



**Stevensville Town Council Meeting
Agenda for
THURSDAY, JANUARY 23, 2025
6:30 PM
206 Buck Street, Town Hall**

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Public Comments (Public comment from citizens on items that are not on the agenda)
4. Approval of Minutes
5. Approval of Bi-Weekly Claims
6. Public Hearings
 - a. 2nd Reading: Ordinance No. 172, Amending Chapter 24, Establishing a No Parking Zone at and Around 515 Main Street, Stevensville MT
 - b. 2nd Reading: Ordinance No. 173, Repealing Town Code Sections 10-117 - 10-125 and Adopting New Town Code Sections 10-126 - 10-131 Regarding Land Use Variances
7. New Business
 - a. Discussion/Decision: Ordinance No. 172, Amending Chapter 24, Establishing a No Parking Zone at and Around 515 Main Street, Stevensville MT
 - b. Discussion/Decision: Ordinance No. 173 Repealing Town Code Sections 10-117 - 10-125 and Adopting New Town Code Sections 10-126 - 10-131 Regarding Land Use Variances
 - c. Discussion/Decision: RFP for Leak Detection of Town Water Lines
8. Board Reports
9. Town Council Comments
10. Executive Report
11. Adjournment

Welcome to Stevensville Town Council Chambers

We consider it a privilege to present, and listen to, diverse views.

It is essential that we treat each other with respect.

We expect that participants will:

- ✓ Engage in active listening
- ✓ Make concise statements
- ✓ Observe any applicable time limit

We further expect that participants will refrain from disrespectful displays:

- ✗ Profanity
- ✗ Personal Attacks
- ✗ Signs
- ✗ Heckling and applause

Guidelines for Public Comment

Public Comment ensures an opportunity for citizens to meaningfully participate in the decisions of its elected officials. It is one of several ways your voice is heard by your local government. During public comment we ask that all participants respect the right of others to make their comment uninterrupted. The council's goal is to receive as much comment as time reasonably allows. All public comment should be directed to the chair (Mayor or designee). Comment made to the audience or individual council members may be ruled out of order. Public comment must remain on topic, and free from abusive language or unsupported allegations.

During any council meeting you have two opportunities to comment:

1. During the public comment period near the beginning of a meeting.
2. Before any decision-making vote of the council on an agenda item.

Comment made outside of these times may not be allowed.

Citizens wishing to speak during any public comment period should come forward to the podium and state their name and address for the record. Comment may be time limited, as determined by the chair, to allow as many people as possible to comment. Comment prior to a decision-making vote must remain on the motion before the council.

Thank you for observing these guidelines.

File Attachments for Item:

a. 2nd Reading: Ordinance No. 172, Amending Chapter 24, Establishing a No Parking Zone at and Around 515 Main Street, Stevensville MT



Stevensville Town Council Meeting

Agenda Item Request

To be submitted BEFORE Noon on the Wednesday immediately preceding the Thursday agenda publishing deadline (8-days ahead of the meeting).

Agenda Item Type:	Public Hearing
Person Submitting the Agenda Item:	Bob Michalson
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/23/2025
Agenda Topic:	2 nd Reading: Ordinance No. 172, Amending Chapter 24, Establishing a No Parking Zone at and Around 515 Main Street, Stevensville MT
Backup Documents Attached?	Yes
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/23/2025
Notes:	The following ordinance will establish a no parking zone between Tad Lange Park and the south property line of 515 Main Street. Montana Department of Transportation has requested an Ordinance be in place before No Parking signs can be installed. This area of Main Street is dangerous to motor vehicles and pedestrians due to the limited distance of site when traveling south bound. Stevensville Town Attorney, Greg Overstreet assisted in the writing of this Ordinance and he has given approval of this document to come to the public for comment and the town council for approval. 1 st reading took place at the 01/09/2025 town council meeting.

ORDINANCE NO. 172

AN ORDINANCE AMENDING CHAPTER 24, ESTABLISHING A NO PARKING ZONE AT AND AROUND 515 MAIN STREET, STEVENSVILLE, MT

WHEREAS, the curves at and around 515 Main Street, Stevensville, Montana create a safety hazard when vehicles are parked there;

WHEREAS, Town Code § 24-268(a) provides, “No person shall stop, stand or park any vehicle upon such roadway unless such vehicle can be seen by the driver of any other vehicle approaching from either direction within 500 feet and unless drivers approaching from opposite directions are visible to each other when both are at least 500 feet from the vehicle to be stopped, turned or parked, except in cases of justifiable emergency.”;

WHEREAS, Town Code § 24-273 provides, “The parking of motor vehicles on particular streets or parts of streets within the municipality is controlled by the regulations of this chapter and other ordinances of the municipality. When appropriate signs are erected, giving indication of such regulations, no driver of a vehicle shall disobey the direction of any such sign.”;

Street	From	To	Side of Street where No Parking Signs are Placed
Main Street	Entrance of Tad Lange Park	Entrance of Stevensville Museum	West side of Main Street Between Tad Lange Park. and 515 Main St.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF STEVENSVILLE, MONTANA:

Section 1. “No Parking” signs shall be posted at entrance of Tad Lange Park, (South), Main Street to the south property line of 515 Main Street.

Section 2. This ordinance shall be in full force and effect thirty (30) days after public hearing and final adoption by the Town Council.

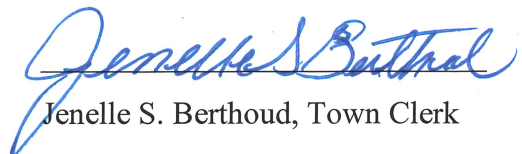
Passed on First Reading by the Town Council of the Town of Stevensville, Montana this 9th day of January 2025.

Approved:



Bob Michalson, Mayor

Attest:



Jenelle S. Berthoud, Town Clerk

Passed on Second Reading by the Town Council of the Town of Stevensville, Montana this
_____ day of _____ 2025.

Approved:

Attest:

Bob Michalson, Mayor

Jenelle S. Berthoud, Town Clerk

File Attachments for Item:

b. 2nd Reading: Ordinance No. 173, Repealing Town Code Sections 10-117 - 10-125 and Adopting New Town Code Sections 10-126 - 10-131 Regarding Land Use Variances



Stevensville Town Council Meeting

Agenda Item Request

To be submitted BEFORE Noon on the Wednesday immediately preceding the Thursday agenda publishing deadline (8-days ahead of the meeting).

Agenda Item Type:	Public Hearing
Person Submitting the Agenda Item:	Bob Michalson
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/23/2025
Agenda Topic:	2 nd Reading: Ordinance No. 173, Repealing Town Code Sections 10-117 - 10-125 and Adopting New Town Code Sections 10-126 - 10-131 Regarding Land Use Variances
Backup Documents Attached?	Yes
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/23/2025
Notes:	<p>The following ordinance will repeal town code sections 10-117 – 10-125 and replace with sections 10-126 – 10-131 regarding land use variance processes to comply with the 2023 legislation changes.</p> <p>Stevensville Town Attorney, Greg Overstreet brought this change to the attention of the administration and has written this Ordinance, and he has given approval of this document to come to the public for comment and the town council for approval. 1st reading took place at the 01/09/2025 town council meeting.</p>

ORDINANCE NO. 173

**AN ORDINANCE REPEALING TOWN CODE SECTIONS 10-117 – 10- 125 AND ADOPTING
NEW TOWN CODE SECTIONS 10-126 – 10-131 REGARDING LAND USE VARIANCES**

WHEREAS, the Town of Stevensville enacted Town Code §§ 10-117 – 10-125 in 2001 regarding land use variances;

WHEREAS, the Town of Stevensville amended these sections in 2015;

WHEREAS, the Legislature enacted MCA Title 76, Chapter 25, Part 5 in 2023 regarding land use variances;

WHEREAS, the 2001 and 2015 Town Code provisions were inconsistent with the 2023 legislation; and

WHEREAS, the Town of Stevensville wishes to harmonize its land use variance process to comply with the 2023 legislation;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF STEVENSVILLE, MONTANA:

Section 1. The Town Code of Stevensville §§ 10-117 – 10-125 are hereby repealed.

Section 2. The Town Code of Stevensville is hereby amended as shown in Exhibit A.

Passed on First Reading by the Town Council of the Town of Stevensville, Montana this

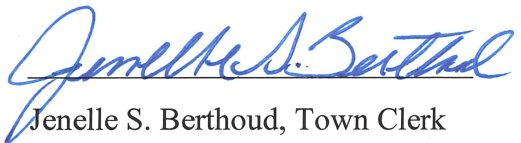
9th day of January 2025.

Approved:



Bob Michalson, Mayor

Attest:


Jenelle S. Berthoud, Town Clerk

Passed on Second Reading by the Town Council of the Town of Stevensville, Montana this

_____ day of _____ 2025.

Approved:

Bob Michalson, Mayor

Attest:

Jenelle S. Berthoud, Town Clerk

Exhibit A to Ordinance No. 173

Sec. 10-117. Board created.

~~The board of adjustment is established to act on variance applications as detailed in this division. Said board shall consist of the mayor and town council members.~~

~~(Res. No. 168, § 16.90.010, 3-26-2001; Ord. No. 154, § 2, 1-8-2015)~~

Sec. 10-118. Board staff.

~~The staff of the town shall be at the disposal of the board to receive and process applications of appeal and to give advice to said council.~~

~~(Res. No. 168, § 16.90.020, 3-26-2001; Ord. No. 154, § 2, 1-8-2015)~~

Sec. 10-119. Board powers and duties.

~~The board shall set its operating rules in accordance with MCA 76-2-323 and shall have the following powers:~~

- ~~(1) — To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto.~~
- ~~(2) — To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.~~
- ~~(3) — More specifically, the board may, after public notice and hearing, approve, approve with conditions or deny any request to modify the following requirements of this chapter:
 - ~~a. — Setback requirements;~~
 - ~~b. — Yard requirements;~~
 - ~~c. — Area requirements;~~
 - ~~d. — Height requirements;~~
 - ~~e. — Parking requirements;~~
 - ~~f. — Loading requirements;~~
 - ~~g. — Expansion or creation of nonconforming uses of land and structures.~~~~
- ~~(4) — The concurring vote of four members of the board shall be necessary to reverse any order, requirements, decisions or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation of this chapter.~~

(Res. No. 168, § 16.90.030, 3-26-2001; Ord. No. 154, § 2, 1-8-2015)

Sec. 10-120. Procedures.

(a) — Written application for appeals or modifications (variance) shall be filed in the office of the town clerk. Notwithstanding any other provisions of this chapter, a standard fee in the amount established in accordance with section 10-28 shall be paid to the town upon filing of each application for the purpose of defraying expenses incidental to proceedings. No application will be regarded as having been filed until such fee has been paid.

(b) — The board shall cause to be made such investigation of facts bearing on the application as will provide necessary information to ensure that the action on each such application is consistent with the intent and purpose of this chapter. During time of appeal, all construction shall cease and shall not recommence until approved by the board of adjustment.

(Res. No. 168, § 16.90.040, 3-26-2001; Ord. of 5-12-2003; Ord. No. 154, § 2, 1-8-2015)

Sec. 10-121. Hearing and notice.

(a) — There shall be a hearing for each application of appeal or modification. Said hearing shall be held at an appointed time and place. Testimony shall be taken by the board from persons interested in said application and from the town planning and zoning board.

(b) — The town clerk shall give public notice of all public hearings to be held before the town board of adjustment as provided in MCA 7-1-2121.

(c) — Said notice shall specify the number, date, time and place of all scheduled public hearings. It shall state the name and address of the applicant, the name and address of the owner of record of the property, a legal description of the property affected, the street address or its location by approximate distances from the nearest major street or road intersection so that the property can be easily identified, and a brief statement of the nature of the hearing.

(d) — In addition to such publication, the town clerk shall post same notice of public hearing on or before the date of the first published notice on the site in question as well as on one or more additional locations, visible to the general public, within the affected area as deemed appropriate by the town clerk or zoning administrator.

(e) — Notice of public hearings shall be made available to all newspapers, radio and television stations serving the jurisdiction for use as a public service announcement.

(f) — Notice shall also be sent by mail on or before the date of the first published notice to the applicant and owners of record or their legal representative of the subject property, as well as to the owners of record of all parcels within 500 feet of the perimeter of the subject property. The number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in determining the 500-foot requirements. Mailed notice shall also provide a map of the area in question so as to indicate the project's general location and proximity to surrounding properties.

(g) — If, for some reason, a required property owner fails to receive mail notification of a scheduled public hearing, or if one or more of the required posted signs in the area or on the site for which the public hearing is being held is inadvertently removed through no fault of the town, this in no way shall invalidate the legal notice requirement of the scheduled public hearing.

(h) — Notice may also be provided to property owners in any additional area that may be substantially impacted by the proposed variance as determined by the town clerk or the zoning administrator.

(Res. No. 168, § 16.90.050, 3-26-2001; Ord. No. 154, § 2, 1-8-2015)

Sec. 10-122. Approval.

In approving applications of appeal or modifications, the board shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare, and shall find as follows:

(1) — Such modifications will not be inconsistent with the intent and purpose of this chapter and/or any adopted master plan.

(2) — That strict compliance with the provisions of this chapter would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property or the prevalence of similar conditions in the immediate vicinity of the property.

(3) — That such modifications will have minimal adverse effect on abutting properties or the permitted uses thereof.

(4) — That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare, which provisions may include:

a. — A time period within which the proposed structure will be erected.

b. — Required landscaping and maintenance thereof.

c. — Requiring the surfacing and marking of off-street parking and loading areas.

d. — Any other conditions as will make possible the development of the town in an orderly and efficient manner and in conformity with the intent and purpose set forth in this section.

(Res. No. 168, § 16.90.060, 3-26-2001; Ord. No. 154, § 2, 1-8-2015)

~~Sec. 10-123. Conditions of approval.~~

~~Any approval under this section shall be subject to the terms of the conditions designated in connection therein.~~

~~(Res. No. 168, § 16.90.070, 3-26-2001; Ord. No. 154, § 2, 1-8-2015)~~

~~Sec. 10-124. Appeals from the board of adjustment.~~

~~Any person or persons, jointly or severally aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the board.~~

~~(Res. No. 168, § 16.90.080, 3-26-2001; Ord. No. 154, § 2, 1-8-2015)~~

~~Sec. 10-125. Time decision effective.~~

~~The decision of the board of adjustment shall be final as provided in section 10-124, and if a building permit or land use permit is not obtained for the subject property within six months from the day of the board's decision, the variance shall be automatically cancelled and become null and void.~~

~~(Res. No. 168, § 16.90.090, 3-26-2001; Ord. No. 154, § 2, 1-8-2015)~~

Sec. 126. Application for Variance

The process of obtaining a variance starts with an applicant making an application to the Town's planning administrator.

(MCA 76-25-502(6).)

Sec. 127. Criteria for Variance Application

The five criteria the planning administrator must apply are:

- (1) The variance is not detrimental to the public health, safety or general welfare;
- (2) The variance is due to conditions peculiar to the property, such as physical surroundings, shape, or topographical conditions;
- (3) Strict application of the regulations to the property results in an unnecessary hardship to the owner as compared to others subject to the same regulation and that is not self-imposed;
- (4) The variance may not cause a substantial increase in public costs; and
- (5) The variance may not place the property in nonconformance with any other regulations.

(MCA 76-25-502(4).)

Sec. 128. Appeal to Planning Commission

An appeal of the planning administrator's decision can be made to the Planning Commission. A written appeal must be submitted to the Planning Commission within 15 business days of the planning administrator's decision. An appeal must state the facts and raising all grounds for appeal that the party may raise in district court. The Planning Commission can only overturn, in whole or in part, the planning administrator's decision if it is arbitrary, capricious, or unlawful.

(MCA 76-25-503.)

Sec. 129. Appeal to Town Council

An appeal of the Planning Commission's decision can be made to the Town Council. A written appeal must be submitted to the Town Council within 15 business days of the Planning

File Attachments for Item:

a. Discussion/Decision: Ordinance No. 172, Amending Chapter 24, Establishing a No Parking Zone at and Around 515 Main Street, Stevensville MT



Stevensville Town Council Meeting

Agenda Item Request

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Person Submitting the Agenda Item:	Bob Michalson
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/23/2025
Agenda Topic:	Discussion/Decision: Ordinance No. 172, Amending Chapter 24, Establishing a No Parking Zone at and Around 515 Main Street, Stevensville MT
Backup Documents Attached?	Ordinance No. 172 is attached to the Public Hearing Section of this agenda.
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/23/2025
Notes:	<p>1st discussion/decision took place at the 01/09/2025 town council meeting and the town council voted in favor with a 4-0 vote.</p> <p>The following ordinance will establish a no parking zone between Tad Lange Park and the south property line of 515 Main Street. Montana Department of Transportation has requested an Ordinance be in place before No Parking signs can be installed. This area of Main Street is dangerous to motor vehicles and pedestrians due to the limited distance of site when traveling south bound.</p> <p>Stevensville Town Attorney, Greg Overstreet assisted in the writing of this Ordinance and he has given approval of this document to come to the public for comment and the town council for approval.</p>

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b. Discussion/Decision: Ordinance No. 173 Repealing Town Code Sections 10-117 - 10-125 and Adopting New Town Code Sections 10-126 - 10-131 Regarding Land Use Variances



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File Attachments for Item:

c. Discussion/Decision: RFP for Leak Detection of Town Water Lines



Stevensville Town Council Meeting

Agenda Item Request

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Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/23/2025
Agenda Topic:	Discussion/Decision: RFP for Leak Detection of Town Water Lines
Backup Documents Attached?	Choose an item.
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/23/2025
Notes:	In 2019 leak detection of the towns water lines was performed. An updated report is needed to help with identification and next steps to prevent water loss within town limits.