

APPROVED

Date 6/13/24

Stevensville Special Town Council Meeting Minutes

for MONDAY, MAY 06, 2024, 5:30 PM

CONDENSED MINUTES

1. Call to Order and Roll Call

Mayor Michalson called the meeting to order, councilmember Barker, Brown, Nelson, and Smith were all present.

2. Pledge of Allegiance

Mayor Michalson: asked to have the town clerk read a correspondence letter.

Jenelle Berthoud, Town Clerk: read a letter from Mayor Michalson. The letter stated the following:

“May 6, 2024, Town Council Members, at the April 25, 2024, Town Council Meeting I the mayor pardoned a citizen for receiving a citation after much thought I realized that I followed my heart and not the law and have learned a valuable lesson. I realize that I do not have the authority to pardon anyone for anything other than local ordinances and misdemeanors. As of May 2, 2024, I have returned the citation to the police chief, and he has reissued the citation to that citizen who will appear in court on May 22, 2024. Thank you, Bob Michalson Mayor.”

Mayor Michalson: thank you Jenelle, before we get to public comments, I would like to read this public participation from the MCA 2-3-103. Item C. (the code was read by Mayor Michalson).

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

NONE

4. Unfinished Business

a. Discussion: Property Cleanup Located at 523 E 3rd Street, Stevensville, MT, Berta Farms

Mayor Michalson: introduced unfinished business item a. Property Cleanup Located at 523 E 3rd Street, Stevensville, MT, Berta Farms

Greg Overstreet, Town Attorney: Greg gave an overview of the Berta Farms case. Citizens have filed a case and recently on February 14, 2024, Judge Lindt issued an opinion and said that the town needed to clean up the property. The town was not a party in this case. So, with the permission of the mayor, I filed a motion to the supreme court to be part of the case and the supreme court granted that. Berta Farms filed a motion for a stay. In that motion Berta Farms attached a letter saying that the town is fine with everything. And that was surprising to me, and we do want to abate the nuisance. The letter was sent to town hall, and I do not receive mail at town hall. The letter was a recap on the site visit with the mayor and Councilmember Brown. The town will comply with the order that we are now part of.

Councilmember Smith: as of right now we are good to go?

Greg Overstreet: yes, legally able to enter the property. The town was reluctant to enter if they were not part of the case.

Councilmember Smith: have you ever seen the supreme court get involved with garbage.

Greg Overstreet: it is very unusual for the supreme court to let someone enter a case. Area homeowners are asking what are you doing about this? The RFP is a good thing, if we attach ordinance violations to this then we could be in this for another 10 years.

Councilmember Barker: so, what happens if we have it all lined out here and the property owner comes with threats to the people entering the property, has he been told that he can't interact with these people. What is the guide for this?

Greg Overstreet: it would be a law enforcement issue. And I sent a letter that the town will abide by the order and needed the Berta Farms lawyer to understand that.

Councilmember Barker: I just see the safety of those.

Councilmember Brown: my question is that we are going to put this out for bid, and I am sure that we do not have the money to pay for this. Did the judge order how he would pay for this.

Greg Overstreet: the judge said, that we can look at the statute, put a lean on the property and sell the property.

Councilmember Brown: do we have a time period and we going to have to notice the property and then file the actual lien. Or can we go ahead and put the lien on it now.

Jenelle Berthoud: we do not have any bids yet, so we do not know how much money.

Greg Overstreet: I have been keeping track for Berta Farms, so we already have an expense. Once that we have that expenditure, we can file the lien and amend it.

Councilmember Brown: I just was not sure if it is like a mechanics lien.

Greg Overstreet: it is very vague, and it talks about how we can foreclose on the lien.

Mayor Michalson: I have sent two emails, one to the attorney, letting them know that our public works department will be mowing, and the second is that our building inspector will be doing a site visit.

Councilmember Barker: how are the other parties involved. Do they know what is happening.

Mayor Michalson: I am keeping them abreast of the case.

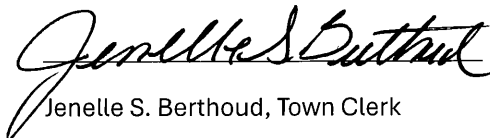
5. Adjournment

APPROVE:



Bob Michalson, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk