

Stevensville Town Council Meeting Minutes

for THURSDAY, AUGUST 08, 2024, 6:30 PM 206 Buck Street, Town Hall

CONDENSED MINUTES

1. Call to Order and Roll Call

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

2. Pledge of Allegiance

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

John Sneeberker, 120 Deer Haven Drive: climate change talk at the performing arts center in Hamilton.

Cheryl Olson, 10th street: thank you for your votes on the water and sewer rates, it takes strong leadership to look at that and make the decision to fix it.

Loey Knapp: I am here along with other neighbors to make comments about Berta Farms. Loey read the court order from February 14, 2024. Loey read the last page about the town abatement responsibilities. That was February 14th, no structure taken down, a few weeds taken down and the cars are still there, you are the town of Stevensville can you comment?

Mayor Michalson: I can comment, the town of Stevensville is very obligated. We have mowed and I have had our police chief issue three citations. He came to court and have pled not guilty, I have sent in our building inspector, and we have a report on that, as you know. Jenelle has reached out to the health department; he is living on the property without water and sewer, the daughter or the wife came into town hall and wanted to know if they could hook up water and sewer to the camper and as you know it is against town ordinance. I talked to Will about mowing. I have talked to Steve about the removal. We are going through the budget right now, but we are not sure that we can even afford to pay for the abatement and then put it on his taxes.

Councilmember Smith: do we have a health hazard?

Jenelle Berthoud: the county is not addressing that at this time.

Mayor Michalson: Loey it is a process and now that it is slowing down, we will continue to address it. The cars are inoperable, and they need to be removed, or a fence put up.

Loey Knapp: you understand that you are responsible.

Mayor Michalson: yes, we do.

Pat Groninger: the intent and the direction from the courts is one thing, the intent is another, we understand that this is not the only eye sore of the town, but this one is pretty big. We have to be careful when there is a minor involved. If something is not taken care of by you four councilmembers. We have a fire hazard; you guys have the equipment to take that

down and take it away. This has gone on for 30 years and the date has come around for you to take care of it. The other night you made a big decision, and now it is time to make another big decision. There is human life involved and it is really sad, living in cars, messing in their own yard, a fire hazard. I asked for you to form a committee because you are busy. If we don't get this going it is going to be another 20 years. We need to do something now or we are going to regret it.

Mel Cook: this court order is nothing to sneeze at and that judgement is big business. You are not going to convince me that we cannot find one person to clean this up. I have been fighting this for about 30 years, if the town does not do something you are going to get sued. I know that your plate is full, but I believe that this is a priority. I think that we, it is real for him when it is financial. We are going to let this go away, I appreciate what you have done, but it has been 6 months.

Pat Gronniger: can we get this on the next agenda for a committee.

Mayor Michalson: come and see me on Monday and we can put together an agenda item.

Jim Tadvick: 509 Mission Street, the other night we raised the rates, and I understand that, but I think that we need to raise the gallons from 3,000 back up to 10,000. I Googled how much water one person uses in a month; one person uses 3,000 gallons a month. I recommend that we increase that to 10,000.

Melissa Bailey: College Street, I want to start by saying I agree with the rate increase, but I do not agree with how this increase has been handled. In the meeting August 6th it was misrepresented as a hearing rather than a meeting where an action would be taken. The rate changes sent to residents were incorrect and the rate changes in the newspaper were incorrect and the rate changes at the meeting were not provided with adequate notice and town council rules says 48 hours' notice and then there is the right to examine documents. Several people requested documents before but were given documents 10 minutes before the meeting and those requests were ignored. Mis information on the second increase bounced back and forth between January and June of 2025. The notices sent to residents quoted a January rate change, newspaper reported a January rate change, and I believe you were looking at a January rate change at the beginning of the meeting and the document quoted a January rate change. If I am not mistaken it was a June rate change. In the Bitterroot Star August 7th the date was reported back to January 2025. The mayor keeps saying that this is a result of poor leadership of past administration and not a result of current. I believe that you are part of this because of poor administration in the past but how this administration handles the situation is yours. Do this rate change correctly, wait 48 hours to hold a meeting to vote, this will provide adequate time and let us know of the rates for several months. Do this with us rather than to us.

Sean Doyle: Stevensville Civic Club President, want to say thank you on behalf of the Civic Club. 111th Creamery Picnic was last weekend, thank you Stephen and your team. Comments that we got were the police presence of town and county, Chief Motley and his games. No rinsing off in the splash pad after the pig race, signs next year. Shuttles ran well. I

guess not enough trash cans so we will get more of those. Always thanks to Jenelle who helps me navigate all of the rules and such.

4. Approval of Minutes

NONE

5. Approval of Bi-Weekly Claims

a. Claims #19115, #19119-#19124, #19126-#19142

Mayor Michalson: introduced bi-weekly claims #19115, #19119-#19124, #19126-#19142.

Councilmember Barker: I make a motion to approve #19115, #19119, #19124, #19126, #19142.

Councilmember Nelson: 2nd.

Mayor Michalson: motion and a 2nd. Council discussion?

Councilmember Brown: I believe that the motion should have been #19119 through #19124 and #19126 through #19142.

Mayor Michalson: we will let the record stand corrected with what she just said. On claim #19136 First Call on the .gov project we do not have an answer back on that yet, gray area, not with GoDaddy but not over to .gov yet.

Councilmember Brown:#19121 buck wheat, ground maintance.

Stephen Lassiter, Public Works Director: that was a mistake that we bought buck wheat instead of grass seed.

Councilmember Nelson: #19122 windshield replacement times four, work vehicles and I see cemetery there.

Gina Crowe, Finance Officer: it is for the dump truck.

Councilmember Barker: the way that it reads it is broken into the different departments.

Gina Crowe: you will see that it is broken out of all funds.

Councilmember Brown: #19131, mag poles, paid by the town? Those are going to stay with the department, yes?

Gina Crowe: what happened there is when he went to pick those up, they would not bill the town, so we are reimbursing him.

Mayor Michalson: further discussion? any comments from the public on the claims? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 4-0.

6. Administrative Reports

a. Airport

Will Rowe, Airport Manager: gave his report that was provided in the packet.

b. Building Department

In the packet.

c. Finance

d. Fire Department

Jeff Motley, Fire Chief: gave his report that was provided in the packet. Stevensville fire is in a district, and we ranked 50th in fundraising that is up against paid departments, all those dollars stay in Montana. Had our fire fighter games was a good deal.

Mayor Michalson: so, who does the flushing of the fire hydrants?

Chief Motley: Public works does that and then they give us a report.

Councilmember Nelson: the missed calls, a call for service?

Chief Motley: it was a call for service and then they did not want anyone there.

Councilmember Smith: impressive on the fundraising, ranked 50 out of how many?

Chief Motley: I am not sure how many, but there are a lot.

e. Police Department

John Boe, Police Chief: gave his report that was provided in the packet. My first Creamery Picnic.

Councilmember Nelson: the bottom, victim notifies?

Chief Boe: that is a notification that we have to do by law when someone is released from jail. I have been involved in many events, but the Creamery Picnic was great.

Councilmember Nelson: I work night shift, and everyone said that they were impressed with the police presence.

f. Public Works

Stephen Lassiter, Public Works Director: report provided in the packet.

Mayor Michalson: I want to thank public works for all of their help with the Creamery Picnic.

Councilmember Brown: the pig races, is the ground or grass being repaired?

Stephen Lassiter: that pretty much stays, it has never had grass on it.

7. Public Hearings

a. 2nd Reading: Proposed Ordinance No. 171 an Ordinance Amending Town Code Section 14-35 and Repealing Town Code Section 14-36 Regarding Noxious Weeds

Mayor Michalson: introduced the public hearing. Proposed Ordinance No. 171 an Ordinance Amending Town Code Section 14-35 and Repealing Town Code Section 14-36 Regarding Noxious Weeds. At the last meeting you approved the first reading.

PUBLIC COMMENTS

NONE

8. Unfinished Business

a. Discussion/Decision: Resolution No. 551 a Resolution of the Town of Stevensville, Montana to Annex Portion of Land

Mayor Michalson: introduced unfinished business item a. Discussion/Decision: Resolution No. 551 a Resolution of the Town of Stevensville, Montana to Annex Portion of Land. The owners of this land would like this to be in a Resolution, Jenelle and I corrected some wording sent that back their attorney and here is the resolution.

Councilmember Nelson: make a motion to adopt Resolution No. 551 a Resolution of the Town of Stevensville, Montana to Annex Portion of Land.

Councilmember Smith: 2nd.

Mayor Michalson: motion and a 2nd. Council discussion? Public comment?

PUBLIC COMMENT

Trevor Motley: I guess that after reading this , they will be paying for these services. I just want to make sure that the citizens will not be paying for this.

Mayor Michalson: good point, yes, they will, just like in our subdivision regulations. Seeing no more comments, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Brown: no.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 3-1.

9. New Business

a. Discussion/Decision: Ordinance No. 171 an Ordinance Amending Town Code Section 14-35 and Repealing Town Code Section 14-36 Regarding Noxious Weeds (2nd Reading)

Mayor Michalson: introduced new business item a. Ordinance No. 171 an Ordinance Amending Town Code Section 14-35 and Repealing Town Code Section 14-36 Regarding Noxious Weeds (2nd Reading).

Councilmember Brown: I move that we approve Ordinance No. 171 an Ordinance Amending Town Code Section 14-35 and Repealing Town Code Section 14-36 Regarding Noxious Weeds (2nd Reading).

Councilmember Nelson: 2nd.

Mayor Michalson: motion and a 2nd. Council discussion? Public comment? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 4-0

b. Informational: Mission Street Water Main Replacement Contractor Pay Application

Mayor Michalson: introduced new business item b. Mission Street Water Main Replacement Contractor Pay Application. I did ask Eli if this was the final payment, and it is not the final payment, not until the project will be complete. No questions from the public or the council?

c. Discussion/Decision: Mitigation Pond Easement & Agreement between the Town of Stevensville and Mr. Reeves

Mayor Michalson: introduced new business item c. Mitigation Pond Easement & Agreement between the Town of Stevensville and Mr. Reeves. This goes back to June when we had a meeting to discuss water rights with Mr. Reeves, Ross Miller and others. (Mayor Michalson read through portions of the agreement with the council about connections to water and sewer.)

Councilmember Smith: I make a motion that we approve Mitigation Pond Easement & Agreement between the Town of Stevensville and Mr. Reeves.

Councilmember Barker: 2nd.

Mayor Michalson: motion and a 2nd. Council discussion?

Councilmember Barker: this is also about well #5?

Mayor Michalson: no this is about the ponds on his property. We need these ponds to help fill our reservoir.

Councilmember Barker: he can't touch these ponds?

Mayor Michalson: no, he cannot.

Councilmember Nelson: so, we are paying him to use these water storages?

Mayor Michalson: no these are wetlands. This is for water rights.

Councilmember Barker: here we go again, with the hook ups that he could if the water.

Mayor Michalson: if the water capacity is there at that time.

Councilmember Smith: he finances all of the hookups?

Mayor Michalson: yes.

Councilmember Brown: I feel that Mr. reeves needs the town as bad as the town needs the ponds. I feel that this will be adjusted many times before it is approved.

Councilmember Barker: this is just getting the process started?

Mayor Michalson: yes, this is a starting point, it will still have to come back to the council.

PUBLIC COMMENTS

Pat Groninger: how long has this negotiation been going on?

Mayor Michalson: started in May and I met in June.

Pat Groninger: how long has he owned the property?

Mayor Michalson: since 2019?

Pat Groninger: where we aware of the needs of those ponds when he purchased it.

Mayor Michalson: yes, the town was.

Pat Groninger: I know that we need to start something, but at some point, we need to make it right for the town and not just for him.

Mayor Michalson: when we met on the property he had his developer with him. He needs these hookups because he is not approved by the county.

Pat Groninger: the services require more and that is on their back not ours.

Councilmember Barker: this brings us closer to our water rights.

Mayor Michalson: it started with those three sewer connections and then when we met on his property, he then wanted 20.

Councilmember Brown: it was actually 30 plus the buildings on the property.

Pat Groninger: do we have to have those rights?

Mayor Michalson: yes, those rights that come with the ponds. We had an offer to buy it 2019 and the town did not. Any further comments from the council? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 4-0

d. Discussion/Decision: Mitigation Rights Transfer Agreement between the Town of Stevensville and Mr. Reeves

Mayor Michalson: introduced new business item d. Mitigation Rights Transfer Agreement between the Town of Stevensville and Mr. Reeves.

Councilmember Smith: I move that we approve Mitigation Rights Transfer Agreement between the Town of Stevensville and Mr. Reeves.

Councilmember Nelson: 2nd.

Mayor Michalson: motion and a 2nd. Council discussion?

Councilmember Nelson: we have the last say on that land being developed because of the water rights.

Mayor Michalson: no, we just have the water rights.

Councilmember Nelson: so, he can at any time let the land be developed and pollute that water?

Mayor Michalson: no. I will say on page 2 of 3. (read the section about hookups).

Councilmember Smith: do you foresee any problems with the DNRC.

Mayor Michalson: no, but it is going to take about 18 months to finalize.

PUBLIC COMMENT

Jeff Motley: will he have to be annexed in?

Mayor Michalson: yes, he has to, without annexation, no hookups. He still has a lot of surface water issues, so he has a lot ahead of him for it to be developed.

Pat Groninger: I would think that annexing him in is a must. Water rights can be worked out and he needs services we can provide it. it would seem foolish to not annex the property in.

Mayor Michalson: that is why we put the language in about the annexation. Further comments from the public? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 4-0

e. Discussion/Decision: Set a C.O.W. Meeting to Discuss a Utility Billing/Reduced Rate Program

Mayor Michalson: introduced new business item e. Discussion/Decision: Set a C.O.W. Meeting to Discuss a Utility Billing/Reduced Rate Program. Two nights ago, we had to discontinue the program. How about the first week in September? How about the Wednesday, September 4th at 6:00 pm.

Councilmember Nelson: I make a motion that we have a C.O.W. meeting to discuss the Utility Billing/Reduced Rate Program on September 4th at 6:00 pm.

Councilmember Smith: 2nd.

Councilmember Barker: we are drawing it up and then to the town attorney. Can the attorney be present. I understand that it is going to cost us.

Mayor Michalson: I can ask him to come to the meeting.

Councilmember Nelson: how much is it going to cost us?

Mayor Michalson: \$200.00 per hour.

PUBLIC COMMENT

Jim Tadvick: I still think that we need to look at the 10,000-gallon amount.

Sara Lucas: thank the council for putting this on the agenda tonight.

Pat Groninger: is there any way to take ideas from the public with concerns and then submit to everybody.

Mayor Michalson: any other comments.

Councilmember Brown: since we are having the COW meeting already can we incorporate the number of gallons on that meeting.

Mayor Michalson: yes, any further comments? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 4-0

f. Discussion/Decision: Resolution No. 552 a Resolution of the Town of Stevensville, MT Providing for the Reversal and Reimbursement of the Budget for the Fiscal Year 23/24

Mayor Michalson: introduced new business item f. Resolution No. 552 a Resolution of the Town of Stevensville, MT Providing for the Reversal and Reimbursement of the Budget for the Fiscal Year 23/24. This is basically a house cleaning issue.

Councilmember Brown: I move that we approve Resolution No. 552 a Resolution of the Town of Stevensville, MT Providing for the Reversal and Reimbursement of the Budget for the Fiscal Year 23/24.

Councilmember Nelson: 2nd.

Mayor Michalson: motion and a 2nd. Council discussion? Public comment? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 4-0

g. Discussion/Decision: Approval of Police Officer Contract for the Town of Stevensville Police Department

Mayor Michalson: Introduced new business item g. Approval of Police Officer Contract for the Town of Stevensville Police Department. This is a contract that they said existed, but we could not find it. Chief Boe got together with our town attorney and Greg reviewed it and Gina reviewed it and here it is.

Chief Boe: one of the changes that I talked about prior to going to speak to him. To be signed after they graduate from the academy. The goal is now to have a start date of the competition of academy with three years from that date.

Councilmember Nelson: we pay for their training?

Chief Boe: yes, we pay for their training, the agreement states that if you do not fulfill the time then there would be a pay back amount.

Mayor Michalson: an example would be Cassi that gave a verbal agreement to the county, after she came out of the academy. It becomes a revolving door at times. With this contract it is a way for us to recoup some of our expenses.

Councilmember Smith: do I read this right; it is up to three years?

Chief Boe: that is correct, example would be that if after a year and a half they were to leave us they would pay half back to the town.

Mayor Michalson: any comments from the public?

Jenelle Berthoud, Town clerk: I need a motion and a 2nd please.

Councilmember Smith: I move that we approve the Police Officer Contract for the Town of Stevensville Police Department.

Councilmember Nelson: 2nd.

Mayor Michalson: motion and a 2nd. Any further comments from the council? Public comment?

PUBLIC COMMENT

Jeff Motley: we have them sign a three-year commitment but if they leave within year one, we only have them reimburse part of our investment. I do not know why we would do that, what is keeping them here. I do not see if this has any value to it.

Chief Boe: we figured that we have about \$5,000-\$9,000 invested.

Jeff Motley: why are we not asking for the whole thing back?

Gina Crowe: it is an MMIA thing.

Jeff Motley: okay, give it away. I find this interesting that this comes forward after we have met and approved. We were told that there was this contract, we have never seen a contract and then it just came up. Town has got to get their stuff together.

Vicki Motley: my question is. Wouldn't all of the officers that are currently on staff have to sign this once that it goes into effect.

Chief Boe: I did not but will be signing this.

Gina Crowe: when they were hired it was part of their offer letter.

Mayor Michalson: when the officers came on, we could not find this agreement and that is when we contact Greg and MMIA and they gave us guidance and told us that we could have them sign a contract.

Melissa Bailey: (unclear audio)

Chief Boe: yes, they will be signing these contracts as early as tomorrow.

Councilmember Smith: what if they do not pass the academy?

Chief Boe: that is not a bridge that we have come to, yet I do not see that happening.

Gina Crowe: there is a process that we go through, and that process gives us an indication that they will pass academy or not.

Chief Boe: they are given a psychological screening, field training, and we have a pretty good idea on how they are going to do.

Melissa Bailey: so, I want to clarify, if they do not want to complete academy would we get that back?

Chief Boe: yes. Both of my guys have taken a pre-course for the academy before they go.

Vickie Motley: is there something in writing that says that they will give that back.

Chief Boe: they will sign the contract before they go to the academy.

Melissa Bailey: so, they sign the contract, but the three year does not start until they are done with academy.

Chief Boe: yes.

Councilmember Nelson: so, they work with us for a year the obligation they are then going to pay for the amount that was not met.

Mayor Michalson: if they quit.

Chief Boe: just so everybody knows, there are agencies that will buy out contracts.

Public comment: is there a buyout fee?

Chief Boe: the cost comes out to be about \$8,500.00 if the agency were to pick up that cost, then we would still get our items back.

Will Rowe: that might be a good idea to have a buyout fee? Because they can come in and buyout an officer for only \$4,000.00.

Chief Boe: if Ravalli County is paying more, than it is a no brainer for them. We can keep our officers with our hiring practices and training.

Trevor Motley: leaving this employment clause it is pretty simple I don't see anywhere where they have to pay it if they should terminate their employment.

Chief Boe: other agencies usually do not require that.

Trevor Motley: I just did not see it in there so I thought I would bring it up.

Mayor Michalson: keep in mind that this whole contract was drawn up by our town attorney.

Trevor Motley: I have seen things that our town attorney has written before.

Councilmember Barker: I do have to say the dollar figure needs to be in there and we get burned every time.

Chief Boe: it is a good idea, but the cost of training is going to change every year.

Gina Crowe: I think that we could back ourselves up with receipts.

Trevor Motley: what if they should be paying the whole thing back.

Chief Boe: I thought that would be typical, they did not find that to be appropriate.

Jeff Motley: something has to be done.

Mayor Michalson: any other comments? Seeing none, Jenelle, would you take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 4-0

10. Board Reports

NONE

11. Town Council Comments

Councilmember Nelson: I want to clarify my abstaining at the last meeting. I abstained on the program because I did not understand the legal portion. I want to apologize for my vote.

Councilmember Barker: I want to say that this is one of the toughest weeks as a councilmember and yes there are a lot of things that need to be changed, and I would like to see some of the things that were brought up tonight be moved forward.

12. Executive Report

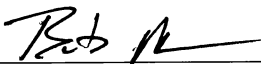
Mayor Michalson: I was appointed to the board of directors for MMIA, I will be going to the first conference next week. I want to say a few things about Tuesdays meeting it was brought up that we held an illegal meeting so I would like to clarify that. Under MCA 2023 chapter 13 recited the code for municipal water and sewer notices. Jenelle put it in the paper three times which is required by law she put that in on July 26th, she put the date and time of the public hearing, address and telephone number and further information on the hearing was also sent to all water users with the proposed rates. It was also brought to our attention that we held an illegal meeting and that we did not give a 48-hour notice. Well in council rules regular meeting. This is a special meeting. There is no such thing as a 48-hour notice in the council rules, the council may want to put that back in there. It is not state law it is a just a suggestion to give 48-hour notice. This was a rate proposal subject to change, that is the

councils right to change that. To have a member of the public say that we are holding an illegal meeting is one thing but when you have a member of the council and said that we were holding an illegal meeting is huge, that is huge the press eats that up. The press is looking for that and they would sue the town and say that we held an illegal meeting. And not only that but you have opened up litigation from the clerk the town clerk sets the meetings, and she is very careful to make sure that it is done right and to be accused of saying that it was an illegal meeting, she could have a field day with that. You get an attorney, and I am sure that she could make a lot of money off of that, we have to be very careful when we say things at meeting because they have actions. And number two stated that the numbers were not correct. You are the governing body of the council every money that is spent in this town goes through you; you approve the claims every two weeks. It is your obligation to take the time to do the research, ask questions, go in, you have the privilege to getting everything at your disposal in there through Jenelle or Gina. The public has that right too, but they need to put in a request and pay a little money, but you have that at your disposal. So, any member of this governing body questions the numbers she is a bonded finance officer, so she is very careful. Any of you, if you question the numbers, I have to question what you are doing here.

13. Adjournment

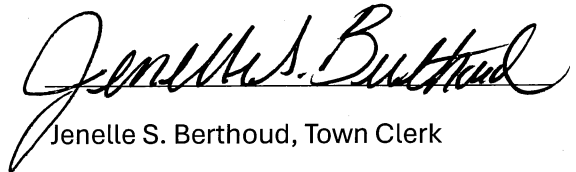
(Councilmember Smith: this is not over.)

APPROVE:



Bob Michalson, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk