

**Stevensville Town Council Meeting Minutes****for THURSDAY, OCTOBER 24, 2024, 6:30 PM 206 Buck Street, Town Hall**

## 1. Call to Order and Roll Call

Mayor Michalson called the meeting to order. Councilmember Barker, Nelson and Smith were all present. Councilmember Brown has an excused absence.

## 2. Pledge of Allegiance

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

Sarah Urfer, Owner of Berta's Farm 523 E 3<sup>rd</sup> Street. Found the pre meeting conversation about Berta's Farm interesting. I would like to ask this council and mayor Michalson why the town has decided to spend thousands of dollars of taxpayer money on legal fees in order to insist a set of private citizens and what for me has been a long campaign by our neighbors against my family. Particularly when I have offered repeatedly and in writing to the town to address any legitimate issues the town has identified and absolutely no cost to the town. Meanwhile the town has many bigger issues such as the ongoing water and sewer issues that need the towns attention and resources and effect every citizen of the town. I have for anybody listening or here supporting documentation on the things that I will be talking about and will provide if anybody would like it. I attempted to meet with our neighbors Pat Groninger, Mel, Susan and Louie the first week of April this year. I tried to understand exactly what it was they wanted since this has been going on longer than I have been alive. In that conversation I was informed by Pat Groninger that this was our punishment from god, for the way that we have lived our lives. And after that Loey suggested that we should sell the property, and she would like the opportunity to buy it. At that point I conclude that there was not a lot that could come out of this conversation, and I left in tears. It now appears that the tool that our neighbors went to use to administer this alleged punishment from god is the town and its resources. Since then, Mel and Pat have done their best along with Loey to come after us and it is disturbing to me that the town has without question bought into their story and that have adamantly refused to engage in any discussion with me or my council. For example, during the 8/22 council meeting there was alleged increased activity in the basement of the old house on the property as if this is somehow precarious, why the town council cares how much we go in and out of this space I do not understand however I would like to point out the reason that we go in and out of this space is because there is a natural spring that comes up on our property and we have sump pumps to drain it so that we do not have issues with water. At the time that the house was built it was used to cool milk jugs and now it has to be drained. I

requested an opportunity to provide a perspective to this council along with additional facts to the council by requesting an agenda item I was denied that request being told that this is an issue for the courts, however that limitation has never been placed on Pat or Mel or Louie. This is not the first time the town council has specifically singled us out as an example in 2010 Pat Groninger stated in a town council meeting that specific ordinances were intended to get Frank, who is my father that lives on the property this was in 2010, and those council recordings have been provided to the town clerk as supporting evidence. The previously denied request for inspections needed in order to complete the construction of the building on our property and now the town says that they have no records of this permit or for the add on to the existing building where we have the original permit and all of the sign offs at the request of the town we allowed the towns building inspector to come and look at the building and the permit, despite multiple requests to you, Mayor Michalson, we were never provided with a copy of that report from the town inspectors and eventually I was forced to contact them directly to get a copy it was not actually a report just an email. Since then, I have again talked to those inspectors and have confirmed the steps needed to renew the prior permit that I am currently working on. I have never come to a town council meeting demanding that the town site one of our neighbors whose has a garage that has ongoing construction and appears to have somebody living in it. I have never asked the town to site our neighbor that has an inoperable truck in their field and outdoor storage that is not shielded from public view. Yet at the demand of citizens that you do something we were cited at your request, Mayor Michalson, for three different alleged ordinance violations and every single one of them was dropped by the town attorney. Historically the town has lost six prior cases that they have brought against us as well. Berta's Farm property has been a farm since the early 1900's the land is our livelihood and our home we live in constant fear of having our home invaded, our property destroyed, our crops mowed down, our animals displaced or possibly killed by massive mowers and our way of life destroyed. With the constant fear of who is watching us after 2017 our neighbors hired drown operators to film our property while my seven-year-old sister was playing on the land. This year a trespasser that unfortunately was never found came onto the property filming and filmed my sister. We had to call the cops; the chief of police had someone there in less than three minutes unfortunately we were not able to find the trespasser. Through all of this my father has been fighting for his life this has included five long hospitalizations for sepsis in the last two years. Two major surgeries that he had to be flown to Colorado to have, four minor surgeries and ongoing treatment, his wife battles an autoimmune disease and my little sister who is a minor lives in constant fear of when her home will be invaded again. It is hard to understate how horrifying it is for us to feel unsafe in our own home due to the actions of the town and our neighbors and how that lack of security impacts our ability to heal and have a happy

home. Since every attempt to have a discussion with the mayor about this issues has been shut down since April, I am here to attempt to get answers why us, why this way when there are other options. Thank you.

Mayor Michalson: Thank you, Sarah.

Sarah Urfer: do I need to fill this out?

Jenelle Berthoud: yes, please.

Sarah Urfer: thank you for your time.

Mayor Michalson: yes, thank you. Any other public comments on anything that is not on the agenda?

Jim Dietz, 215 Park Ave: I have watched what goes on at Franks since the 70's. It is bull shit. The best part of growing up in the Bitterroot Valley was you never knew you had a neighbor until something goes wrong and they were the first ones to come. (unclear audio) and their daughter they do not deserve this they are just trying to live their life. I do not know how this is driven or who has put anyone up to this. (unclear audio) you live your own standards you live your life. I just can't understand why anyone would get involved, if you are going to spend money on something you need to spend some money on those cottonwood trees going up third. You probably have \$120,000 worth of trees there. Don't (unclear audio) into the pond. This guy does not need to be crucified. He is a good guy; he comes over we have fun. Easiest going neighbor I don't know where the problem lies when it started it was first about two or three great Pyrenees dogs that Frank had he was living here single then, you guys have gotten him to live as a nocturnal person you will see him working all through the night with a headlamp on because he is so worried about who is coming by and taking pictures of his interactions, it just makes no sense to me. So, you know out of the goodness of your hearts I would say we just leave him alone, enough of the bull shit that is going on, nobody in town needs it and as far as Mel he is legally discredit, Loey I don't know anything about her, and Pat I don't know why he has an edge out for Frank and if it is gods will maybe something will happen to Pat first. So, that is all that I have to say.

Mayor Michalson: thank you. Any other public comments that are not on the agenda?

#### 4. Approval of Minutes

a. Town Council Meeting Minutes 10/10/2024

Mayor Michalson: introduced approval of minutes, town council meeting minutes 10/10/2024.

Councilmember Nelson: I make a motion that we approve the town council meeting minutes 10/10/2024.

Councilmember Smith: 2<sup>nd</sup>.

Mayor Michalson: motion and a 2<sup>nd</sup>. Comments from the council?

Councilmember Barker: approval of bi-weekly claims there is a mis spelling of Smith.

Mayor Michalson: any other comments on the minutes.

Councilmember Barker: sorry, page 5 Cody Anderson is mis spelled.

Mayor Michalson: any other comments from the council? Public comments? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 3-0

## 5. Approval of Bi-Weekly Claims

### a. Claims #19290-#19313

Mayor Michalson: introduced approval of bi-weekly claims #19290-#19313.

Councilmember Barker: make a motion to approve claims #19290-#19313.

Councilmember Nelson: 2<sup>nd</sup>.

Mayor Michalson: motion and a 2<sup>nd</sup>. Discussion from the council?

Councilmember Barker: is everything in for MR Asphalt for Spring and Railroad, repair and replacement and I also see department of revenue on that is it part of that?

Mayor Michalson: yes.

Robert Underwood, Finance Assistant: I talked with Gina we should be done with that.

Councilmember Barker: I just saw three different claims on that, so I just wanted to make sure where we were at.

Robert Underwood: just like the airport, it comes in like this.

Jenelle Berthoud: and one is for Spring, and one is for Railroad.

Mayor Michalson: the one for Spring, there is right that at Peterson Place and at Van Tassels, there is a low spot, and we fixed that and down the road there is another low spot, so we had Marty, Caleb with HDR and VanTassel were all there and I approved the fixes. When they get that done there will be one more bill for about \$9,000.

Councilmember Barker: #19303, Missoula Fire Equipment is this for like fire extinguishers?

Mayor Michalson: yes, that is the annual when they come in and inspect and do all of the fire extinguishers every year, it has to be done every year.

Councilmember Nelson: 19309, all of the above are these tools for public works or something.

Robert Underwood: yes, they go there to get their supplies.

Councilmember Nelson: okay, thank you.

Councilmember Barker: #19311, portable generator for water pump. \$645.05.

Mayor Michalson: yes, we had to buy a generator because when we had the leak on Spring Street earlies this summer, we did not have a generator, we have not had one forever, the generator that we were using was Steve Kruse's he had lent it to the town, he told Stephen that he would like it back so after the leak I told Stephen to get one.

Councilmember Barker: okay.

Mayor Michalson: any other comments from the council on the claims? Any comments from the public on the claims? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Smith: aye.

Councilmember Nelson: aye.

Mayor Michalson: passes 3-0

## 6. Public Hearings

### a. Budget Amendments for Fiscal Year 2023/2024

Mayor Michalson: introduced the public hearing for budget amendments for Fiscal Year 2023/2024. When we passed the budget, we were told by Robert that we would be coming back with amendments.

No comments from the public.

## 7. Unfinished Business

a. Discussion/Decision: Resolution No. 557 a Resolution of the Town of Stevensville, Montana to Establish Irrigation and Sprinkling Days & Times

Mayor Michalson: introduced unfinished business a. : Resolution No. 557 a Resolution of the Town of Stevensville, Montana to Establish Irrigation and Sprinkling Days & Times. Instead of 7 pm it is to 6 pm.

Councilmember Barker: I make a motion to approve Resolution No. 557 a Resolution of the Town of Stevensville, Montana to Establish Irrigation and Sprinkling Days & Times.

Councilmember Smith: 2<sup>nd</sup>.

Mayor Michalson: motion and a 2<sup>nd</sup>. Discussion from the council?

Councilmember Barker: under the watering hours for hose watering, we did change that to 6 pm down where it says no watering on Sundays and no watering from noon to 7 pm. Shouldn't that be, there is no watering at all on Sundays, why is that there?

Jenelle Berthoud: there is no watering on Sundays and there is no watering any day between noon and 7:00. I see what you are saying, and no one suggested this so you can make an amendment.

Mayor Michalson: we changed it to 6 pm so we should change that one to read no watering between noon and 6 pm.

Councilmember Barker: on Sundays there is no watering at all why would we have that.

Jenelle Berthoud: there are two things. Not only do we have our even address and odd address, hose watering and automatic. You also have no watering on Sundays and no watering any day between noon and 7 pm.

Councilmember Barker: but we do need to change that.

Mayor Michalson: yes, we can do that.

Councilmember Barker: I think that it was just overlooked.

Mayor Michalson: any other comments from the council? Any comments from the public? Seeing none, Jenelle, would you please take the vote.

Jenelle Berthoud: this is for resolution no. 557, with an additional correction to no watering between noon and 6 pm.

Mayor Michalson: correct.

Councilmember Barker: aye.

Councilmember Smith: aye.

Councilmember Nelson: aye.

Mayor Michalson: passes 3-0

## 8. New Business

a. Discussion/Decision: Resolution No. 558 a Resolution of the Town Council of the Town of Stevensville, Montana, Providing for the Amendments of the Budget for the Fiscal Year 2023-2024

Mayor Michalson: introduced new business item a. Resolution No. 558 a Resolution of the Town Council of the Town of Stevensville, Montana, Providing for the Amendments of the Budget for the Fiscal Year 2023-2024.

Robert Underwood: we have a couple of things from last years budget. One is the building code enforcement. The five lighting districts all went over as you can see, and that is just the cost of the electricity. For whatever is in that lighting district and whatever they charge us is what we are going to pay.

Mayor Michalson: so, Robert, when we approved the lighting districts earlier, we did not put enough in?

Robert Underwood: more than the 30% than we had, but this is last year's budget, and everything went over.

Mayor Michalson: so, we have amended it to bring it up to speed for this year.

Robert Underwood: correct, we don't know about it until August when you get your final bill. The last one is a simple one, we never know how much the fireman's disability is going to be for the retirement fund. Their check is usually for around \$5,000 and they got a check for over \$7,000. There was a fat finger when this was sent out, so take off the 3.

Councilmember Smith: I move that we adopt Resolution No. 558 a Resolution of the Town Council of the Town of Stevensville, Montana, Providing for the Amendments of the Budget for the Fiscal Year 2023-2024.

Councilmember Nelson: 2<sup>nd</sup>.

Mayor Michalson: motion and a 2<sup>nd</sup>. Discussion from the council? Public comment? Seeing none, Jenelle take the vote.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Councilmember Barker: aye.

Mayor Michalson: passes 3-0

#### b. Informational: Cash Report & Budget vs. Actual Report

Mayor Michalson: introduced new business item b. Cash Report and Budget vs. Actual report. To keeping with our three-month report.

Robert Underwood, Finance Assistant: start with Cash Report. This is the amount of cash in our funds. You will see that the five lighting district funds are negative, and they will be negative all the way up until November when the tax bill comes in and then we get another one in May. Police training fund has a lot of money there. One thing is when you go down to the water funds 5210, we have talked about this, there is going to a resolution to move some of this money around for the capital fund. We do that so that we can have money for our next project, even moving that money we are still two to three years out to build it back up and that is the same thing for the sewer. Questions?

Councilmember Barker: 5230 ARPA project, you see that negative and a lot of people do not understand what the project went towards.

Robert Underwood: the ARPA project was the big project from last year and this summer this was that reimbursement program and now we will wait until we receive our amount and make that account zero. We are just waiting on our check.

Mayor Michalson: I just signed off on the last payment to Emerine today. 5620 the airport project.

Robert Underwood: Budget vs. Actual Report. We still have quiet a bit of money left and that is good. The airport money just came in and then a small match from the airport.



Mayor Michalson: we got some good news from Brian Germane we are going to do a master plan, and the FAA is going to help get us a really nice fuel station.

Councilmember Barker: is this the fuel station that we have been working on to get.

Mayor Michalson: no, this is a different one.

Councilmember Smith: so, we are going to get rid of the tank?

Mayor Michalson: yes, under the new grant we can.

Robert Underwood: they first have to do maintance and improvements before we ask for funding of the fuel station. It will bring in about \$1,000 a month and help pay this back. Next is budget vs. actual same funds, you will see at the end of October we are normally at 33% we only have about 7 days left, and we are just about there in the general fund. You will see in the lighting funds that we are less; they do not bill us on electricity used it is when they are on. The BARSSA funds are at 61% spent, with what you just passed will take it to 100%. Same with the ARPA. I listed the general fund because that is our biggest fund is at about 28%. Public safety at 34% in their accounts, so we are right on track. Question is where are we at with the budget right now.

Mayor Michalson: what about our interest.

Robert Underwood: we had the biggest check last month. Total interest is over \$90,000.

Councilmember Barker: and that is because we moved our money.

Robert Underwood: we used to make like \$500 per month, now we are getting 3-4% on our money right now, \$90,000 since January so we will be over \$100,000 by the end of the year.

Councilmember Barker: we had it in three different banks, correct.

Robert Underwood: yes, it is not in a CD so we can access it at any time. It is a pretty good deal for us.

Councilmember Barker: and it is not concerning if something happened?

Robert Underwood: no, they have to give us pledged securities they have to go out and buy us an insurance policy. The audits check that to make sure all of the money in municipal towns and government have a pledged securities with them.

Councilmember Barker: I would hate to have that happen, after we moved it from several different banks to one.

Robert Underwood: they send us the pledged securities every month, and we have to give that to the auditor.

Mayor Michalson: any other comments from the council? Any comments from the public?

#### PUBLIC COMMENT

Larry: what bank did you move to?

Robert Underwood: First Security Bank. Their main bank is Clearwater Bank.

#### c. Discussion/Decision: McNeill's Tree Service Agreement

Mayor Michalson: introduced new business item c. McNeill's Tree Service Agreement. We declared a disaster and we went to a meeting in Hamilton, and they told us that we had to have an arborist to look over our trees. The state will pay for this, and this is a step that we have to do. It is the same as Hamilton's.

Councilmember Smith: I move to adopt McNeill's Tree Service Agreement .

Councilmember Nelson: 2<sup>nd</sup>.

Mayor Michalson: motion and a 2<sup>nd</sup>. Discussion from the council?

Councilmember Smith: I noticed that it is \$125.00 per hour how many trees do you think they are going to be looking at.

Mayor Michalson: there are a lot, taken pictures of all of the trees and documented, well over 100 that includes our cemeteries and park.

Councilmember Smith: well, I know where six of them are.

Councilmember Nelson: if I was reading correctly, this is just a visual inspection that they will charge us for or will they actually do work on the trees.

Mayor Michalson: just a visual and then she will write a report with the findings and then give it to us and then we give it to the state.

Councilmember Smith: would you have a guess on how much this would cost.

Mayor Michalson: not a clue.

Councilmember Barker: this will be reimbursed for this because this is part of that windstorm.

Mayor Michalson: yes, every penny will be reimbursed by the state, disaster funding. And when we passed the emergency mill levy, we have exhausted that. I have been in contact with Hamilton and have been following them.

Councilmember Smith: thank you.

Mayor Michalson: any other comments.

Councilmember Barker: this is not something that we had to put out for bid.

Mayor Michalson: no, she is the only one around the valley. Any other comments from the council? Any other comments from the public? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Nelson: aye.

Councilmember Smith: aye.

Mayor Michalson: passes 3-0

d. Informational: Special Event Permit for Country Christmas and Parade of Lights

Mayor Michalson: introduced new business item d. Special Event Permit for Country Christmas and Parade of Lights.

Sean Doyle, President of Stevensville Civic Club: Country Christmas December 6<sup>th</sup>, parade route, stage on Main Street, two fire pits and I know that Chief Motley still has to look at those, Cenex and Storybrook Medicine. Carriages, music and storytelling. Requesting approval for the permit at the next town council meeting because there are a couple of pieces that we are still waiting on. So figured that I would come and see if there were any questions or concerns. MDOT is taking longer than usual.

Councilmember Barker: are you going to do the coloring contest again this year?

Sean Doyle: yes, that is a town thing.

Jenelle Berthoud: the town does that.

Sean Doyle: we skipped last year with all of the transitions. Mayor Michalson flipped the switch and even made it snow.

## 9. Board Reports

NONE

## 10. Town Council Comments

NONE

## 11. Executive Report

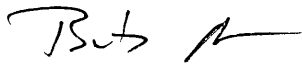
Mayor Michalson: Cleanup of leaves and debris is winding down I want to thank Public Works for their efforts they have worked a lot as you all know all summer long. There are leaves falling now, and I talked to Stephen we will still pick up leaves. On 10/10/24 had a meeting with Ross Miller, Jenelle, Stephen and Cindy and it looks like 18 months to get things resolved. We have some other things in the works that should help us resolve it sooner. I have some good news and was talking to Andrena and with all of the meters that we are changing, that magic number of 15 million gallons leaking every month, we are down to 11 million gallons. I had a meeting with Jennifer Baldison with DNRC she took a tour with Cody Anderson down at the plant, that is part of her job, and she asked me to have a meeting with her and Gina and we will look at the next steps for grants, it is good news, people are starting to notice us, and they are reaching out to help us. That is all that I have.

12. Adjournment

Councilmember Nelson: motion to adjourn.

Councilmember Smith: 2<sup>nd</sup>.

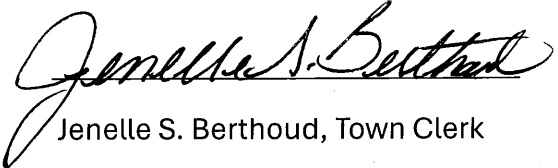
APPROVE:



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Bob Michalson, Mayor

ATTEST:



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Jenelle S. Berthoud, Town Clerk