

Stevensville Town Council Meeting Minutes

for THURSDAY, MARCH 09, 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)

NONE

4. Approval of Minutes

a. Special Town Council Meeting (Closed Session) 02/21/2023

Mayor Gibson: introduced special town council meeting (closed session) 02/21/2023.

Councilmember Michalson: make a motion to approve special town council meeting (closed session) 02/21/2023.

Councilmember Lowell: 2nd.

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

Councilmember Barker: aye.

Councilmember Brown: abstain.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 3-0

b. Town Council Meeting 02/23/2023

Mayor Gibson: Introduced Town Council Meeting minutes for 02/23/2023.

Councilmember Michalson: make a motion to approve the town council meeting minutes for 02/23/2023.

Councilmember Barker: 2nd.

Mayor Gibson: motion and a 2nd. Public comment? Seeing none, council discussion? Seeing none, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: abstain.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 3-0

5. Approval of Bi-Weekly Claims

a. Claims #18238-#18266

Mayor Gibson: introduced bi-weekly claims #18238-#18266.

Councilmember Barker: make a motion to approve bi-weekly claims #18238-#18266.

Councilmember Michalson: 2nd.

Mayor Gibson: Motion and a 2nd. Comments on the claims? Councilmember Barker.

Councilmember Barker: Claim #18241, I know that this is the police department, but what auto are these repairs being made to?

Mac Sosa, Chief of Police: for the truck.

Councilmember Barker: Claim #18245, Blade company, whole patch pot holes? This has already started.

Pam Sosa: I think that they have gotten the material.

Councilmember Barker: it is the material not already started?

Councilmember Michalson: I would like to suspend town council rules as far as brining up unscheduled items under council comments and bring it in front of claims if that is okay.

Mayor Gibson: we are on the claims right now.

Councilmember Barker:” we are on the claims right now.

Councilmember Michalson: that is what I mean bring it to the claims right now because it is part of the claims. I would like to ask for the following action, I request of propose for a C.O.W. meeting to address the following items. Line by line-item review of the budget, a review and revise purchasing policy, discuss developing a policy that address unpaid claims, Some of these items have been on the back burner a while and I think a C.O.W. meeting with an open discussion with out motions etc. would be a productive way of resolving them. It is my opinion that doing a C.O.W. meeting we would be spending less time at council meetings hashing this all out.

Mayor Gibson: I just have, I know that you said the budget what was the second. Oh, purchasing policy. The budget, prior to the next meeting, however you want to do it, we will get you the budget update, we will also have to do some budget amendments for the next meeting, and you want to have a separate meeting?

Councilmember Michalson: I want to have a committee of the whole meeting I think that we could have a better production if we do a review of the budget at a C.O.W. meeting, no motions.

Mayor Gibson: I don't have a problem with it, any public comment?

Councilmember Lowell: I took some time and went through just the general fund budget, and I think we are in trouble.

Mayor Gibson: let me, and Pam you can chime in, that is why we are waiting, we have to make some corrections, we have to make some budget amendments, you will get all of that.

Councilmember Lowell: is it revenue that hasn't been put in, because it is very low.

Mayor Gibson: from what I have seen so far, and this goes back even before me. For example it looks like we are short in revenue in building permits, and the reason for that was the school. There seems to be some confusion around the water and sewer fees, it looks like it is shorter than it should be. We are going to give all that to you and you can go through it however you want to.

Councilmember Lowell: I was just concerned about the general fund; we are very low. With the large amount on the audit and then the claims this time were \$100,000.00 and that is not leaving much money.

Mayor Gibson: we will go through it, but just keep in mind the audit is coming out of the CARES money, correct Pam?

Pam Sosa: we are actually taking the audit out of all funds, so the last two payments were just taken out of the general fund, so we are going to go back and make those corrections and take out of all of the funds.

Mayor Gibson: I am glad that you brought it up, we are aware of it.

Councilmember Lowell: okay, I was just concerned that we do not have the revenues that we should.

Pam Sosa: I think we will be okay, a lot of the revenues have not been entered yet that is still part of the process.

Mayor Gibson: so, how do we want to proceed with your.

Councilmember Michalson: would you guys like to have a C.O.W. meeting to do this?

Councilmember Barker: I guess I am kind of confused because we are still on the claims.

Councilmember Michalson: I could have waited for council comments. So that is why I asked.

Mayor Gibson: would you be okay with that and redo this on council comments, I think that you are right Councilmember Barker.

Councilmember Michalson: sure.

Councilmember Barker: #18264, Denning & Downing Associates I know that we are getting close to that so how many more payments to we have to them?

Pam Sosa: we should have one more payment after this.

Councilmember Barker: with that are we coming back to the public to let them know where we are standing with this.

Mayor Gibson: when the audit is done. We have to sit down and go through all of their findings, agree or disagree I would assume that most of them we would agree with and that will come to the council.

Councilmember Barker: I was just curios of how many more that we had, I thought that we were coming really close.

Mayor Gibson: we are doing two years now.

Mayor Gibson: any further council discussion? Public comment? 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: the administrative reports are in your packet.

- 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

a. Final Plat Approval of Burnt Fork Estates Phase I

Mayor Gibson: introduced the public hearing, Final Plat Approval of Burnt Fork Estates Phase I. this is just for Phase I, previously known as Clover now is Sassafra.

Jeff Cyr: PCI representing Ilmar Estates and Aspen Acres, Jeff Jessop. The town of Stevensville reviewed Burnt Fork Estates a subdivision and approved the subdivision in April of 2021 with the 23 conditions attached to this plat. Items are attached to meet these conditions. Mr. Cyr read each condition 1-23 and discussed how each condition had been met. Spoke about water, waste water, internal subdivision roads, very little traffic calming was needed, structures would not have basements or crawl spaces, covenants will stipulate single level homes, updated traffic study will be provided for each phase, covenants should include living with wildlife. Each of these conditions have been met and approved by the prior council. The 80 acres mentioned on the DNRC paperwork is a clerical error on DNRC's part. They will have to correct that.

Mayor Gibson: we will go to public comment, keep in mind that this is only Phase I. After public comment we will ask the council for a motion and our attorney Mr. Overstreet is here to answer any questions you may have.

PUBLIC COMMENT

Marilyn Wolff, 300 Aspen Trail, Stevensville. This morning, the biggest problem that I have with Phase 1 is the fact that I wanted to go back to how that happened, and that goes back to the MFE. In the past I had talked with DEQ and the supervisor for that time when the MFE was approved. Her letter is in that packet, it was addressed to Jeff Standard at PCI. I wanted to talk to her again because what wasn't provided was the actual DEQ form. I wanted to know who signed it. It was signed on July 16, 2021, and it says that it was signed by Craig Capra, the town representative. He is a town representative for HDR. Did the town council at the time know about this, I think that it was put around the town and the problem with that is that this form says that they have to have legal water and sewer. Burnt Fork Estates and Creekside Meadows are in a not a place of use for those two things. They are hooking up to Creekside Meadows, I don't think that the town council was able to vote on that. I think that John Kellogg at the time knew that. Mr. Kellogg has been both involved in the development of Creekside Meadows and Burnt Fork Estates. My suggestion to the town council if you should vote to approve this, to prevent future misuse of the MFE form for future phases of Burnt Fork Estates, the town needs an independent engineer. In my opinion I think that there are still some conditions that have not been met. I am hoping that the remaining 9 phases are not a money draining cost for the town and the county taxpayers.

Jenelle Berthoud, town clerk: read public comment. This public comment will be a part of these meeting minutes.

10. Unfinished Business

NONE

11. New Business

a. Discussion/Decision: Final Plat Approval of Burnt Fork Estates Phase I

Mayor Gibson: introduced new business item final plat approval of Burnt Fork Estates Phase I.

Councilmember Michalson: I make a motion to approve final plat approval of Burnt Fork Estates Phase I.

Councilmember Barker: 2nd.

Councilmember Michalson: in our possession we have a letter in front of us that was to Ms. Dowdell. There are seven conditions mentioned, in your expert opinion have they met the conditions are you satisfied?

Greg Overstreet: yes, the additional items that they included, the application was shanty and incomplete and there were huge gaps in the information. The town wanted to give the developers a fair chance to come to this hearing and have all of that information instead of sandbagging and we told them what we thought they were, and they came back and provide some document. And so yes, I think that they have provided the information that they were required to provide.

Councilmember Michalson: again, this is all to do with the previous administration, nothing to do with us here?

Greg Overstreet: I don't answer questions like that.

Mayor Gibson: in regard to the confusion with the MFE, yes that was signed by the contracted engineer in 2021 and DEQ approved it in March of 2022. Nothing has been done regarding MFE's or anything else. Nothing has moved forward with any other part of Burnt Fork Estates.

Councilmember Lowell: how about lighting for this subdivision is there going to be lights there.

Mayor Gibson: if I recall, there wasn't any requirements for Phase I there will have to be if future phases are developed just like any other lighting district.

Councilmember Lowell: when you included our farm in the 80 acres I was as little confused.

Mayor Gibson: I don't believe that they included your farm, this goes way back to 2004 when Ellison did Creekside Meadows they failed to do the transfer but this is not 80 acres, it is 57.48 Burnt Fork has nothing to do with Creekside Meadows has nothing to do with your farm. It is going to have to be corrected by DNRC.

Councilmember Brown: I noticed on your set of covenants that you are recording is just for Phase I and did notice a small problem there, you have Jeff Jessop signing as President and it says Aspen Acres, LLC, in the notary block it says Jeff Jessop, Burnt Fork Enterprises LLC.

Greg Overstreet: I can address this, I noticed a similar issue earlier, it has been corrected by the developer. There is an operation agreement for the LLC that we did not have in the original application that I did ask for and did receive. Those operating agreements do allow Mr. Jessop or any other members of the LLC do just that. It was a missing link and was later provided to us.

Councilmember Brown: but he says that he is signing on behalf of Aspen Acres and in the notary block on behalf of Burnt Fork Enterprises LLC.

Greg Overstreet: okay, I thought that you were talking about the previous issue.

Councilmember Brown: this is a separate issue, it is on page 69 of the packet, they might want to look at that, the notary is saying that he signed on behalf of Burnt Fork and not as Aspen Acres.

Greg Overstreet: I appreciate that I don't think that it is going to make a difference, I don't think that it has anything to do with the final plat and it being denied.

Councilmember Brown: I know, it is just needs to be addressed.

Mayor Gibson: there has been a motion and a 2nd. Any public comment? Seeing none, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: I feel that it is a conflict of interest for me there for I need to abstain.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 3-0 with 1 abstain.

12. Board Reports

Councilmember Michalson: P&Z Board meeting was on Tuesday. We discussed the growth policy and the Main Street Grant. Jenelle was nice enough to stay after work and give us an update on the grant that would be used to update the growth policy. The town will republish the RFP to take bids. Our goal is to send it to the council by the end of October.

Mayor Gibson: Jenelle and I have talked, and we are going to contact Montana League of Cities and Towns and see if there is any other way to get this out there.

13. Town Council Comments

Councilmember Michalson: I would like to propose a Committee of the Whole meeting to do a line by line of the budget, to review and revise the purchasing policy, discuss and develop a policy to address unpaid claims.

Mayor Gibson: Jenelle how would we do this?

Jenelle Berthoud: I first want to refer back to Pam if the audit is not complete and they haven't moved everything, do you want that to take place first and then you guys are looking at having a C.O.W. meeting?

Mayor Gibson: that is what I would suggest, what we found out today. We thought that the audit would be done March 9th and that is not the case, we don't know when they are going to be done.

Pam Sosa: they are requesting additional information.

Mayor Gibson: I don't have any issue with this, but as Jenelle said would you be open to wait until we are done with that part and then schedule.

Jenelle Berthoud: I can get with Pam and see when we are at that final and then go from that.

Councilmember Michalson: I would like to review rather than bog down everything.

Councilmember Lowell: is it just the revenue Pam that needs working on or is he also working on the expenditures.

Pam Sosa: it is both.

Mayor Gibson: it is both, and again we are going back to 2020 and it is kind of complicated. \$220,000.00 in the general fund from the sale of the land seems to have been spent. Okay that is what we will do is that okay with you Mr. Michalson?

Councilmember Michalson: that works fine.

Councilmember Barker: I just had a couple of citizens come to me about 2nd and Main it is really hard to get out on we know that it is a problem there, maybe there is a way to get a hold of department of transportation.

Mayor Gibson: I don't mean to interrupt, I met with the department of transportation in August and I met with the main person and they said that they would get back to us, they have not done that. In the next two weeks I am contacting the director of MDOT and point this out, we talked about Main and 2nd, Logan and Burnt Fork, walking bridge, what they did say in August about 2nd and Main is that they needed to do a traffic count. There are options: There needs to be another stop sign on Eastside, 2nd and Main.

Councilmember Barker: it is only going to get worse, with the subdivisions and the industrial park on Eastside HWY. it is only going to get worse. It is really hard, you know that they are not stopping at that 4-way stop.

Mayor Gibson: what I would suggest, is that the four of you and will give you the contact name for MDOT. I would hope that you would contact.

Councilmember Barker: as the public, they don't always get to see the packets, I would like to see the department heads at least the first council meeting of the month come back and give us a review.

Mayor Gibson: that is fine, Jenelle please make note of it and we will talk to the department heads.

Councilmember Barker: I think that it is very important for the public to hear it and not just see it in the packet.

Mayor Gibson: so, starting the first meeting in April we will start that, Jenelle please make note of that. April 13th, first meeting.

14. Executive Report

NONE

15. Adjournment

APPROVE:



Steve Gibson, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk

Jenelle Berthoud

From: Marsha and Jim Kalkofen <nisspak@brainerd.net>
Sent: Monday, March 6, 2023 10:09 AM
To: Steve Gibson; Bob Michalson; Stacie Barker; Cindy Brown; Nancy Lowell
Cc: Jenelle Berthoud
Subject: [EXTERNAL] Comments for March 9 Public Hearing
Attachments: Town Council BFE Hearing.doc

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.

Mayor and Council, I may be unable to attend Thursday's public hearing. My comments are attached. Please add them to the public comments.

Thank you, Jim Kalkofen, 287 Birch Lane, Stevi

Mayor Steve Gibson
Council President Bob Michalson
Council Members

The following comments relate to the March 9, 2023 public hearing regarding Phase One of the Burnt Fork Estates proposed subdivision.

This project request should NOT be permitted. Reasons follow:

1. When this subdivision was originally proposed, the Council imposed a condition that prior to any construction that a booster pump be installed. To my knowledge this has NOT occurred.
2. During a public meeting, the developer revealed a plat showing single story home lots to not block neighbor's views of the Bitterroot or Sapphire Mountains. The Phase 1 request indicates some R-1 lots would be exclusively for single story homes. A plat map should be printed for Council approval prior to voting.
3. Phase 1 lot sizes show different square footage measurements and revised lot locations from the original approved plat. The new request for Phase 1 assumes that these lots and descriptions can be arbitrarily changed from the original. Why? And How? Can this be?
4. Following up Item Number 3 above, the mayor's letter of May 11, 2021 states, "If the applicant proposes to change the plat after preliminary plat approval but before the final plat approval, the applicant shall submit the proposed changes, all supporting documents, and required fee to the Town of Stevensville for review." The response by the developer's consultant, John Kellogg, addresses this by stating, "No changes are proposed." I submit realigning Phase 1 lot sizes and shapes are changes that must be reviewed by the Town in advance of voting on the developer's Phase 1 request.
5. Until the Town knows it can adequately handle increased sewage loads and has the ability to provide water, this project should remain in its existing state.
6. Until water rights and place of use (BFE has neither) are resolved for this piece of ground, nothing should move forward.

7. Before voting on Phase 1, a matter of concern is the arbitrary name change of an existing Stevensville Street. The original Creekside development by Mr. Ellison listed the street coming off Creekside Drive between Syringa and Aspen Trail as Clover Lane. Clover was also the name on the original BFE plat. The current Town map labels that street Tamarack Trail. The Phase 1 plat now lists the street as Sassafras Street. What right does a developer have to pick a name that has no bearing on Town maps or past history of the land in question? I feel a hearing on a Town street name change must be held prior to any action on the request before the Council today.
8. I am unable to locate an updated traffic impact study, as requested by the Town preliminary approval. A 3-year old traffic study seems totally inadequate.
9. Not being an engineer, I would appreciate an explanation from the Town public works director on Condition Number 19. It states, "...with the exception of storm water facilities which shall be owned, operated and maintained by the Town of Stevensville. Common areas with storm water facilities shall be fenced." It appears the description of "ponds" as used when the development first came to light now means storm water facilities. Why would a developer assume the Town own, operate and maintain such an area? Has the Town budgeted such a long-term endeavor? What about liability? Future berm repair? Future culverts, piping, weed mitigation, etc? This matter needs more light shined on it prior to any approvals.

Many unanswered questions exist. Until they are researched and approved in advance, then and only then should the Council address any action about this proposal. The current request deserves a definite "NO" vote.

Sincerely,

Jim Kalkofen
287 Birch Lane
Stevensville