

Stevensville Town Council Meeting Minutes

for THURSDAY, JANUARY 12, 2023, 6:00 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, Lowell and Michalson were all present.

2. Pledge of Allegiance

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

4. Approval of Minutes

a. Town Council Meeting Minutes 12/08/2022

Mayor Gibson: introduced meeting minutes for 12/8/2022.

Councilmember Michalson: make a motion to approve town council meeting minutes for 12/8/2022.

Councilmember Barker: 2nd.

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

Councilmember Michalson: page 12 item f, prosecutor has, page 14 second paragraph should be our not, not.

Mayor Gibson: good with that Jenelle. Any other comments on the minutes.

Councilmember Barker: aye.

Councilmember Brown: aye

Councilmember Lowell: aye

Councilmember Michalson: aye

Mayor Gibson: passes 4-0

5. Approval of Bi-Weekly Claims

a. Claims (paid out of cycle) #18110-#18132.

Mayor Gibson: introduced claims (paid out of cycle) #18110-#18132.

Councilmember Michalson: make a motion to approve claims (paid out of cycle) #18110-#18132.

Councilmember Barker: 2nd

Mayor Gibson: we have a motion and a 2nd. Council discussion.

Councilmember Lowell: questions on Verizon, Spectrum, CenturyLink are those all phones or for the internet?

Pam Sosa, Finance Officer: Verizon is for our cell phones, CenturyLink and Spectrum are internet at the plant and Spectrum here.

Councilmember Lowell: why would there be spectrum at the pool?

Pam Sosa: we have always had it there for the credit cards.

Mayor Gibson: any more questions on the claims, any public comment? Seeing none, Jenelle please call for the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

b. Claims #18133-#18165.

Mayor Gibson: introduced claims #18133-#18165.

Councilmember Michalson: make a motion to approve claims #18133-#18165.

Councilmember Barker: 2nd.

Mayor Gibson: motion and a 2nd. Any questions on the claims

Councilmember Lowell: how is our general fund cash flow doing, I have noticed that there have been a lot of expense and just wondered if the monies are able to keep up with that.

Pam Sosa: they are at this point we do have some fluctuations because we have the ongoing audit, so it is ever changing but they are doing well.

Councilmember Lowell: okay, good thank you.

Mayor Gibson: and you have some one-time things.

Pam Sosa: right.

Councilmember Barker: #18158 is for optical scientific for \$1,436.92.

Councilmember Brown: that is equipment at the airport. And it was supposed to be looked at and it has been malfunctioning I understand that it was under warranty, this is for travel expenses for the technicians what I was told at the airport meeting.

Mayor Gibson: any other questions from the council?

Councilmember Barker: so, does that correlate to the claim below that as well, Pavlick Electric for damages from the lightning storm.

Mayor Gibson: from my understanding, I found out and we have had discussion happened in June or July.

Pam Sosa: it was a lighting strike at the airport in July.

Mayor Gibson: and we got in the invoice when?

Pam Sosa: last week.

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

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

6. Administrative Reports

Mayor Gibson: you have the administrative reports, the fire departments report is on the table.

- 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

Mayor Gibson: when we get to the public hearing portion of Pine Street Jenelle does have letters to read and she will read those in their entirety.

- a. Discussion/Decision: First Reading of Ordinance No.150 Removal of Contradicting Language in Section 3. Sec. 24-17 4 (a)

Mayor Gibson: introduced public hearing a.

Councilmember Michalson: make a motion to approve the first reading of Ordinance No.150 Removal of Contradicting Language in Section 3. Sec. 24-17 4 (a)

Councilmember Lowell: 2nd.

Mayor Gibson: there is a motion and a 2nd. Is there any public comment on "J" turns. Any further discussion, seeing none, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

b. Pine Street Proposed Residential Development by Spire Properties

Mayor Gibson: introduced public hearing b.

Spire Properties: Rob Horlacher: good evening Mr. Mayor and council it is a pleasure to be here tonight. You are not typically the person that you see presenting a proposal for a project usually we would have our engineering firm, Jeff Cyr who is here with PCI, but we have the whole shebang, we are hopeful that you will see who we are. I live here, this is James Higgins he is the project manager he lives here too, Turner Street, and Brian and he is the property manager. So, you will see all of the people who you will see as this project goes forward. We are happy to be in Stevensville to propose a project. In November I was invited to be part of a group of development in the valley it was formed in Hamilton by the largest employers in the valley; GSK, Hamilton School District, Rocky Mountain Labs, Bitterroot Health. They formed this group and asked me to be part of it, the purpose of it was they were struggling that they can't hire people because it is too expensive to live here. There are over 100 job openings at Bitterroot Health, and they are struggling to fill those. We have all seen this happen we have all seen the values go up. It is good for our community, but it has created some obstacles and challenges. We have watched housing climb to a level that precludes many people to stay here or come here. I have lived here for almost 20 years and I want to have an opportunity to invite my children to live here and not in my basement. The town home project on Pine Street we think is part of that solution we believe that we will help with that goal and help the community, it is on 3.09 acres it is between Eastside Hwy and 2nd Street on Pine Street. It has 41 town homes, mostly 4-plexes in the efforts with the city staff we made a couple changes and have one 5-plex. Each of those 4-plexes will have individual units that will have 3 bedrooms, 2 ½ bath and just a little over 1,300 square feet. These are not small units they are designed for families all of the property is designed to be (unclear audio) we are not requesting any variances, we are not requesting any subdivision, the project aligns with current zoning. We are excited to move forth with it. The sight plan as you can see is complete that we gave you. the density is below what is allowed in the zone, it also anticipates to manage its own water, so drainage and to help with some of the drainage in the area. All of the units are designed to be, like I said there will be no short term rentals allowed, no subletting property management will be done locally by us. The plan

changed from what we originally presented as we worked with the city through the department heads and we highlighted some of those changes, you look at the plan and it looks finalized, but these things evolve as we work with the town to make it better, we worked with Public Works, Steve Kruse suggested to make some changes to landscaping so we were not trying to water the area in the summer time when we have high demand. He asked us to use our engineering to take care of some of the water problems in the area. Police Chief Mac Sosa suggested that we add more lighting to the area, from a public safety standpoint. Fire Chief Motley, he had the longest list of suggestions, we widened roads, we adjusted the turn radius for vehicles, we added a lot of surface parking, we actually lost 10% of the living area to increase the parking available. We now have over twice what the zoning has required for spaces per unit. Add a hydrant on the edge of the property to improve the available water for fires. It is not necessary for our project but good for the town. Mayor Gibson suggested that we have this meeting to present to the council and the community. He also asked us if we would be willing to pay our infrastructure fees upfront we agreed to that and that is over \$230,000.00. all of these adjustments were implemented on the plan in front of you. This project will be built by local contractors those contractors will be managed by James, who is here. The property will be managed by Brian locally, right here. We don't believe that it needs to be a remote thing. Like I said before there will be no short term rentals, there will be no subletting, this is not a way for people who try to jam as many people into an apartment as possible. These are for people that can afford to work and live here. The project is in harmony with the water and sewer plan done two years ago, the project handles its own drain water through design. In conclusion we are not requesting subdivision or variances from the council but we are suggesting that this project could be value to many people it is 41 units, that is a change, but it is designed to bring people into the community and for those that are here more options. This rental is part of the group that I am with, I know the average rent is in this valley, it is too high. We are not looking to make dramatic changes we are only looking to bulk the community; we think that is affordable, manageable, and most importantly we think that it is necessary. We have been residents, business owners, community volunteers for over 20 years, I am grateful to live in Stevensville. We believe what we have is special. So, we want to move forward and be part of this community for the next 20 years. I wholeheartedly believe in the project, it will solve some of the issues in the area and we are curious to hear the councils comment, community comments and are available to understand that perspective.

Mayor Gibson: thank you, with the council's permission we will go to public comment and then allow the council to ask questions. To the public, there are many of you here and I am not one to limit time, but I would ask that when you come up you state your name and where you are from. try to keep away from repetition, so that everyone has the opportunity to speak.

Marilyn Wolff: 300 Aspen Trail, Stevensville, MT, (public comment was provided in writing by Ms. Wolff and will be included in the minutes of this meeting.)

Ben Longbottom, 209 Pine Street, I have reviewed the run off plan that they have provided my concerns are with water, that property in my opinion and observation over the years. A few years back somebody put a drainage ditch through there and now it has water in it most of the year. I would be interested in the elevation of Pine Street is. I have personally seen water runover Pine Street. Water is a problem there I walk by that property it is visible that there is

water. I am not saying that it should not be developed I question the plan that you have been presented and it would seem to me that if the council sees fit to approve this development that one of the conditions should be that their drainage, surface water plan be approved and signed off by the DEQ. I think the drainage plan, I am saying is it is inadequate. One more thing that I would like you to address is North Ave. again I would like to see the council make a condition to fix that street.

Jason Terrord: 112 Pine Street, will be affected by this property on two sides the L shape property runs around my house, my house was built in 2004, not to be redundant there is a ton of water. I have a three-foot hole in my yard that is full of water all year. Jesus Community Church gave me permission to dig the ditch on that property, it runs water 90% of year. Concerns that I have about it is one the wildlife and two the water. That water has gotten worst as we have developed east of Stevi. It does wash over Pine Street. It will block my view, I do not have water in my crawl space like every other neighbor because when they built my home they raised 4 ½ feet. I sit above everyone else, but my neighbor has water in their crawlspace. Concern about the access to the property. There are already 3 apartment buildings there. Questions would be water issues. My house grows mold. I am curious in the future If it does mess with the water table is that something that the Town of Stevensville is going to look at for damages.

Betty Curry: native of the Bitterroot, I bought my building at 510 E 2nd Street after I got hurt on the job, looking for something to do. This has been a good thing for me. The building next to me when they built it is higher then my building, the city knew about it. Back in the 60's they dug a ditch that ran along my property and into the property you are talking about. I don't agree with, I think if the city lets this project go through and they build it up at all it is going to put me in a hole. And the city is going to be responsible for it.

Mark Adams: 610 E 2nd Street, I have a question for the developers.

Mayor Gibson: I would like to Mark to save time if you have a question, I would ask the council to ask the question that you would like to ask.

Mark Adams: are these subsidized, how much to they rent for. Comment on the lack of open space, I have grandkids and where are you going to tell them to play.

Dean Whitesitt: we own the property on Pine Street, it has been in the family for about 20 years, there is a crawl space that is about three feet and continually we see water in the crawl space up to about 6 inches from the floor joists. There is constant water over Pine Street. The same with the Bass Mansion, all of the time, this needs to be addressed before this is done.

Craig Thomas: 1489 Ember Lane, I don't know if anyone has made this suggestion, but laying a pipe in the ground could be a solution.

Pat Groninger: East 3rd Street, the unique thing about this is our forefathers, we have the history. (Unclear audio) nice project, big project caused water to flow over the tracks, Mel Cooks house flooded. The water can not be diverted it just finds another way to go. All the plans need to be presented not only to the town, but the public, the school district. Main Street, we have problems with traffic because of the condition, there all kinds of issues. I have lived here since

1990, and I was told by Bill Misner, do what the people want you to do. Listen to the people who have lived here forever. The thing is, it is nice and neat but I do believe that it is in the wrong spot.

Mayor Gibson: any more comment on Pine Street?

D. Schultz: 103 Winslett, the water

Shawn: 114 Pine Street, I am worried about my backyard.

Christian Hart: I am probably one of the newest town member here about 7 months. I am a school bus driver for Stevensville school district, I just want to say how you did not think about the kids, how packed the school already is and it just got rebuilt, I would just appreciate if you would think about that portion. It is dangerous. 41 units, it is a good idea, but I don't know if Stevi is best place for it. I agree that there needs to be some changes, hearing about water and traffic and I have not heard one person say anything about the school system which is really sad, they are very important.

Barry Barnes: I own the Bass Mansion, I will have been there 2 years this April I have spent a lot of money restoring this property. Before I bought this property there was an article about being able to turn the Bass Mansion into offices and Bed and Breakfast, but the new owners would not be able to. How can this project go through and cause so much traffic when I have made sure to not add any traffic to my property?

Mayor Gibson: to just be clear this is an R-2 zone.

Barry Barnes: just wanted to state that.

Mayor Gibson: any more comments on Pine Street? With that we have some correspondence.

Jenelle Berthoud, Town Clerk read three letters from the public. (They will be included in the minutes of this meeting.)

Mayor Gibson: I will just open it up to the council to ask questions of the developer.

Councilmember Barker: you just told the public that it was 3.09 acres however we got a letter stating 2.83 acres.

Robb Horlacher: correct.

Councilmember Barker: so now you have changed your acreage.

Robb Horlacher: no, this is a disconnect that part of the acreage is out of the city, we own it we are using it as part of this project. This is the overall project where everything is going to be but not is all in the city.

Councilmember Barker: it is deceiving.

Robb Horlacher: it is not designed to be.

Councilmember Barker: when the citizens receive a letter like this and then you say something different. You say affordable housing, what is your cost on these units?

Robb Horlacher: we are not selling these units the rent per unit is \$1,750.00 per month is what we project.

Councilmember Barker: that is a house payment.

Robb Horlacher: that is for a lot of people.

Councilmember Brown: I have a couple of questions we heard some about the historical ditch that runs across the property, do we have any information or does somebody have an easement and is the development going to block that easement.

Robb Horlacher: no easement, the ditch does not extend beyond the property.

Councilmember Brown: because looking at the ariels of the property it does appear that it goes across and under Pine and to the north to the old calf ranch.

Robb Horlacher: I don't think that it goes anywhere. We have done a survey of it and I don't know what you are seeing.

Jason: it was after Jesus Community Church sold it, there is no ditch on the other side, you are correct. It typically goes across Pine Street to get to that because the culverts can't handle that much water. I put that in there in 2008.

Councilmember Brown: one other thing is I noticed on your storm water overview it might be a little more input from Public Works, it appears that your Storm Drain Area 2 and Storm Area 3 is that encroaching onto the street right away.

Robb Horlacher: no. the ones adjacent to Pine Street are 100% on the property still.

Councilmember Brown: my other question is, who is going to maintain and clean and take care of those drainages, do you have a maintenance plan or whatever.

Robb Horlacher: the property manager is here we are taking care of all of the property, it is a private road, we will take care of those areas, we have been asked to not make them full grass, we have every reason to make them nice as the plan exists today.

Councilmember Brown: in those impact fees how many of those fees will help our park department. Because that is quite a few residents that will want to get out and use our parks.

Mayor Gibson: Councilmember Brown I can answer that, unfortunately until we get the growth policy, we don't have impact fees in any of our application process. When Twin Creeks for example, and I don't know why they did it, but it was nice that they did. They paid \$300.00 per lot for law enforcement. We are almost done with the subdivision regulations, it is the intent of the town for future subdivision in the growth policy to include impact fees. At this time, it is not in the towns plan.

Jenelle Berthoud: just water and sewer.

Mayor Gibson: just water and sewer,

Robb Horlacher: that area, open area, it runs north and south it is already in an area that collects. To try and change that does not make any sense. It is already larger than what the 100-year flood is required to hold. Basically we have tiered, outside of that 100-year event it will be dry, park area or something, open areas matter. And to work with public works to allow more water to go through there. We understand that the water planning over the years has changed, this project is engineered to not share water with the neighbors the reality is that we can't be at this meeting, hear the comments and not realize that ground water is an issue. That area is a good way for us to mitigate that water and a place to play for the children.

Councilmember Barker: you have proposed a 41 units there, is there a way to downsize that. That is a lot, you have heard what our public schools are impacted with, bringing that many people to town and the rent, excuse me whatever you want to call it, the price of those units and to keep those people in there and we have already stated that it is hard to live here that for me would be hard to live in. And brining that to Stevensville is hard for the citizens of Stevensville.

Robb Horlacher: we have already gone through that process, we are not actually maximizing the density that is allowed in zoning and we shrunk 4 units in the process. Working with the town to add more parking to make things wider, we are already trying to make it to a point to make the project nicer, I will admit 41 is a lot, it is not much of an impact over all but for that area. One of the things that is important and that we have to keep in mind is that we are trying to do something that allows people to be here. This group that I am part of, the average rent all properties new/old this size is \$1,950.00 in this valley right now. We are already going back on a brand-new nice area. We build projects, we know how much it costs to build we are selling homes today that cost more than what we sold them for three years ago. We have all seen it, shrinking the project does not make a lot of sense to us.

Councilmember Michalson: I would like to add why that is the only spot left around town basically, it has high water issue it has water issues, everyone got up and talked about it. That is not going to go away, I have a question for you about the outdoor lighting as far as. Exterior lighting to be determined, I mentioned something about Motley, Chief Mac about more lighting.

Robb Horlacher: different kind of lighting the quality is not determined but we were asked about the lighting from a public safety stand point. So there will be street lights, the specific design of the street lights has not been determined, one of the requests was to make it nice and bright so that it was not a public safety issue.

Councilmember Michalson: my other question, you got 41 places there, 2-3 people per home, by the time that it is full you will about 100 people staying there where are they going to hang out during the day or night, there is no common area or park.

Robb Horlacher: each of the units has a backyard it is not very large and most of it is hard scaped. When we talked about with public works, it is a different type of living. That is the profile of what life has been like, people who chose to live in this location live a different kind of lifestyle, they will have smaller area, back patio with cover and a BBQ grill and a place for their dog to be, not a one acre lot.

Councilmember Michalson: and also, just one way in and one way out.

Robb Horlacher: correct.

Councilmember Michalson: my question, that has got to be a fire or safety issue at some point, wouldn't it be, that small of it. People are coming in and out of it all the time it is going to be "boondoggin" onto 2nd Street.

Robb Horlacher: I don't make comments for the fire chief.

Mayor Gibson: the fire chief met with, you have met with the developers and suggested some changes, they made them correct?

Jeff Motley, Fire Chief: we met a few times, they have widened streets, provided for more parking space, took out a building for more space. As far as from the fire chief and fire safety standpoint, there is ample room for our vehicles to move in and out of there. On any given day traffic flows can impede, that is a fact of life on any of our streets. They have wider streets than in 8th, 9th and 10th streets. So, it is wider than that part of town, they have met everything that I brought up to them.

Councilmember Michalson: I have a question for Chief Sosa, Mac in your humble opinion is that going, is that going to put more strain on your services? Will that be coverable after a while or will we have to have more man power to cover that.

Mac Sosa, Police Chief: I mean that is an unpredictable answer, I agree with Jeff, as far as the streets one thing that I can say is that I was surprised how they are going to plow the roads, it is not going to be a hazard to us or to any one driving on those roads. To be honest, the cost of each unit we would hope that would have an impact.

Councilmember Lowell: are you planning on having a covenants for your area. The water is a concern, I live on Church Street the traffic after and before school all the time is horrendous anymore. A lot of the school traffic from the school goes down Pine and that is a lot more traffic to deal with if there is just one way out, eastside highway seems to be pretty busy any more also.

Robb Horlacher: we think that there will some sort of impact. We all know that there is already an impact with Eastside Hwy. the positive impacts of this, more tax revenue, more people and hopefully more younger people. I admit that the school struggle with this but historically they have been going down. They are designed to be a family home not designed to be a bachelor pad, they are large for what they are, they are bright, they have natural lights. Yes there are going to be impacts but we hope that they are going to be here for a long time. And provide economic benefit to the business and the city.

Mayor Gibson: this is a public hearing part, when we get to new business "a" it is the HDR part if you are okay to move "b" in front of "a" then we can continue to ask the developer questions. I am asking permission to close the public hearing and that we move to new business b.

Councilmember Michalson: make a motion to suspend council rules and move agenda item b under new business in front of agenda item a.

Councilmember Barker: 2nd

Mayor Gibson: we have a motion and a 2nd, with that if there is not further public comment, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: abstain.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 3 with 1 abstained.

10. Unfinished Business

11. New Business

b. Discussion/Decision: Approval of Proposed Pine Street Residential Development, Contingent Upon Purchase of Pine Street Property by Spire Properties and DEQ Approval

Mayor Gibson: introduce new business item b. Approval of Proposed Pine Street Residential Development, Contingent Upon Purchase of Pine Street Property by Spire Properties and DEQ Approval. I just want to be clear, if you do DEQ has to approve many of those concerns that you have brought up.

Councilmember Michalson: I would make a motion for the Approval of Proposed Pine Street Residential Development, Contingent Upon Purchase of Pine Street Property by Spire Properties and DEQ Approval.

Councilmember Barker: 2nd.

Mayor Gibson: we have a motion and a 2nd. What this means for the public we are going to talk about it some more.

Councilmember Michalson: another issue that I want to bring up is water capacity. You are putting 41 units there, we have heard stories, and like the mayor said we have paperwork that says we have it and then we don't have it. And that is why item a, is we want to do a study not just for your but for all of the other subdivision that are going on in this town. If we don't have the water capacity where do we draw the line, on you or them or me. Do we pick and chose who flushes this is serious.

Robb Horlacher: we understand that, it is not an insignificant thing, we are complying with the study done two years ago, the next study has not been done. We do know that one of the things that does help those impact fees that we pay do help for the system that currently exists be improved. We know that there are improvements that need to be done, and they are significant and they are much harder to do when we are raising money through the operational expenses of the users instead of one single check.

Councilmember Michalson: that is one of the big issues that I have, capacity. If we were to approve this with conditions tonight and then we don't have the capacity to give it to you. We find out down the road we don't have the water or the sewer.

Robb Horlacher: agree, but two years ago you did. That is all that we can work on right now.

Mayor Gibson: I have the same concerns, Bob; we have talked about it. The fact is who did it, why they did it there is book in there that says that we do, I have heard from several people that we don't. I have heard that we might. That is why "a" is on there and I wish that we could have done this earlier but I can't honestly and ethically sit here as the mayor and say that we absolutely don't.

Councilmember Michalson: of course.

Mayor Gibson: I am concerned, but I can't say that, the other thing and I am not standing up for the developers here because they have nothing to do with it. As you know we are still waiting on the funding from the ARPA grant as you know, and others know this town for years has been leaking 10-15 million gallons of treated water a month. We are waiting for the money one of the main things is to fix the leaks, I am not an engineer, but I would think that would help some of our water capacity issue. My main concern with the treated water a month where in the hell is it going, I get water in my crawl space sometimes but I do not want treated water in my crawl space, I am not sticking up for the developers I am just stating the facts. Water capacity issue I don't know, I was told some years ago by a person that worked for the town that we don't have the capacity but then I was told by that same person that we have the sewer capacity. Now there are some people saying that the sewer capacity is worse than the water capacity.

Councilmember Barker: the one person that would know, and I hate to put you on the spot Steve, would be our water and sewer guy. Where are we sitting honestly, we hear everybody saying this.

Steve Kruse, Public Works Director: maybe I can shed some light on this situation. When I first assumed this position people would stop me on the street and would tell me we don't have the water or they would stop and say we don't have any sewer. At the time I asked the prior administration if we could spend some money with an engineer firm to do a capacity memo. Which I looked at them, things transpired last summer where we were very close to not being able to meet the existing demand for the town. And so, to discuss item "a" and spend some money. something has changed in the last two years. If somebody was to ask that same question, I could not answer it in good faith.

Councilmember Barker: we know that DEQ can take their time, it could take a long process, we still have a lot of steps that we have to go through to even make it happen. Is that correct?

Robb Horlacher: the steps to move forward are really multi. We submit the plans for review. They figure out if it all works and then we go to DEQ and an engineering report is provided to DEQ. DEQ will go over that specifically for water, sewer connections, water connections. How long that process goes is an interesting variable. We can't build 41 units in a year there will only be 16 built when we start. We have a couple of things: the uncertain time of DEQ, DEQ says that

you meet these criteria it will take some time. We have already reviewed those criteria and we think that we have met those.

Mayor Gibson: all that I know on a smaller project that was approved prior to me being here and it was only 6 houses. The previous administration signed in December of 2021 and they heard back in March 16, 2022.

Robb Horlacher: they don't really give you; development has steps and timelines but those don't exist with them.

Councilmember Michalson: so you submit that to DEQ, do they have a step process to notify the council and you, communication. Or is it a gray area, it got approved and you start building.

Robb Horlacher: it doesn't go that way because there are other things going on simultaneously. It is a very back and forth process, DEQ operates in a bubble, but is only one step in the process.

Councilmember Lowell: I am sitting here and thinking about this, HDR is planning to do the water capacity study, would it be better to wait to see where we are at with our water and sewer before we proceeded with another development.

Mayor Gibson: we have had discussion previously.

Councilmember Lowell: I am new.

Mayor Gibson: we have.

Councilmember Lowell: I would hate to see somebody start something and then we don't have water and sewer.

Mayor Gibson: that is going to be your decision, but you might want to ask the developer that, if you, let me make that clear, the proposed developer.

Robb Horlacher: we were supposed to close today, but because of that document that we are working on we will close next Thursday. We were supposed to close yesterday.

Mayor Gibson: so, you have not closed on the property?

Robb Horlacher: we have not closed on the property until next Thursday.

Mayor Gibson: if you were to propose to table this.

Robb Horlacher: one of the challenges, I suggest. We are using the best document that we currently have, we are using a third party document that was used, the capacity issue, obviously something went wrong, but we are using the best engineered resourced document that we have that determines capacity exists. Calling off the project for us would be a significant cost and we would have to wait until we knew something in the future it would have a dramatic effect on us. We would ask that would not happen, while we are talking we have the condition of what is the action item that we are doing tonight.

Mayor Gibson: for the council that is my question and again I am not asking you how to vote, but with the new proposed developers compared to the past, as you heard tonight from Chief

Motely, Chief Sosa and others, these people have met the requirements that we have asked them to do because we don't have those subdivision regulations. They have met so far everything we have asked them to do, this comes back to this capacity issue. Can you say, can I say, Steve Kruse did not say it when asked that question. Can we honestly sit here and say no we don't.

Councilmember Michalson: but we can't sit here and say we might not.

Mayor Gibson: absolutely, but my point Councilmember Michalson these people have met everything that we have asked them to do and they stated that they were going on the fact that it is documented that we have capacity. We voted for reduction in Twin Creeks that was adopted some time ago. They reduced the number of lots and houses and we are talking another 45 there and that was preapproved. Do we go back to Twin Creeks and say we don't have the capacity? As I have said all along, I don't want to put any development that impact the existing citizens of this town with higher costs for water and sewer. I don't want to do that, but I feel very uncomfortable sitting here and saying I don't think we do.

Councilmember Barker: we are all in a tight spot right now. Do you go with the what the citizens have said here and what it could do to their homes, it hits me right here I have been here for over 30 years, born and raised here it is hard to sit here and listen to these people and have this come in, it is very hard. And to make the right choice is hard.

Mayor Gibson: it is hard, no doubt about it. With that unless there is further discussion. Public comment?

Pat Groninger: I am a little confused, it is easy to vote no and it is easy to vote yes. The information that you have been given I used to be on both sides of that table but never once when on that side of the table did I convince the council to do something, it is up to the council you four decide. It is not the mayor, the clerk or the chief. You are the stewards of the town. It is real simple in my opinion in my sight it has to be thought through there has to be a plan there at least has to be a discussion with DEQ because we don't have the water, we have so many leaks if we fix the leaks we might have some water. But do we as citizens blunt the increase and the water and sewer to help with a development, I am not paying an extra to help that development and I don't think you should either so I probably say I believe in the town and I believe in the system I think you can back me, my vote is no.

Mayor Gibson: I am going to say one thing, as this council knows, it is up to the council. I take disrespect to what you alluded to, that is okay you are the public and you can say whatever you want, it is up to the council. I have struggled with this in my own mind as far as the potential fiscal harm to the town. Both directions. And when I ran I said that I would never break a tie, so thank you very much for reminding me that it is up to the council. I have been asked if something happens tonight to possibly break the tie if there is a tie, I am not going to break a tie. Are you commenting as the public or as the fire chief?

Jeff Motley: public. I believe the motion on the table is to approve with conditions. I would encourage the council to make their decision if we vote in favor of the motion on the table and it goes out of your jurisdictional control to approve this and then come back and you don't

approve it that is a big deal. So I would encourage you to make your decision this evening if you are going to approve it or not approve it in the conditions you are putting somebody who now has a chance to look at it and go it is all good and then that is going to affect everybody else that has talked here tonight differently. So really this is on you tonight to approve it or not approve it. I would encourage you tonight to disapprove the motion on the table.

Mayor Gibson: to be clear there is a very strong condition here we have all said and we understand it and that is DEQ the State of Montana. Is there any further discussion? Jenelle would you please take the vote.

Councilmember Barker: no

Councilmember Brown: abstain.

Councilmember Lowell: no

Councilmember Michalson: no

Mayor Gibson: motion fails 3-0 with 1 abstain. With that I request from the council that we take a 15-minute break. And please council don't discuss any other business.

15-minute break

a. Discussion: Remaining Funds Available with HDR Engineering, Previously Approved Task Order No. 10, To Use Said Funds for Water Capacity Study

Mayor Gibson: called the meeting back to order. introduced new business item a. Remaining Funds Available with HDR Engineering, Previously Approved Task Order No. 10, To Use Said Funds for Water Capacity Study. There was some misunderstanding and typos this was approved back in November of 2021 and there is money in Mr. Kruse's budget to cover this.

Steve Kruse: the task order was to not exceed \$10,000.00 and a little less than \$3,000.00 has been spent.

Mayor Gibson: in light of what has been discussed tonight this is definitely worth in my mind \$10,000.00. I would ask for a motion.

Councilmember Lowell: I will make a motion to Remaining Funds Available with HDR Engineering, Previously Approved Task Order No. 10, To Use Said Funds for Water Capacity Study

Jenelle Berthoud: this is only a discussion item we do not need a motion.

Steve Kruse: I just want to clarify that when we had our crisis this last summer I called in a number of professionals and said that this is going on, this is not only a capacity study it is also the size of the existing wells and capacity of the wells.

c. Discussion/Decision: Mayor Recommends the Appointment of Melanie D'Isidoro or Nathan Huling for Prosecution Services for the Town of Stevensville City Court

Mayor Gibson: introduced new item c. Mayor Recommends the Appointment of Melanie D'Isidoro or Nathan Huling for Prosecution Services for the Town of Stevensville City Court. At 10:00 this morning, Jenelle would you please read an email that you received from Mr. Huling.

Jenelle Berthoud: yes, it says "I am going to withdraw my bid for the Stevensville Prosecutors position, I thank the town for its consideration but unfortunately the fit is not right for me at this time I wish you luck in your search for a new prosecutor. Respectfully, Nathan"

Mayor Gibson: with that I am changing it say "I recommend the appointment of Melanie you have had a chance to look through it again to make it clear this is only the prosecution part, Mr. Overstreet will remain as the Town Attorney. The cost is pretty much a wash this is a little bit maybe with the travel. If you recall what you approved in January Mr. Overstreet gets a little raise which would be more.

Councilmember Michalson: I make a motion to approve the mayor's recommendation of the appointment of Melanie for the towns prosecution.

Councilmember Barker: 2nd.

Mayor Gibson: motion and a 2nd. Council discussion

Councilmember Michalson: I am sure you know what you are doing. It says \$45.00 an hour after 15 miles.

Melanie D'Isidoro: I base that on the state rate for travel and I think that is a fair rate, I live in Hamilton so I will have to drive down for anything that will be minimal.

Councilmember Michalson: right, the first 15-miles is on you. Trapper Creek Law Office, is that in.

Melanie D'Isidoro: Trapper Peek, it is in Hamilton we just have a small office. And it is myself and my husband Tom he is my assistant.

Mayor Gibson: any further comment, public comment? Jenelle would you please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

d. Discussion/Decision: Approval to Utilize Jean Thomas Funds up to \$10,000 for Stevensville City Pool Repairs to Meet State Pool Standards

Mayor Gibson: introduced new business item d. Approval to Utilize Jean Thomas Funds up to \$10,000 for Stevensville City Pool Repairs to Meet State Pool Standards. It is very clear through the state that we have to make some repairs to operate the pool. Pam in the Jean Thomas Fund

there is about \$16,000 we may not need the entire ten at this time there was a nonprofit group our of Hamilton, I don't remember their name.

Jenelle Berthoud: Rapp Family Foundation.

Mayor Gibson: Rapp Family Foundation they sent us a check for \$1,000.00 to help with our ice skating rink that we don't have and we talked to them and they said use it for the pool. So, they are giving us \$1,000 for the pool.

Councilmember Barker: I would like to make a motion to table this because we had Steve Lasseter come to our last meeting and talk about what the needs are. The Park Board has not had a chance to talk and to say yes, give this money to the pool, we understand that there are things that need to happen but I believe that it needs to be tabled until we can get together as a Park Board and discuss it.

Mayor Gibson: I want to make that clear we set that up and you have not had a Park Board meeting.

Councilmember Barker: we had to cancel it due to only have two members at the last one, not enough to have a quorum.

Mayor Gibson: I don't have a problem with what you are saying, the Park Board can make recommendations council makes decisions on how to spend the money, if you are making a substitute motion to table.

Councilmember Barker: I would like to make a motion to table this item until the Park Board can come with a suggestion to the council.

Councilmember Brown: 2nd.

Mayor Gibson: motion and a 2nd. I just want to say, I hope that you have a Park Board meeting. Because we want to get the bids out and get the pool repaired.

Councilmember Michalson: basically ASAP.

Mayor Gibson: have a Park Board meeting and we will present again.

Councilmember Barker: Park Board meeting is on January.

Jenelle Berthoud: I have not been informed of one yet.

Councilmember Barker: I thought that we were keeping it the same.

Jenelle Berthoud: we tried but that has not been working, so if you want to propose a new date. You need to let me know that.

Mayor Gibson: one thing you cant have it when Mr. Lassiter goes to Kalispell.

Jenelle Berthoud: he is gone the 17th and 18th. But that would be to soon, they would have to. if you want to keep with your normal it would be the third Tuesday of the month we could go with the 24th if you like.

Mayor Gibson: if we go with the 24th then for Mr. Kruse's benefit we will not be able to do it until the council meeting on the 9th.

Jenelle Berthoud: correct.

Mayor Gibson: if this is approved, we will not be able to do it until the 9th. Any further comment? We have a motion and a 2nd.

Councilmember Lowell: as a friend of Jean Thomas before she passed away I would like to see some of the money received for flowers on Main Street that was her whole purpose that was very important to her.

Mayor Gibson: I would just keep in mind at this point we probably only need \$9,000 and there is \$16,000.

Councilmember Lowell: I am sure that there is plenty I just wanted to make sure.

Mayor Gibson: that is good, Jenelle please take the vote to table.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0.

e. Discussion/Decision: Consent to the Mayor's Appointment of Karen Wandler to the Police Commission

Mayor Gibson: introduced new business item e, Consent to the Mayor's Appointment of Karen Wandler to the Police Commission.

Councilmember Lowell: make a motion to appoint Karen Wandler to the Police Commission.

Councilmember Michalson: 2nd.

Mayor Gibson: motion and a 2nd. Is there any public comment, Ms. Wandler is here I think that you all know her, do you want to have further discussion or go to the vote, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

f. Discussion/Decision: Skydive Montana is Requesting the Town Council to Approve Consultation with the Town Attorney and their Attorney for the Development and Review of Waivers for Skydiving at the Stevensville Airport

Mayor Gibson: introduced new business f. Skydive Montana is Requesting the Town Council to Approve Consultation with the Town Attorney and their Attorney for the Development and Review of Waivers for Skydiving at the Stevensville Airport. If you recall this was presented before, it is a good compromise.

Councilmember Michalson: I make a motion to approve Skydive Montana request to Approve Consultation with the Town Attorney and their Attorney for the Development and Review of Waivers for Skydiving at the Stevensville Airport prove

Councilmember Brown: 2nd.

Mayor Gibson: motion and a 2nd. Public comment? Seeing none, Councilmember Michalson?

Councilmember Michalson: I have one questions I was reading back on the minutes on this we were going to get a hold of MMIA to see what the liability was.

Mayor Gibson: we are going to have our attorney do that. Jenelle make sure to make note of that. With that are you ready to vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

g. Informational: The Stevensville Airport will not be Accepting Ravalli County ARPA Funds

Mayor Gibson: this is just informational, sometime back you as a council made it very clear that there was not a match, and now there is a match, not taking the funds.

h. Discussion/Decision: Appoint Councilmember Bob Michalson as Council President for 2023

Mayor Gibson: Mr. Michalson brought this forward.

Councilmember Michalson: I can comment, traditionally council rules does state that after the year of an election, as Councilmember Brown pointed to me the other day, traditionally we don't do this but every year we have appointed a president. Basically, a pass through unless somebody else wants to do it.

Mayor Gibson: we did not deny your request, but in the rules it does say in an election year. According to the rules it is not necessary, so do you want to withdraw?

Councilmember Michalson: I withdraw it then.

Councilmember Brown 2nd.

Mayor Gibson: motion and a 2nd. Further discussion? Jenelle, please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

Jenelle Berthoud: these are just councilmember spots.

Mayor Gibson: so, we don't have to do this per council rules.

Councilmember Michalson: so, if everyone is happy with where they are at, we don't have to do this.

Councilmember Barker: we are withdrawing all of them.

l. Discussion/Decision: Appoint a Councilmember to Serve on the Airport Board for 2023

Mayor Gibson: I think that, do we have anyone that has applied for these vacant positions?

j. Discussion/Decision: Appoint a Councilmember to Serve on the Park Board for 2023

k. Discussion/Decision: Appoint a Councilmember to Serve on the Planning & Zoning Board for 2023

l. Discussion/Decision: Appoint a Councilmember to Serve on the TIFID/TEDD Board for 2023

12. Board Reports

Councilmember Michalson: we had a P&Z meeting on January 3rd where we made changes, we met last night, and we buttoned it up along with advice from Greg Overstreet. We have had 9 meetings over last summer and fall to complete this and get it ready to present to the mayor and the council.

Mayor Gibson: I just want to say thank you to the Planning and Zoning Board, we had Mr. Seyer who was an excellent member who had some illnesses and had to resign, we had Leanna who moved to Alaska, this was a lot of work. It will go through the council and there is a process. Jenelle, could you go through the process.

Jenelle Berthoud: it will be in draft form to me by tomorrow, has to have two notices in the paper, a meeting and then a resolution. I don't want to give you a date, if this does not get to me on time that changes the dates in the newspaper, you should be seeing it at the first meeting in February for sure.

Mayor Gibson: I think, and again once we get to the council you are able to make amendments, there is some on going stuff in the current legislature, that down the road probably might have to be amendments anyways. There was discussion earlier tonight, it would have been great to have subdivision regulations not just for the town but for the developer as well. And you will

find a lot of things in here like checklists and one important thing that was mentioned tonight, Mr. Overstreet has looked into it legally and if we have to after this study we don't have the capacity we can put a moratorium on development. Correct Mr. Michalson?

Councilmember Michalson: correct. I would also like to have a big thank you and shout out to our secretary Angela Lyons, who worked tirelessly on changing these documents two or three times we did it, Mr. Sayer, Leanna, and then we went, Mr. Chilcott recommended that it go to the state commerce department and have them review it and that basically stalled it, which was fine and we make changes and then we gave it to Mr. Overstreet and he reviewed it and we made changes., Angela Lyons needs so much credit.

Councilmember Brown: airport board meeting met on Tuesday there are two spots on the airport board that are open, they only have one application as of Tuesday. There are two that are going to go to the aeronautics meeting. They are hoping to get the grant money for their master plan, there are deer living at the airport now and I think that is about it.

Mayor Gibson: as far as that, we have had a discussion with the airport manager, if they can get the grant money but we don't have any town money.

Councilmember Brown: right, that is what they are hoping to get from Montana Aeronautics.

Mayor Gibson: in regards to the deer, I talked to Mac today and he is going to go up there in the near future it sounds like there are three up there. The gate is working, and it is the matter of herding them through the gate. We are not going to go and shoot them, Mac can but not us.

13. Town Council Comments

Councilmember Brown: I have one comment, I asked Jenelle, she was going to put it on the website and it is about shoveling your sidewalks, when I leave for work in the morning and then come home in the evening I see people struggling on the sidewalks, I was hoping that we could put something in the newspaper.

Mayor Gibson: we will put it on.

Jenelle Berthoud: it is already on the website.

Mayor Gibson: we already had a complaint, and it was taken care of rather quickly.

Councilmember Michalson: I would like to thank Mac Sosa and his wife Pam who spent their Sunday going around putting up the yellow flags at all the crosswalks, and have noticed a big difference of people using them. Thank you, Mac and Pam.


Mayor Gibson: the cross walk signs, we can thank public works, they really stand out. What I have noticed about the flags, some people slow down if they think something is going on.

14. Executive Report

Mayor Gibson: it was a tough interesting meeting; I respect all of you for how you handled it. It is tough, very tough. Hopefully when we have these subdivision regulations, hopefully when we know what the capacity really is, it should make it easier for all of us.

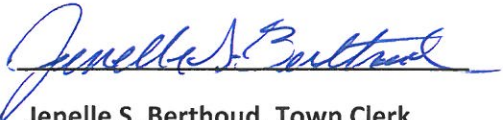
15. Adjournment

APPROVE:



Steve Gibson, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk

January 12, 2023

Comment to Town Council Regarding 41-Unit R2 development on Pine St

The previous mayor and Town Council approved the zoning request for these combined lots on Pine St to go from single family to R-2, multi family. In my opinion, that was a mistake especially on a boggy area that's been undeveloped all along because of water issues, and has plagued the neighbors every year with flooding issues. Is DEQ really going to oversee water issues properly on this property when the agency rub stamped Burnt Fork Estates - Phase 1 without legal water & sewer rights to proceed.

As I've read, it's a pandemic land grab in the Bitterroot and developers, especially out-of-state developers like Spire proposing the Pine Street project, are looking at any piece of land they can build on. Chip Pigman, one of the biggest local developers recently was denied a zoning request on one west side lot in Hamilton where he wanted to build an 8 unit apartment building. Hamilton citizens showed up at all the hearings and opposed the request that would change a neighborhood. Hamilton's Town Council finally denied the zoning request by Mr. Pigman.

Developments within a town or infill as it is called, should be sized to fit with the surrounding neighborhood, especially in a small town like Stevensville with limited expansion areas. The Pine Street proposed development of 41 units on a bog in a quiet, mostly single family neighborhood, is not the answer. Think of how many more cars will be in this neighborhood, not just in the new development, but lining the nearby streets and how this will complicate the town's traffic problems along the Eastside Highway and in town. Are the town's water rights settled and is there infrastructure for water and wastewater capacity to add this development as well as over 300 family units of Burnt Fork Estates? I urge you to consider this high density development with caution and skepticism for the good of our town. Thank you.

Marilyn Wolff
Aspen Trail, Stevensville MT

Jenelle Berthoud

From: Dave Thorson <dthor10@cybernet1.com>
Sent: Thursday, January 12, 2023 3:11 PM
To: Jenelle Berthoud
Subject: [EXTERNAL] Comment on 108 pine st

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the City Council;

We are opposed to allowing this project to move forward.

Let me start by telling you our property backs up to "Burnt fork Place" (16 units on 3 acres) completed a couple of years ago.

That project moved forward against almost unanimous objection. It had been pre-approved before any public comment was taken.

At the time, we had a six foot privacy fence. When the construction began we had 3 foot "privacy" fence, due to the fact they had to add at least 40 inches of fill, to have a stable foundation due to high ground water. Now we have 14 doors and windows that look directly into our home and back yard.

I'm confident that they would have to add fill, since that ground is also draining swamp creek.

I don't believe that project, as proposed, fits into Stevensville. 42 units crammed onto 2.8 acres is totally out of character for Stevensville.

50 to 80 cars coming and going will have a huge impact on that neighborhood, and the town as a whole. The proposed cracker box rendering does not fit the style or curb appeal of anything in town.

Do we have The water and sewer capacity to handle this increase?

Research shows that when a project moves into a neighborhood, property values on a single family home drop by 10-15 percent. Let's not subject another neighborhood to what we have been through.

We stand opposed to the project.

Dave and Tina Thorson

12 Jan. 23

Stevensville Council;

I am opposed to the proposed subdivision on the 2.83 acre site at 108 Pine St.

My view of the West side of the mountains would be blocked. I've been here since 1978, raised my children here and love it just the way it is. MORE people means more problems to cut it short.

MORE Taxes, more Noise more crime, more dogs biting & barking. MORE traffic, more accidents.

The whole track of land is ditched to drain excess water - it is a swamp.

Our Water & Sewer is already overly drained.

Why add more people and problems? Who would pay

Not only NO but Hell No.

Sincerely

Dennis J. Schulz
103 Winslett

for all updates needed

Professional Consultants Inc.
3115 Russell Street
Missoula, MT 59806

5 January 2023

R.E.: 108 Pine Street
41 housing units

I live across the street at 109 Pine Street, Stevensville, MT 59870, from the proposed 41 housing units. My concerns are:

- 1) Traffic
- 2) Parking - each unit would have 1 or 2 or more vehicles.
- 3) 41 units that could house 1 to 4 people or more on 2.83 acres.
- 4) Noise
- 5) Pets
- 6) ~~not~~ water, garbage, sewage.
- 7) impact on our peaceful neighborhood.

If you have any questions or concerns, please feel free to contact me.

775-233-1917

Regards, Rebecca Rogers.