

Stevensville Town Council Meeting Minutes

for THURSDAY, FEBRUARY 09, 2023, 6:00 PM 206 Buck Street, Town Hall

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

NONE

Jenelle Berthoud: not in the packet, lots and lots of things have gone on, they will be in the 23rd packet.

5. Approval of Bi-Weekly Claims

a. Claims #18185-#18212.

Mayor Gibson: Introduced claims #18185-#18212.

Councilmember Barker: make a motion to approve claims#18185-#18212.

Councilmember Lowell: 2nd.

Mayor Gibson: motion and a 2nd. Public comment? Discussion on the claims? 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

6. Administrative Reports

Mayor Gibson: they are in your packet if you have any questions, please let me know.

a. Airport

b. Building Department

c. Finance

d. Fire Department

- e. Police Department
- f. Public Works
- g. Court (Annual Report)

7. Guests

NONE

8. Correspondence

NONE

9. Public Hearings

a. Town of Stevensville Subdivision Regulations

Mayor Gibson: introduced the public hearing for the Town of Stevensville Subdivision Regulations. If it is okay with Mr. Michalson, it has been going on for over a year, we got Montana League of Towns and Cities, and engineer, town attorney reviewed it. I just want to thank even, I want to thank Jim Sayre and Leanna who left but Jim who did a lot in the very beginning, he had some health issues, Greg Chilcott, Councilmember Michalson, Jesse Reeves, Daniel and of course Angela Lyons, from what I have heard we probably could not have gotten through this without her thank you Angela. With that is there any public comment on the Subdivision Regulations? Seeing none, go ahead and read the correspondence.

Jenelle Berthoud, Town Clerk: read public comment from Cordell & Darra Norgaard. (Their comment will be included in the minutes of this meeting).

10. Unfinished Business

a. 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 unfinished business, Approval to Utilize Jean Thomas Funds up to \$10,000 for Stevensville City Pool Repairs to Meet State Pool Standards. Councilmember Barker it is my understanding that the Park Board did approve this.

Councilmember Barker: we did, it was actually explained in more detail to us this is just a portion of it they are not asking for it all, this is for a down payment to get things going. Right now, if this is not passed there is that possibility of not having a pool for our children this coming summer. There are a lot of things that are starting to fail and right now we are under that guideline, and this is what we are looking at. To go ahead with it and do the upgrades and see where we are from there. I know that we have looked at part of it as a grant towards this to, so hopefully it does not come all out of the Jean Thomas Fund, so we are looking at some options.

Mayor Gibson: thank you is there a motion?

Councilmember Barker: make a motion to approve to Utilize Jean Thomas Funds up to \$10,000 for Stevensville City Pool Repairs to Meet State Pool Standards.

Councilmember Lowell: 2nd

Mayor Gibson: there is a motion and a 2nd, public comment? Council discussion? 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, who we are going to talk to may be interested in donating some money.

Councilmember Barker: we have looked at some other avenues too.

Mayor Gibson: I appreciate the Park Board getting together to go through that, and Steve Lassiter.

Councilmember Barker: Steve has been very helpful with that, especially with working with Hamilton he has that feel of what we need.

Mayor Gibson: he has been a great addition to the Town of Stevensville.

Councilmember Barker: absolutely.

11. New Business

a. Discussion/Decision: Resolution No. 514, A Resolution Adopting Subdivision Regulations for the Town of Stevensville

Mayor Gibson: introduced new business item a. Resolution No. 514, A Resolution Adopting Subdivision Regulations for the Town of Stevensville

Councilmember Michalson: make a motion to approve Resolution No. 514, A Resolution Adopting Subdivision Regulations for the Town of Stevensville

Councilmember Barker: 2nd

Mayor Gibson: motion and a 2nd, public comment? Seeing none, further discussion?
Councilmember Baker.

Councilmember Barker: I just want to say that it is actually, after reading all the regulations and how a lot of this will come back to the council and the council will have final say on the plans that they put together. Long, lengthy, hard to read it is a lot of great information and kudos to you guys for putting it together.

Mayor Gibson: they did an excellent job, on a note there are many things floating through the legislature now some will pass, some will be amended hopefully some will fail but when that

time comes some of those bills on passage, some not until April or May and then the governor has to sign them so come May we will check the codes and law changes and will probably will have to make some amendments after that. There is no reason to do that now until we know what happens.

Councilmember Lowell: I just have a comment, and I agree with the regulations, but is it time that we advertise and get someone on staff to be in charge of administering.

Mayor Gibson: we are looking, this has been advertised, we tried part time contract and at your request we will be given a budget update in March which may have an effect on that, hopefully we can but I think that we made it so that it is just not me there are checks and balances from the attorney, board of adjustments. Right now, it is me, but we changed this so that it isn't just me. We are going to look at that.

Councilmember Lowell: maybe there is a retired engineer, or someone would be interested, because if we do get something going all of a sudden there is all this and they need to.

Mayor Gibson: thank you, councilmember Brown?

Councilmember Brown: thank you everyone that put in the time to work on this. I did, took me most of Sunday to go through this I have some comments and questions so I apologize it might take me a little bit to go through this. On Page 3 under I-H since this is a resolution, can we enforce a fine or imprisonment since this is not an ordinance? That is, one questions that I had.

Mayor Gibson: all I can say is town attorney reviewed it and I don't recall that issue coming up. Do you?

Angela Lyons, Planning & Zoning Board: actually, he did confirm that we can, and we also added in the civil aspect of a civil suit.

Councilmember Brown: page 3 under I-I, we have used the term subdivision administrator then on page 30 it changed to administrator is there any way that we could stick to one instead of bouncing back and forth between subdivision administrator and administrator.

Angela Lyons: sure, I can change that.

Mayor Gibson: we can go through; we can make an amendment. What Nancy brought up a person, there is nothing in here that says we are going to hire somebody.

Councilmember Brown: right, but I looked up in the definition of subdivision administrator and it says see administrator so I was just wondering why we used the two terms can't we just switch to one or the other.

Mayor Gibson: I would suggest when you get through your questions I would just suggest that you make an amendment to say just administrator.

Councilmember Brown: that is fine. Then just on page 10, under 3a, a court-ordered division. I noticed under the mortgage one and stuff it says that a draft needs to be filed with the clerk and recorders office, court order split has to also be filed with the clerk and recorder's office and then I don't know if people care of not, but on page 19, D. the agricultural covenants that would

be helpful that the actual covenant was recorded with the plat so that people can find those with public record because the Town of Stevensville records are not being searched when people do searches.

Angela Lyons: could you back to page 10 the clerk and recorders office, what was the comment on that?

Councilmember Brown: court order split those are also, those plats have to be filed with the clerk and recorder's office also.

Angela Lyons: and where is that referenced on page 10.

Councilmember Brown: it is not referenced it runs over to page 11, but I don't know how many times the Town of Stevensville would have a court order split to be honest with you it is, I just noticed under the exemption for mortgage security it says that it should be recorded, the ag lease to be recorded so I was wondering why that was left off.

Angela Lyons: most likely because that is a county issue, so when they go to the county to file the county is going to tell them this is what they are going to need.

Councilmember Brown: and then the next one about exemptions of covenant, if that piece of paper gets recorded, I know that the county requires that piece of paper to accompany the plat to be recorded in the county.

Councilmember Michalson: you want the language in here to state that.

Councilmember Brown: yes, that would be. If you are searching that piece of property and it comes up as an ag exemption and there is no covenants there at the clerk and recorder's office it wont hold up on a title report because the city records are not searched.

Angela Lyons: does the county require it?

Councilmember Brown: they used to.

Angela Lyons: in the county does not require it then we can hardly require it, that is all I will say.

Mayor Gibson: I think that might be one that we need to look into more, I have no issue in making your amendment on the administrator thing, my understanding is.

Councilmember Brown: all the time they used to, I haven't see a big exempt come through yet.

Mayor Gibson: why don't you look that up and we can always amend that again.

Councilmember Brown: this is just technical thing, page 30 I noticed the abbreviation MSPA was used, I don't know if you guys want to put in there Montana Subdivision Platting Act and then put the abbreviation behind there. The next item I had was on page 45 which concerned me a little bit because it does state in there, the administrator who shall forward it to the examining land surveyor. The examining land surveyor shall review the plat for errors, we don't have an examining land surveyor so that would mean you would have to contract somebody.

Angela Lyons: yeah we should not have that there.

Mayor Gibson: okay.

Councilmember Brown: I have a question for Jenelle, page 62 addressing. Do you give out address or do you call down to the county GIS and get it from Kelly and Kim?

Jenelle Berthoud: correct.

Councilmember Brown: that is just one of the things that I had a question on, that is it.

Mayor Gibson: if we could get a motion and a 2nd. And then make a motion to amend about the administrator. Do you understand.

Councilmember Brown: and on the examining land surveyor also.

Mayor Gibson: that is fine. Could we get a motion to pass the resolution and if we get a 2nd.

Councilmembers: there is already a motion and a 2nd.

Councilmember Brown: I make a motion that the document be strictly administrator or subdivision administrator and make it uniform throughout the document and then on page 45 would should strike the "shall forward to examining land surveyor".

Mayor Gibson: okay is there a 2nd.

Councilmember Barker: 2nd.

Mayor Gibson: we have a motion and a 2nd, any public comment? Seeing none, we are just now voting on the amendments. Any further discussion on the amendments? Seeing none, Jenelle take the vote on the amendments.

VOTING ON THE AMENDMENT

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0 and now we will go back to the resolution. Is there any further discussion on that, seeing none Jenelle please take the vote on the resolution as amended.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0 again I want to thank all of the Planning & Zoning Board it was a huge task and it had to be done.

b. Discussion/Decision: Building Official and Building Inspector Contract Renewal with Construct Montana, LLC/Tim Netzley

Mayor Gibson: introduced new business item b. Building Official and Building Inspector Contract Renewal with Construct Montana, LLC/Tim Netzley. Basically, the same as before nothing has really changed.

Councilmember Michalson: make a motion to approve Building Official and Building Inspector Contract Renewal with Construct Montana, LLC/Tim Netzley

Councilmember Barker: 2nd.

Mayor Gibson: motion and a 2nd. Public comment? Seeing none, any further discussion?

Councilmember Barker: the one thing that I would like to see is the possibility of having more come back to the town. Have more of a percentage come back to the town then what is coming in right now. It seems that we are at a dead fall with that.

Mayor Gibson: I guess we can look at that, Jenelle, Pam.

Jenelle Berthoud: Pam and I have discussed this, there is only a small amount the town is allowed to hold on to we cant keep any in reserve so that is why it is 80%. 20% of that can stay in the towns coffer.

Mayor Gibson: if I recall there was something in the town's audit about that.

Councilmember Barker: that is good information, a councilmember not knowing this and then seeing a small percentage and seeing someone get.

Jenelle Berthoud: previous audits show, 18/19 don't quote me on that either 18/19 or 19/20 both of those audits showed that we were holding onto too much, so it was a finding for the building department.

Councilmember Lowell: when I first look at this I thought the 80% was really high but in the long run we are actually saving money by doing this because we are not paying people PERS and insurance. It is a contract so if during the winter if there was nothing, we would be paying him a salary, so I do agree with it, I made some phone calls and he thought of very highly and is a very thorough inspector, so I changed my tune.

Councilmember Michalson: I would like to reiterate; I was on the council in 20 when this contract first came through the council and he did not go out and solicit bids he just brought it up how he is right now so I talked to Lou Barnett and Nancy Lowell so I will make phone calls out to these building officials in the valley and the second person I called was Tim. He has Hamilton, Darby.

Mayor Gibson: 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

c. Discussion/Decision: Consent to the Mayor's Appointment of Vicki Motley to the Park Board

Mayor Gibson: introduced new business c. Consent to the Mayor's Appointment of Vicki Motley to the Park Board.

Councilmember Lowell: make a motion to reappoint Vicki Motley to the Park Board.

Councilmember Barker: 2nd.

Mayor Gibson: motion and a 2nd, public comment? Seeing none, further comments? 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

d. Discussion/Decision: Consent to the Mayor's Appointment of Tonya Eckert to the Park Board

Mayor Gibson: introduced new business item d.

Councilmember Barker: make a motion to the Consent to the Mayor's Appointment of Tonya Eckert to the Park Board

Councilmember Michalson: 2nd

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

e. Discussion/Decision: Consent to the Mayor's Appointment of Jeannie McKinley to the Park Board

Mayor Gibson: introduced new business item e. Consent to the Mayor's Appointment of Jeannie McKinley to the Park Board

Councilmember Barker: make a motion to the : Consent to the Mayor's Appointment of Jeannie McKinley to the Park Board

Councilmember Lowell: 2nd.

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

Councilmember Michalson: does this fill out the Park Board.

Councilmember Barker: missing one and that is a person outside the town.

Mayor Gibson: yes, that is correct, any further discussion? 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

f. Discussion/Decision: Consent to the Mayor's Appointment of Will Rowe to the Airport Board

Mayor Gibson: introduced new business item f. Consent to the Mayor's Appointment of Will Rowe to the Airport Board.

Councilmember Michalson: make a motion to approve the mayor's consent of Will Rowe to the Airport Board.

Councilmember Barker: 2nd.

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

Councilmember Brown: this gentleman has been at many of the airport board meetings and seems to be very knowledgeable and very good I think he will be a good addition to the airport board.

Mayor Gibson: good, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

g. Discussion/Decision: Consent to the Mayor's Appointment of Brian Germane to the Airport Board

Mayor Gibson: introduced new business item g. Consent to the Mayor's Appointment of Brian Germane to the Airport Board.

Councilmember Michalson: make a motion to approve the mayor's consent to appoint Brian Germane to the Airport Board.

Councilmember Brown: 2nd.

Mayor Gibson: motion and a 2nd. My understanding is that this fills the airport board, Jenelle? Any public comment? Seeing none, 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

12. Board Reports

Councilmember Barker: I actually had a very lengthy report to read at the last meeting, but I did not make it to the last meeting.

Mayor Gibson: so, you have to cut it in half. (laughter)

Councilmember Barker: my apologies for not being here at the last council meeting I did show up but I was late. The Park Board met on that Tuesday night, with three members in attendance, as well as 2 members that were possibly new that were appointed this evening. Stephen Lassiter gave us updates on the splash pad and the resurfacing that they will be doing to make it safer. When the ice starts to thaw, it is pretty thick out there. They actually capped everything off so there is not water getting into there and they are hoping to come in, the company that did bring in the concrete will resurface it so that it is not so slick for those young little bodies. The swimming pool costs were explained in more detail and those were brought in front of the council tonight for costs and repairs, we also discussed about applying for the Rapp Family Grant, which would also help out with the pool repairs and other projects with in the park.

Arbor Day celebration is set for April we were notified that we lost our tree status in 2021 and Steve is applying for a grant for planting more trees so we hope to regain that status in the coming years. We also discussed on how to make the town a little more appealing by replacing some of the bricks around the trees, maybe some grates. We are talking to see if we can get a grant for that also. All in all, we had a good meeting we look forward to the projects that we have planned for the next few months and now that we have a full board besides one person outside the line area, I am excited to see what is going to happen.

Mayor Gibson: I think that the tree thing is a great idea, we have had issues with that before. We did get \$1,000.00 from the Rapp Foundation and they said to put it towards the pool.

Councilmember Barker: I know that Steve is applying for a grant as well for the trees, at least we will get two trees planted this year we are not sure how that grant is going to go through yet. Also, we talked to the Forest Service about them donating saplings for our Arbor Day foundation planting of the tree at the park. They are trying to bring back the white bark trees that have become very extinct, so that is their project this year, so they are focusing on that, but they have us on their list for hopefully help out with our tree planting.

Councilmember Michalson: I have a question where are we at on the ballpark down there?

Councilmember Barker: the youth baseball that was talking about bringing it, we have not heard anymore on it. I don't know if it has been put aside, I think Vicki is in contact or will be in contact with the gal who came with a proposal.

Councilmember Lowell: who is Mr. Lassiter?

Mayor Gibson: he is our park supervisor, he works under public works, he does many things. He basically took Bobby's position. He worked in Hamilton.

Councilmember Barker: we are very lucky to have him.

13. Town Council Comments

Councilmember Barker: it has been brought to my attention to look into the lights, at the 4 way stop at night it is very dark.

Mayor Gibson: didn't we have someone check with Northwest Energy, Jenelle?

Jenelle Berthoud: we will have to check with Mr. Steve Kruse.

Councilmember Barker: I had somebody ask me today because she walks. Also going to work early in the mornings this light out here is only on for a brief time.

Mayor Gibson: we will look into that, thank you.

Councilmember Brown: want to thank Bob and everybody and thank you for allowing me to speak and get those amendments through. I will follow up with you Bob, I will call Regina tomorrow.

Councilmember Michalson: I just want to say thank you Angela, Mr. Reeves, Greg is not here and a special shout out to the first guy, Mr. Sayer. He started the groundwork line by line, as you know Jenelle it was very tedious it was an adventure, 9 meetings I am glad that it is there.

14. Executive Report

Mayor Gibson: as you see, Mac, Public Works, it wasn't in the paper. Through the chili feed and donations we are doing all that we can for safety on the streets of Stevensville. I have heard a couple of comments all positive. Especially on the "J" turn thing, it is going to work out.

15. Adjournment

APPROVE:



Steve Gibson, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk

February 2, 2023

Dear Mr. Mayor and Members of the Town Council,

My husband and I live across the road from the site of the biggest proposed Subdivision on Stevensville's docket – Burnt Fork Estates. Our driveway at 323 Middle Burnt Fork Rd. is directly across the road from what is slated to become a primary ingress/egress for the development. In addition to being life-long residents of Montana and having a great appreciation for our small-town way of life, it is for this reason that we have a direct interest in Stevensville's revised Subdivision Regulations.

As a Real Estate Broker and owner of a small firm, I am acutely aware of the need for housing and well-designed neighborhood projects. I am in favor of growth, when it is done in a manner consistent with the vibe of the community.

We chose to live in Stevensville because of its rural, agricultural, small-town feel. I love that I can have my horses grazing in my pasture, look out at cows, walk to the post office.....but even now, this is changing. The traffic along Middle Burnt Fork Rd. has gotten to the point of making it dangerous to take a walk, even with the "bike lane". There is the din, and sometimes roar, of a constant stream of vehicles. We have had a road rage driver take out several sections of our fence. All these things are changes we have seen in just a few years, due to more people moving into the area. It is inevitable – we know that.

Our wish is that Stevensville adopts Subdivision Regulations, and a growth policy, consistent with what we all love about this town. **We support the stated Purpose of these regulations, in keeping with the vision of helping Stevensville grow, yet retaining the characteristics of a small RURAL agricultural community.**

Large, densely populated subdivisions are NOT consistent with what makes Stevensville a place where we enjoy living. Please remember why we all want to live here, and don't let Stevensville become a casualty of Suburbia. We are in support of Subdivision Regulations that mandate a more restrictive process. We want town planners to have the written regulatory controls they need to require developers to comply with the culture of this community. We don't need or want "mini-metro" projects with high density here. As a Realtor, it is my experience that when people look to small outlying communities to raise families, or enjoy a quiet life, they want space. People move here to get away from cluster living and people stacked on top of each other.

Please adopt policy that keeps Stevensville unique.

Thank you,

Cordell & Darra Norgaard
Dixon Properties LLC
323 Middle Burnt Fork Rd.
Stevensville, MT 59870

(Darra Norgaard, Broker/Owner of Real Estate Brokers of Montana)