought this to the mayor's attention that we needed to abide to this.

Mayor Gibson: thank you, any public comment? Any further discussion?

Councilmember Brown: I would like to ask Steve a question, I do realize that this deed is only on a portion of the west end, are you going to try and keep this type of monument in this area or are you going to try to do more outside of the boundaries of this deed. Or have you marked off the cemetery.

Steve Kruse: the legal description of the property is the cemetery.

Councilmember Brown: this is only a portion. There are several deeds out there for the cemetery if you would like a copy of this you can have it. It is only a portion of what is out there,

I think that it might be a little wiser for the town if they want to do that, they may want to incorporate the others, it is up for discussion.

Steve Kruse: I think that it is up to the council.

Councilmember Michalson: Councilmember Brown explain to me why incorporating the other two.

Councilmember Brown: the document that he brought here so, the restrictions on that deed (pointing to a document)

Councilmember Michalson: do we have to come back later to approve the other parts?

Steve Kruse: what you are referring to are in the east end?

Councilmember Brown: Steve come look and you tell us.

Mayor Gibson: this is pretty clear what this document says.

Jenelle Berthoud, Town Clerk: Mayor this is just a discussion item.

Councilmember Brown: I guess my question is, is this document plated out there? You can't enforce this on areas outside of this.

Steve Kruse: (unclear audio)

Mayor Gibson: I guess we will bring it back.

Councilmember Brown: Steve if you would like me to order a copy of this I can.

12. Board Reports

Councilmember Wolff: last Tuesday was the June meeting for the Airport Board Meeting. Councilmember Wolff gave a brief overview of the meeting. A lot of work to come.

Councilmember Michalson: not until July.

Mayor Gibson: Jenelle has some information from the City of Hamilton on growth to pass along.

13. Town Council Comments

Councilmember Michalson: Western Heritage Days is going on this weekend.

Councilmember Wolff: want to give comment on my vote for AIPP. When you are on a board you wear two hats, one for the council and one for the board. I know of what has been passed down from the last administration and I know that the mayor wants to get some of this done. I think it is important to look at the details and I think that it still needs to be looks at.

14. Executive Report

Mayor Gibson: it is short, we have done a lot with the airport, developments. Pam and I are going to start on Monday with the budget. We will be meeting will each department head to go through their requests. My intent is July 14th. Starting then we are going to be a little busy going

through that budget. I would hope to complete it by the end of August. There are deadlines in September.

15. Adjournment

APPROVE:



Steve Gibson, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk

Town of STEVENSVILLE
PO Box 30
Stevensville, MT 59970



STATE OF MONTANA RAVALLI COUNTY Page: 1 of 1
DOCUMENT: 777424 MUNICIPAL RESOLUTIONS
RECORDED: 7/1/2022 1:56:24 PM
Regina Plettenberg, CLERK AND RECORDER
Fee \$0.00 By *Carianna M Newton* Deputy

RESOLUTION NO. 505

**A Resolution to Authorize the Town of Stevensville
To Establish a Process for Selling Airport Millings**

WHEREAS, the Town of Stevensville has applied for Federal Aviation Administration-administered financial assistance.

WHEREAS, the Town of Stevensville has agreed to obligations upon acceptance of Federal Aviation Administration-administered financial assistance program funding.

WHEREAS, the Federal Aviation Administration enforces these obligations through its Airport Compliance Program.

NOW THEREFORE BE IT RESOLVED, by this Town Council of the Town of Stevensville, that if the Town wishes to sell any non-aeronautical use property that it must do so in compliance with all federal and state regulations and laws governing aviation.

THE FOLLOWING ITEMS ARE HEREBY DECLARED AS PART OF A FEDERALLY FUNDED AIRPORT PROJECT, NOT CONSIDERED SURPLUS PROPERTY, AND CAN BE SOLD AT FAIR MARKET VALUE AND BE DEPOSITED IN A STEVENSVILLE AIRPORT FUND FOR USE AS AIRPORT CAPITAL OR FOR AIRPORT OPERATING COSTS ONLY:

Airport Millings

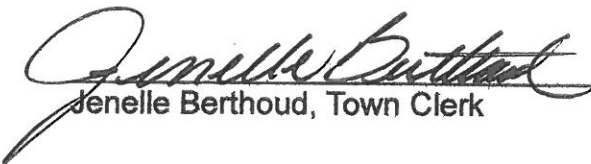
DATED THIS 23rd day of June, 2022, after motion and second at a regular meeting of the Stevensville Town Council.

Approved:



Steve Gibson, Mayor

Attest:



Jenelle Berthoud, Town Clerk



Airport Investment Partnership Program (AIPP)

(formerly the Airport Privatization Pilot Program)

What is the AIPP Program?

- During the Clinton administration, Congress passed the Federal Aviation Reauthorization Act of 1996 which authorized the Federal Aviation Administration (FAA) to establish an Airport Privatization Pilot Program (APPP). The program allowed airport owners to explore privatization as a means to generate access to sources of private capital for airport improvement and development.
- In 2018 congress passed the Federal Aviation Reauthorization Act of 2018. The Act removed some of the limitations on airport owners and was formally renamed **Airport Investment Partnership Program (AIPP)** effectively ending the pilot program.
- Through this initiative, not only does the AIPP continue to permit airport owners to explore privatization as a means to generate access to sources of private capital for airport improvement and development, but also allows airport owners to tap into the asset value of their airport.
- In April of 2021, the Federal Aviation Administration (FAA) updated its application policy.
- Currently there are over 4,000 airports in the US. Out of those, only 2 airports are in the program. This is namely due to the new application policy that was updated in April of 2021.

What AIPP Could Mean For Stevensville

(In a nutshell)

The FAA, Airport Investment Partnership Program (AIPP) is the ONLY way the town could potentially have the option to either sell the airport, or lease the airport, long term AND be able to utilize the revenue generated by either option, for use in the community.