



**Stevensville Town Council Meeting  
Agenda for  
THURSDAY, APRIL 27, 2023  
6:00 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
  - a. [Town Council Meeting Minutes 04/13/2023](#)
5. Approval of Bi-Weekly Claims
  - a. [Claims #18312-#18330](#)
6. New Business
  - a. Informational: Denning, Downey & Associates Presentation of the 2020/2021 and 2021/2022 Audits
  - b. Discussion/Decision: Gravel Pit Funding Source for the Stevensville Airport
  - c. Discussion/Decision: Skydive Montana Hanger Lease Proposal, Lot 5 Block 6 of the Stevensville Airport
7. Board Reports
8. Town Council Comments
9. Executive Report
10. 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. Town Council Meeting Minutes 04/13/2023

**Stevensville Town Council Meeting Minutes**

**for THURSDAY, APRIL 13, 2023, 6:00 PM 206 Buck Street, Town Hall**

**CONDENSED MINTUES**

1. Call to Order and Roll Call

Mayor Gibson called the meeting to order. Councilmembers Barker, Brown, Lowell, and Michalson.

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. Town Council Meeting Minutes for 03/23/2023

Mayor Gibson: introduced approval of minutes for 03/23/2023.

Councilmember Barker: make a motion to approve meeting minutes for 03/23/2023.

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

Mayor Gibson: motion and a 2<sup>nd</sup>. Public comment? Any discussion on the minutes?

Councilmember Michalson: Page 9 paragraph 3, all councilmembers need to say "aye".

Jenelle Berthoud, Town Clerk: I think that was an item that was not actually voted on, but I will double check that sir.

Councilmember Michalson: Page 15, I can bring it up at the public hearing agenda. You had made a comment that we were going to get back to Nancy about the \$57,000 legislature bill and that we could use that as we see fit, and that it would be on tonight's budget amendments.

Mayor Gibson: I was wrong, it is not on the budget amendments reviewing it further we get it every year.

Councilmember Lowell: what is it?

Robert Underwood: it is the city's share from the state that we get every three months.

Mayor Gibson: further discussion on the minutes, seeing none, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

5. Approval of Bi-Weekly Claims

a. Claims #18284-#18311

Mayor Gibson: introduced approval of bi-weekly claims #18284-#18311.

Councilmember Lowell: I will make a motion to approve the bi-weekly claims #18284-#18311.

Councilmember Michalson: 2nd

Mayor Gibson: motion and a 2<sup>nd</sup>. Public comment? Any discussion on the claims?

Councilmember Michalson: supply ditch #18292, \$345.00. I have never seen this on the claims before is this something new, it says a yearly one.

Pam Sosa: I believe that you had it last year.

Councilmember Lowell: it is your supply ditch water rights.

Councilmember Michalson: okay. Claim #18293, Optical Scientific, I know that we said this many times that this is for the AWAS, we always spend so much money on it that is mandatory, we have to have it.

Pam Sosa: Yes, we do, it is an FAA requirement.

Councilmember Michalson: Claim #18305, New Fields, water rights, for \$4,800.00 you had mentioned in the minutes that you would be at a ZOOM meeting with Ross Miller are you going to give us a report.

Mayor Gibson: I was going to give that in the executive report. We are getting close.

Councilmember Barker: #18294, Mountain Air insurance, services, renewal on liability insurance I am assuming that this is part of the airport?

Pam Sosa: Yes.

Councilmember Barker: To touch base, it is not a claim on here but from the prior, Go Daddy Renewal website, you guys were going to meet with Kelly Grimes with First call, did we get a final bid.

Jenelle Berthoud: we went back through, changed a few units that we are not using we should see something before the end of the month.

Councilmember Brown: #18307, more of a question for Jenelle I see that you have for milage to the county clerk and recorder, my question is, is that for recording documents, putting documents into record?

Jenelle Berthoud: that one was too, I met with the developer at the time that were holding the paperwork on a final plat, and I needed to be down there to stamp that.

Councilmember Brown: I was just going to say that there is a program out there that the town might want to look into it is called Simple File and you can upload your documents and they go directly to the clerk and recorder. That might save you some time.

Mayor Gibson: we will look into that; this is the first time it happened. Any other questions on the claims? 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: introduced administrative reports, Tim Smead is on vacation and Steve Kruse is stranded in Florida. We do have the chief and Mr. Motley and Pam is here and if you have any questions on the reports for those people that are here.

Councilmember Barker: I would like to hear the reports.

a. Airport

b. Building Department

c. Finance

d. Fire Department

Chief Motley: gave his report to the council (report was provided in the agenda packet).

Councilmember Lowell: I did not notice on here I was curious on the fireman's disability are you still doing the books Vickie, I noticed that it is not on here for any expenditures it is not even listed the number the 7120. That money goes to the town and then distributed, and I am just curious why it is not listed here because it is state money.

Chief Motley: I think that you will see it in a budget amendment.

Robert Underwood: it is a pass through, theoretically we do not have to put it on there because we have to give it to them, so we don't even get to look at it. You will see on the budget amendment, theirs and the police fund.

Councilmember Lowell: I know that there are two of them, it just seemed odd to me. And how are you doing with your retirees?

Chief Motley: our numbers are staying pretty even, looking at 10-20 years down the road, we will probably stay. We did have an actuary look at it years ago. We have found that the number of

individuals going on retirement and the number of individuals coming off of retirement. We are losing more than what we are putting in. I would be the next one to draw retirement, and after me it is like seven years before another individual can.

e. Police Department

Chief Sosa: gave his report to the council (report was provided in the agenda packet). In coordination with the fire department and the building inspector's office we will be starting with the build out at town hall, that is not going to cost the town anything it is going to come from the funds from the chili cook off. Hope to get that done, the office space that we are currently at expires August 31<sup>st</sup>, so we have time to get back to town hall.

Mayor Gibson: I just want to add that you talked about this Councilmember Michalson from day one about bringing police back here the community wants to. Mac and everyone else has worked very hard on this in fact it will save us over a \$1,000.00 per month once we get back here.

Councilmember Lowell: you will be in the old police office?

Chief Sosa: we will be in the old police office; we are planning on a 10x30 expansion.

f. Public Works

7. Public Hearing

a. Discussion/Decision: Resolution No. 513a, a Resolution Providing for the Amendments, Revisions and Additions of the Budget for the Fiscal Year 2022-2023

Councilmember Michalson: I wanted to address something. If you can bear with me for a second, I think that it is important. I missed this too, and fellow member Barker brought this to my attention, and we need to look into it. It has to do with the discussion decision where you have a public hearing and an agenda item all in the same format. On 9/1/22 we had a public hearing and then below that we went to new business and that is where we had the discussion. And then on 9/8/22 we had a public hearing and then below we adopted the budget. 9/28/22 we had a public hearing and had the audit and everything on one. I started to look into and all that I could find is that you can vote on it but you can't vote on it, unless to suspend. So, I went to the council rules and the council rules say the same thing, just to get it right, I don't have a problem doing it this way, but I think that we should have it legal.

Mayor Gibson: Robert, this is the way that we talked about it. We have multiple years here it is part of the audit. We have to do this.

Jenelle Berthoud: I need to answer this, if I understand you correctly Councilmember Michalson you want to see that they are discussing the three items and then voting under new business. That is what you are implying.

Councilmember Michalson: correct.

Jenelle Berthoud: I had just gone off of how we had done the last budget amendment. I totally see what you are saying.

Councilmember Michalson: I had gone back to 2016 and that is how we had done it.

Jenelle Berthoud: I apologize for that I had it done it that way because I just copied what we had done. You guys are going to have to decide if we are going to continue on with this or if it is going to be tabled and moved to the next council meeting now. It has already had a public hearing, so you guys have to decide.

Councilmember Barker: from here forward I think as a public hearing it is a discussion not a decision then it needs to go to new business, I think that tonight we go ahead and do what we have and then follow.

Councilmember Michalson: that is what I said.

Mayor Gibson: it is up to you, I don't care.

Councilmember Barker: you do care I hear you say this, you do care.

Mayor Gibson: excuse me, I do care, we have to get it done, I don't care on how you do it is what I am saying. That is all that I said.

Councilmember Michalson: from here on out I would like to go the way it was before where we have a public hearing close the public hearing and then go to new business.

Mayor Gibson: introduced public hearing item a. Resolution No. 513a, a Resolution Providing for the Amendments, Revisions and Additions of the Budget for the Fiscal Year 2022-2023.

Councilmember Michalson: make a motion to approve Resolution No. 513a, a Resolution Providing for the Amendments, Revisions and Additions of the Budget for the Fiscal Year 2022-2023.

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

Mayor Gibson: motion and a 2<sup>nd</sup>. Public comment? Robert, we are going to need you to explain, how do you want to.

Robert Underwood: I can explain, this is for budget amendment for this fiscal year, remember we passed a budget amendment there was a discussion about the ARPA money and that we were going to have to move money to pay for our portion of the grant, we have not gotten that money yet, so we have kind of screwed up our numbers. We may get that money by the end of the year. What it also did is when the audit was done it has now changed the numbers. What we are going to do, I will go through them one by one, there is some wording that is off. Increase the general fund and that was for the audit increase and insurance, and we forgot to calculate the employer contributions. We already passed that; the wording should say expenditure increase fund 1000.

Mayor Gibson: please make clear what you want that to say so that the council can amend that.

Robert Underwood: needs to have the addition of the word "increase".



Councilmember Lowell: this is from what type of money?

Robert Underwood: from the general fund.

Councilmember Lowell: so, you are not transferring from somewhere else?

Robert Underwood: we will be. That same issue goes to the next one, all of the ones that are lined out are the ones from before and we are not having to do this now. We go to the second page, same amount as we had before.

Councilmember Lowell: the thing that had me confused on this particular one, ARPA and you are putting it into the general and it is water.

Jenelle Berthoud: they are looking at the original one.

Robert Underwood: this was done from the last administration, we received two different monies, he put it in the American rescue fund, and it just sat there.

Mayor Gibson: I think that part of the confusion is the ARPA and the American rescue fund. There is the recent ARPA money for leaks and there was the American rescue money that was already here.

Robert Underwood: that was already passed, and nothing has changed in that one, the only thing that I would change is that same wording, expenditure "increase" in fund 5210 water.

Jenelle Berthoud: I need to clarify something, Mr. Underwood provided you at the table the original resolution to compare, you guys are looking at the 513 and that might be where you are getting confused.

Councilmember Lowell: I don't have page 42.

Jenelle Berthoud: Nancy you have 513a in front of you and the 513 is the original one that was made, Mr. Underwood made you copies to compare to.

Councilmember Michalson: 513a is the modification one, correct.

Robert Underwood: correct, it has been the same as the one in the past, at the bottom of page 2, to the expenditures we forgot to add in Mr. Netzley contract and the increase in insurance, building fund, water fund, sewer fund. We added these. On the next page you can see the increase on the master plan for airport, when we get that money, it comes in and then goes out for the project. The next three are new ones, the drug forfeiture account.

Councilmember Michalson: the marijuana money you said that we were going to get that.

Mayor Gibson: we have not seen it yet.

Robert Underwood: we have gotten about \$3,000.00 from the state, but no paper from the state to verify that. The gaming money we get paperwork on that. That is different from the drug forfeiture fund. The next one is for the bond fund, let's go one below that, the fireman's fund. It is just a pass-through amount, let's go back up to the bond payment fund, this came out in the audit, since the bond payment is an expense of the water fund back in the day they set two

different funds, it says on the bill, water and sewer, the auditor looked at it and we can put it into one. We have to show by resolution for the ARPA fund where our match is coming from.

Councilmember Lowell: if it is a water payment you can only use that for water. You can't combine them.

Robert Underwood: not according to the auditors, this is a revenue fund, he is going to come and explain this to us at the next meeting. We had some audit findings on this about the water and sewer.

Councilmember Lowell: that is what they always say, but it seems that there is plenty of money.

Robert Underwood: theoretically our water bond costs \$91,000.00 per year and we collect more than that, so I have been trying to fight this since I have been here, and nobody wants to touch water and sewer. I have always said that we don't make enough money and then we go in the hole and now we have an audit finding because we have not met our bound requirements in either of those funds.

Councilmember Lowell: I just can't believe that the water and sewer aren't self sufficient they always have been it is a revolving.

Robert Underwood: there has not been an increase in two years.

Councilmember Lowell: even without an increase I think that there is still enough money that it certainly should not be going in the hole. There is too much spending on other things.

Robert Underwood: we have had Montana Rural water come in twice and they have said we are not making it.

Mayor Gibson: actually, it will come up next meeting from the auditor, the auditor is making a recommendation that we make an increase.

Councilmember Lowell: I would really hate to see that, because there are so many people struggling right now, \$100.00 per month is a huge amount, just my thought.

Mayor Gibson: I agree, there will be time to address this with the auditor.

Robert Underwood: increase that for the project, so this will show the people with the state where our match is coming from. Transfer from the American rescue into the general fund and that was one to cover, audit, utility increase and insurance, and it also puts it in the general fund with what is remaining. The last one that we forgot in the budget and to make it simpler in 2021 the prior mayor decided to pay all of the gas out of the street fund, and we needed to reimburse that from water and sewer.

Mayor Gibson: How are you proposing the amendment read.

Robert Underwood: on page one it should say increase, on the second page it should say the same thing.

Mayor Gibson: can we have a motion to amend that?

Councilmember Barker: where does it put some of those funds at then when we do all of these amendments right now.

Robert Underwood: that is a huge discussion that we were going to go over, give them the (unclear audio) this is before moving the funds, we are not in the hole at the top, I have two tax vouchers, but they don't match so I am waiting to talk with Dan Whitesitt.

Mayor Gibson: I am going to ask the council and Robert if we took a brief recess and write out what you want.

Robert Underwood: one more thing, as long as I have worked here, we have always been at 3.4 million and now we are about \$500,000 ahead.

Mayor Gibson: We are better than we have ever been at this time. Can we have a recess, how long would it take? Can you do this in about 10 minutes.

Councilmember Barker: is it just a lot of missed on our part or missed on things that were to come through and did not come through.

Robert Underwood: we caught that early on, and we did the budget amendments. As we did the AFR, it kind of balanced out everything, it was a timing thing.

Councilmember Lowell: why are we transferring money from water and sewer, they both have a lot of money in them.

Robert Underwood: we are not transferring into them, the only ones that we are transferring to are the general fund and the capital improvement fund.

**RECESS TO CORRECT WORDING IN RESOLUTION 513a TO PRESENT BACK TO COUNCIL**

Mayor Gibson: called the meeting back to order. Asked the council to review the changes that were just made. You have the proposed language in front of you, take some time to review it.

Councilmember Michalson: are we going to make a motion and a 2<sup>nd</sup> on the highlighted.

Councilmember Michalson: I make a motion to approve the amendment of 513a of an increase in the general fund.

Councilmember Barker: 2<sup>nd</sup>

Mayor Gibson: motion and a 2<sup>nd</sup>, any further discussion on that amendment. Seeing none, public comment. Jenelle, we are taking the vote on that amendment.

Councilmember Michalson:

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

Councilmember Barker: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

Councilmember Michalson: I make a motion to amend Resolution 513a to include expenditure increase to fund 5210.

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

Mayor Gibson: we have a motion and a 2<sup>nd</sup>, any further discussion on that amendment? Seeing none, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0. That covers the amendments and now we are back to passing Resolution 513a as amended.

Councilmember Michalson: I make a motion to approve Resolution 513a to include the amendments that we just approved.

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

Mayor Gibson: motion and a 2<sup>nd</sup>. Any further discussion, seeing no public comment. Jenelle, please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

b. Discussion/Decision: Resolution No. 516, a Resolution Providing for the Amendment of the Budget for the Fiscal Year 2020-2021

Mayor Gibson: introduced public hearing item b. Resolution No. 516, a Resolution Providing for the Amendment of the Budget for the Fiscal Year 2020-2021.

Councilmember Michalson: make a motion to approve Resolution No. 516, a Resolution Providing for the Amendment of the Budget for the Fiscal Year 2020-2021.

Councilmember Lowell: 2<sup>nd</sup>

Mayor Gibson: motion and a 2<sup>nd</sup>. Questions for Robert?

Councilmember Barker: So, looking at some of these, where are we sitting at on those funds again, the one question was the Jean Thomas Fund. We are amending this so where does it put that fund at.

Robert Underwood: the cash balances that I handed out, this is money that is already spent.

Councilmember Barker: this is stuff that was done by the prior council.

Mayor Gibson: Robert correct me if I am wrong, I think when they gave the money to the splash pond.

Robert Underwood: it looks like we spent \$164,000 in the general fund, the problem was we received CARES money and we bought computers and fixed the door over here, those should have been reimbursements. We should have reimbursed with a journal voucher, and it did not get done, the AFR did not get done, it fell through the cracks after the election. Jean Thomas, \$25,000 to the water park, there was no budget amendment for that and \$11,400 for the new playground and cedar fence at Father Ravalli Park.

Mayor Gibson: but there is still money left in the Jean Thomas Fund.

Councilmember Barker: \$16,000.00 which is a shame, and that money should have come to the Park Board.

Robert Underwood: and the last one was the capital improvement which was the police car. Bottom line is we bought two police cars over those two years, and it took so long that one of them went into the next year.

Mayor Gibson: just remember that this is all 20/21.

Councilmember Barker: can the prior council be held accountable for these type of things that we are now dealing with I mean it is a question, we are now having to come back and take care of some of these funds that are in the negative. It is a question and asked by many, can we go back at the prior council.

Mayor Gibson: maybe that is a question for Mr. Overstreet.

Councilmember Barker: after going for training for stuff in the past, whoever goes past that in that fund is held accountable for it, why can't we as a town hold these people accountable for what they have done.

Robert Underwood: I do know that the town can be sued by a citizen, it happened in Kalispell.

Councilmember Barker: we are looking at so many of these accounts, it is putting a big strain on everything.

Mayor Gibson: I agree 100% again I don't see how we could do that.

Greg Overstreet, Town Attorney: I don't know the specific answer, even if there were a way to have previous councilmembers or members of the administration, I would be surprised if they were held personally responsible, and the other thing is the town would need to file a suit and that would cost a lot of money and then if a suit was filed, we could be flagging a way for other

people to sue the town and then the town would have to cross sue the councilmembers that in their personal life probably don't have the money, so I guess what I am saying is the litigation process would be very inefficient, it is not a great way to resolve disputes generally.

Councilmember Barker: we have to be very diligent, having these reports in front of us all the time. So, we know where we are standing. I think right now that it is so random that we are seeing them. I think that the taxpayers of the town are the ones that are going to suffer from this.

Mayor Gibson: I think not from a legal standpoint. The other unfortunate thing is some of these people that were paid are not responsible and they have been paid and that would become an issue too. I don't disagree with you when you have a chance, and you look where we are at with the current budget we are doing really well. It has been tough, and next year might be tighter, I don't disagree with you, I just don't see how we can go back.

Councilmember Michalson: we were talking out there about the audit and on the building code it has to do with the excess, what happens there.

Robert Underwood: we have it every year. If it gets passed there is a legislature bill.

Mayor Gibson: there is a bill going through the legislature right now, that could give some more spending authority for that money which would be a good thing.

Councilmember Michalson: basically, this has already been spent and now we are cleaning up the previous administration's mistakes and putting everything back into place.

Robert Underwood: these will be in the audit; it is not hiding anything it is just cleaning up some paperwork.

Mayor Gibson: motion and a 2<sup>nd</sup>. Jenelle, please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

c. Discussion/Decision: Resolution No. 517, a Resolution Providing for the Amendment of the Budget for the Fiscal Year 2021-2022

Mayor Gibson: introduced new business item c. Resolution No. 517, a Resolution Providing for the Amendment of the Budget for the Fiscal Year 2021-2022.

Councilmember Michalson: make a motion to approve Resolution No. 517, a Resolution Providing for the Amendment of the Budget for the Fiscal Year 2021-2022

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

Mayor Gibson: motion and a 2<sup>nd</sup>. Any questions for Robert on 517.

Councilmember Brown: this is more or less the same reason?

Robert Underwood: this all had to do with 3<sup>rd</sup> Street. Overage.

Mayor Gibson: any other questions on 517? Seeing none, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

## 8. Unfinished Business

a. Discussion/Decision: Draft Letter to Owner of Phase I Burnt Fork Estates on the use of the Logan Lane for Construction

Mayor Gibson: introduced unfinished business item a. Draft Letter to Owner of Phase I Burnt Fork Estates on the use of the Logan Lane for Construction. I received a call from former Councilmember Wolff and Mr. Overstreet. It should say Sassafras not Syringa. You can proceed how you wish but for your information in the past couple of weeks someone has bought two of those lots and they are going to be doing the building of those places and it will not be Mr. Jessop. I am not saying don't send this letter, I am just saying that he has sold two and he knows that he has to pull building permits. You can move forward with this and that is fine, and we will do that, but just wanted to let you know.

Councilmember Barker: so, on all of the lots it is a different builder?

Mayor Gibson: just two, according to the person that bought these two lots the other lots are not for sale at this time. I don't know if that means Mr. Jessop is going to build houses or someone else.

Councilmember Lowell: I drove by there and I would think that it would be easier to use Logan where they have their gate.

Mayor Gibson: if you recall, Councilmember Barker brought this from the homeowner's association (HOA) that they requested that they not use Creekside Drive that comes into Sassafras for construction because they have another access off of Logan.

Councilmember Lowell: I would think that it would be easier for the trucks to get in there instead of in Creekside.

Mayor Gibson: if you look at it closely what they did was move the cow fence and I am assuming that it is still their intent to put cows out there. If you want to send this letter to Mr. Jessop, he is not going to be building those two houses, however he might be building other houses.

Councilmember Barker: I personally feel that we should move forward with the letter, he is aware that this has been a discussion, we don't know what his intentions are.

Mayor Gibson: there are four lots left there.

Councilmember Barker: at least we have made that attempt to put this out there.

Mayor Gibson: if you want to make a motion and a 2<sup>nd</sup> to send the letter with the corrections. Syringa to Sassafras.

Councilmember Michalson: make a motion to approve the draft letter to the owner of Phase I Burnt Fork Estates on the use of the Logan Lane for Construction

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

Mayor Gibson: motion and a 2<sup>nd</sup>. Public comment?

Jim Kalkofen: Creekside resident. I think that this letter to the developer is important, I think that it is important to the new owners of the lots when they apply for their building permits that they also see that same letter, maybe it could be attached to the building permit because they will have access to come through Logan Lane as well and another reason is there is a possibility that the developer want to proceed with all of the ponds, and holding ponds he would be coming in with big machines and that would be another reason to use the access off of Logan. The other thing that is important is the covenants for Creekside homeowners is that building is allowed from 7:00 am to 7:00 pm and no building on Sundays and we would as a homeowners group that would be understood by a developer.

Mayor Gibson: two things that we can do, and Jenelle remind me. We will send this letter and when that individual comes in, we can do that we will give him a copy of that. We did have a different meeting where we brought that up with Mr. Jessop about the times but again it is going to be up to him, but the town ordinance does not address that, I agree with you, but we will let the new owner know when he comes in to start getting building permits, he is going to have to hook up meters etc. we will give him the same letter. Any other public comment, seeing none, Jenelle please take the vote. This authorizes Mr. Overstreet to go ahead and send that letter.

Councilmember Barker: aye.

Councilmember Brown: no

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: 3-1



b. Discussion/Decision: Corrections to the Personnel Policy Manual

Mayor Gibson: introduced unfinished business item b. Corrections to the Personnel Policy Manual, we just missed this after MMIA, we can't force someone to take vacation or sick leave during parental leave. They can take it without pay, the other section was from the previous administration, and I think that it happened with a few people and the town paid and you can't do that. The town paid for someone's parental leave, and after checking you can't do that. It came out of the town budget, and you can't do that.

Councilmember Michalson: make a motion to approve the corrections of the personnel policy manual.

Councilmember Barker: 2nd

Mayor Gibson: motion and a 2<sup>nd</sup>, public comment, seeing none, any further discussion. Jenelle, please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0

9. New Business

a. Discussion/Decision: Consent to the Mayor's Appointment of Renee Endicott to the Town of Stevensville Park Board

Mayor Gibson: introduced new business item a, Consent to the Mayor's Appointment of Renee Endicott to the Town of Stevensville Park Board.

Councilmember Barker: make a motion for the Consent to the Mayor's Appointment of Renee Endicott to the Town of Stevensville Park Board.

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

Mayor Gibson: Motion and a 2<sup>nd</sup>, any discussion, seeing none, Jenelle please take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Lowell: aye.

Councilmember Michalson: aye.

Mayor Gibson: passes 4-0, so Councilmember Barker is your board full now?

Councilmember Barker: we still have one more left, and I think that it might be filled.

Councilmember Michalson: does it have to be outside of town?

Councilmember Barker: no.

## 10. Board Reports

Councilmember Brown: two airport board meetings. April 5 and April 11. The airport board approved the leases for Skydive MT. so now that can go to the council. There was discussion to move the CARES money to pay for a credit card bill from last year for mowing and they are not sure if that was already done, Robert you might know.

Robert Underwood: the tractor bill is already paid you guys had that discussion with Tim. There is \$30,000 in CARES money for the airport, so I have to take the biggest bills for the airport and now that I have some time next week, I can put those in there and they can reimburse us. Tractor, AWOS bills from last year.

Councilmember Brown: they wanted to move the money from the airport board into the general to pay for that. They did have several guests at the meeting, the Stevensville Airport Foundation, they will be moving forward with the memorandum of understanding with the county to see if they still want to do the gravel pit up there. With all of the money from that going into the airport fund.

Mayor Gibson: excuse me, can I just comment on that. On the gravel pit, we had the attorney review that some time ago and the issue was it would have to go out for bid, if they want to bring this forward, the county had made a proposal so much money for the gravel pit and put a fence and you reviewed it and it would probably have to go out for bid, if they want to bring it that is fine but we will give the legal opinion and I believe that the airport director was aware of that.

Councilmember Brown: the other thing that was on my radar was the agreement with the forest service will expire at the end of December and they would really like to get that renewed. The SAMS registration is coming up and needs to be completed by the end of May, Robert, I understand that you are aware of that.

Robert Underwood: I got an email.

Councilmember Brown: thank you. They are also trying to work on getting the airport curtesy car grant with the state, they formed a committee, and they will be looking at it and I understand that there is still money there. But there were some changes to the Montana code so that has to be looked into. They do need the budget information to turn into the FAA. They did not have one to turn into the FAA since 2019 for the grants and in the grants, they need to see the budget.

Councilmember Michalson: the audit Cindy.

Councilmember Brown: the audit, thank you. They need to turn that into FAA so that they are in compliance with the grants, they also want to make sure that they still have approximately

\$45,000 that has not been touched in the CARES, ARPA money that has been earmarked for the airport.

Robert Underwood: it is about \$30,000, that is the money that I talked about that has to be drawn down.

Councilmember Michalson: I have a question and it has to do with Planning & Zoning, anything?

Jenelle Berthoud: you guys go ahead and inform me if you want to hold a meeting still this month, same for Park Board or if you just want to schedule for next month. Nothing Councilmember Michalson.

Mayor Gibson: I think that you can start with your board to look at the previous growth policy look at the information from Hamilton and I think that we contacted League of Towns to see if they knew of anybody.

Councilmember Michalson: Greg Chilcott mentioned Garland Cummings or something like that down there that worked part time. And Greg mentioned that he would talk to him.

Jenelle Berthoud: I have not.

Councilmember Barker: I did get word that we had put in for the Rapp Family Foundation Grant and that did come through, we are planning on putting in for another one as well.

Mayor Gibson: Jenelle you talked to the head of the Civic Club, and they know that they have to bring the Splash Pad to the council. They are waiting to change that surface.

Jenelle Berthoud: they are going to possibly be doing that next week.

Mayor Gibson: But that has to come to you, the council, for your approval.

#### 11. Town Council Comments

Councilmember Lowell: I was just looking at we still have three months on the budget, do you think that we are going to have more amendments, do you think that you are holding steady with the bills that are coming in or do you think that it is time to put a freeze on spending until the end of the budget.

Mayor Gibson: you have on your table; we are at 75% and 63% spent. I think that the biggest things that you brought up tonight and a lot of these have been one-time expenditures. I think that would be the only thing that would make a difference. We still have Dustin's position and another police officer position.

Councilmember Lowell: something coming up, the pool will open, and I don't know how many people you have there and that will be an expense. An expense getting it going, I just think that it is very nice, I call it the free money, to clean up the accounts and next year there is not going to be that money and there maybe will be some cuts somewhere.

Mayor Gibson: I agree but I do want to thank all of the department heads, and Robert, we had kind of a mess here, with the increase in utilities and fuel and all of those things and a more expensive audit. To be at 63% at 75% of the year I think that we need to thank all of the employees.

Councilmember Lowell: I just was not sure if there were big things coming up, there is still three months.

Mayor Gibson: not that I know of, but we will look.

Councilmember Lowell: I just think that it is important to prepare for next year because I think that it is going to be a very difficult year with the budget.

Councilmember Michalson: speaking of the budget do you have an idea when we will get started.

Mayor Gibson: Nancy talked a little bit about it, we don't want to start too early because we do not know what the revenues are, my intent is to start at the end of May. But again, the stuff that has to go to Regina, lighting districts that is not until the end of August, we want to be careful that the time that they passed the budget on July 1<sup>st</sup> they did not know what the revenues were. Again, we don't want to overestimate the revenues.

Councilmember Lowell: I think that happened this year.

Mayor Gibson: what happened last year, if I recall when they built the school, we had a lot of money that year for building permits, like \$180,000 and that is kind of the same amount of money that was projected the next year. Revenues are very important, and our intent is the end of May.

Councilmember Barker: I know that you say you want to bring everything to a council meeting, and I think that we really need to focus on having our COW meetings, that way we can discuss in between our council meetings.

Mayor Gibson: we can look at that in May.

Councilmember Barker: I think that we have to have at least a couple of them to discuss the budget.

Mayor Gibson: just get it to Jenelle when you want it and I would say May, end of May would be better.

Councilmember Barker: just so that we have them.

Mayor Gibson: that is good, sure.

## 12. Executive Report

Mayor Gibson: I do have a few things, positive and a sad one, on the executive report. I think that I have mentioned some of these before, we have talked about Spring Street and streets and there is a bill that is going through the senate right now and it is in the house, were we typically get \$36,000 BARSAs money this bill when you do the calculations for Stevensville, we could get \$350,000 which we have had discussions about Spring Street, they call it the pothole bill. There is another one about building permit money. at the next meeting the auditor will be here, and we will write our responses by Monday and Bob the auditor will be here to present. When Mr. Kruse gets back, we want to start the bid process, my intent is I want to do the leak thing first. On the water rights, it went to water court about two weeks ago and we have been working with

Ross Miller on objections, it is all goes well we could have that settled by September. Streaming of the meetings, next week we will be changing to YouTube, no more Facebook, the streaming will be on YouTube next meeting.

Jenelle Berthoud: you can access that through our home page on the Stevensville website.

Councilmember Michalson: no more Facebook.

Jenelle Berthoud: it is on the website, just go to the YouTube link and that is where you can watch live. Thanks to Municode and First Call. It is super easy.

Mayor Gibson: Jenelle researched this, and a lot of other communities are doing this.

Councilmember Michalson: didn't Brandon have a You Tube?

Jenelle Berthoud: I think so, I was a police clerk then and so I did not have any connection with that, but I think that you are right.

Mayor Gibson: the final thing, Pam Sosa is leaving and she will be here for the next meeting, Pam, I have been in this business a long time, I have never seen someone, no I have seen Jenelle and some of our other employees, Pam has been so dedicated to the Town of Stevensville, she always has a smile on her face, works great with the public, she had a learning curve and it is amazing on how much she learned in the short amount of time that she was here. I am going to miss her very much.

13. Adjournment

APPROVE:

ATTEST:

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Steve Gibson, Mayor

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Jenelle S. Berthoud, Town Clerk

**File Attachments for Item:**

a. Claims #18312-#18330

04/25/23  
08:50:16

TOWN OF STEVENSVILLE  
Claim Approval List  
For the Accounting Period: 4/23

Page: 1 of 4  
Report ID: AP100

For dates posted from 04/17/23 to 04/25/23  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
18312		1901 Stephen Lassiter Reimbursement for mileage to Kalispell for Pool School 04/12/23 Reimbursement mileage	195.39 195.39*			1000 430100	370	101000
18313		1274 Rocky Mountain Internet, Inc. Annually billed internet service for the Middle Burnt Fork Well 20040138 04/15/23 Internet svc- MBF well	719.40 719.40			5210 430510	340	101000
18314		1171 Rex Olson Trucking Inc. Oil change, fuel filter, air filter, etc. 5980 04/06/23 FD- repairs to #2510	606.76 606.76*			1000 420460	360	101000
18315		483 Union Ditch Water Users Irrigation water for Riverside Cemetery 1466 04/15/23 PW- Union ditch fee	372.00 372.00			1000 430900	342	101000
18316		16 MONTANA ENVIRONMENTAL LAB LLC 2302856 04/12/23 WWTP- water sample fees 2302622 04/03/23 WWTP- water testing	423.00 211.50 211.50			5310 430640 5310 430640	355 355	101000 101000
18317		1904 Melanie C D'Isidoro, Trapper 2023-03 04/12/23 C- Prosecution services	405.00 405.00			1000 410364	352	101000
18318		108 BITTERROOT STAR 18443 04/06/23 A- Legal ad budget amendment	19.65 19.65*			1000 410550	330	101000
18319		228 Norco, Inc. 04/01/23 PW- Welding cylinder rental	11.54 11.54			1000 430100	230	101000
18320		728 HDR ENGINEERING, INC. Work associated with the Supply Capacity Evaluation. March work included evaluating the Twin Creeks Well field and Well 1. 1200513250 04/06/23 W- water capacity study *** Claim from another period ( 3/23) ****	2,898.30 2,898.30			5210 430510	354	101000
18321		1787 Valli Information Systems, Inc. Sewer On Line Monthly Maintenance, Web posting, manual postage, e-statements, etc 87689 03/31/23 1st image ToStevensville 87689 03/31/23 Manual 1st image 87689 03/31/23 Foreign 1st image 87689 03/31/23 E-statement 87689 03/31/23 Web posting 87689 03/31/23 Postage 87689 03/31/23 Manual postage	814.39 145.80* 0.80* 1.00* 9.50* 9.35* 350.36* 9.36*			5210 430510 5210 430510 5210 430510 5210 430510 5210 430510 5210 430510 5210 430510	350 350 350 350 350 350 350	101000 101000 101000 101000 101000 101000 101000

04/25/23  
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TOWN OF STEVENSVILLE  
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For the Accounting Period: 4/23

Page: 2 of 4  
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Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	87689	03/31/23 ZRO client customer field	6.60*			5210 430510	350	101000
	87689	03/31/23 E-text	1.50*			5210 430510	350	101000
	87689	03/31/23 Add image	3.04*			5210 430510	350	101000
	87689	03/31/23 Manual add image	1.88*			5210 430510	350	101000
	87689	03/31/23 Foreign add image	0.12*			5210 430510	350	101000
	87689	03/31/23 Foreign Postage	7.25*			5210 430510	350	101000
	87689	03/31/23 On-line monthly maintenance	75.00*			5210 430510	350	101000
	87689	03/31/23 OTC monthly maintenance	25.00*			5210 430510	350	101000
	87689	03/31/23 BDS Service fee	167.83*			5210 430510	350	101000
		*** Claim from another period ( 3/23) ****						
18322		1659 CHS Mountain West CO-OP	127.95					
	03/01/23	PW- Fuel	127.95			1000 430100	231	101000
18323	E	1823 Visa c/o Rocky Mountain Bank	7,575.04					
		* Radar- reimbursed by Police Assoc.						
	03/31/23	A- Arbor Day membership	50.00			1000 410550	335	101000
	03/13/23	PW- Godaddy email renewal	15.99			1000 430100	331	101000
	03/01/23	TH- Bitterroot Disposal	108.70*			1000 410550	340	101000
	03/01/23	Admin First Call	400.00			1000 410550	356	101000
	03/01/23	PD First Call	400.00			1000 420100	356	101000
	03/01/23	Court First Call	110.00			1000 410360	356	101000
	03/01/23	Bldg First Call	110.00*			2394 420531	356	101000
	03/01/23	FD First Call	110.00			1000 420410	356	101000
	03/01/23	Sewer First Call	506.00*			5310 430610	356	101000
	03/01/23	Water First Call	506.00*			5210 430510	356	101000
	03/10/23	Verizon-Mayor phone	46.50			1000 410200	340	101000
	03/10/23	Verizon- PD cell phone	561.08*			1000 420100	340	101000
	03/10/23	Verizon- H20 cell phone	52.30*			5210 430510	345	101000
	03/10/23	Verizon- Sewer cell phone	41.50			5310 430610	345	101000
	03/10/23	Verizon- Airport cell phone	52.30			5610 430300	340	101000
	03/10/23	Verizon-Mobile internet	10.02			5610 430300	340	101000
	03/10/23	Verizon Mobile internet ambula	30.06*			2230 420730	340	101000
	03/10/23	Verizon-FD cell phone	20.04			1000 420410	340	101000
	03/21/23	Spectrum- Admin	52.17*			1000 410550	340	101000
	03/21/23	Spectrum- Police	102.55*			1000 420100	340	101000
	03/21/23	Spectrum-Fire Dept	46.53			1000 420410	340	101000
	03/21/23	Spectrum-Eco Development	37.42*			2940 410550	340	101000
	03/21/23	Spectrum-Water Dept	101.72			5210 430510	340	101000
	03/21/23	Spectrum-Sewer Dept	101.72			5310 430610	340	101000
	03/21/23	Spectrum-Pool	30.36			1000 460445	340	101000
	03/01/23	P- Bitterroot Disposal	434.80*			1000 460430	340	101000
	03/02/23	Bldg-Bitterroot Disposal	54.35			2394 420531	340	101000
	03/02/23	TH-Bitterroot Disposal	54.35*			1000 410550	340	101000
	03/01/23	C- office supplies	54.78			1000 410360	210	101000
	03/12/23	A- Ravalli electric	364.00			5610 430300	340	101000



04/25/23  
08:50:16

TOWN OF STEVENSVILLE  
Claim Approval List  
For the Accounting Period: 4/23

Page: 3 of 4  
Report ID: AP100

For dates posted from 04/17/23 to 04/25/23  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	03/27/23	PD- postage	2.46			1000 420100	311	101000
	03/21/23	PD- Kustom dual radar	1,520.00*			1000 420100	212	101000
	03/20/23	PW-weed sprayer for parks/cem	549.99			1000 430900	212	101000
	03/30/23	PW- Pool operator course	385.00*			1000 460445	380	101000
	03/19/23	Admin- Adobe mthly sub	22.98*			1000 410550	330	101000
	03/28/23	A- checks payroll/liabilities	93.12			1000 410550	210	101000
	03/31/23	PW- fuel for conference CA	44.32			1000 430100	231	101000
	03/21/23	W- C. Anderson conference	269.96			5310 430610	370	101000
	03/03/23	PD- Watch guard 4RE display	50.00*			1000 420100	212	101000
	03/20/23	A- Acropro (admin) (3 users)	71.97*			1000 410550	330	101000
18324		1691 Montana Law Enforcement	1,545.00					
		Lodging prior to graduation for T Frandsen.						
	04/19/23	PD- LEO #180 lodging	264.00			1000 420100	380	101000
	04/19/23	PD-meals	1,236.00			1000 420100	380	101000
	04/19/23	PD- taser training	45.00			1000 420100	380	101000
18325		85 CENTURYLINK	141.03					
	Mar/Apr 03/22/23	WWTP Internet #0185	68.99			5310 430640	340	101000
	Mar/Apr 03/22/23	H2O Plant Phone #7132	13.47*			5210 430540	340	101000
	Mar/Apr 03/22/23	MBF Reservoir #9934	58.57			5210 430530	340	101000
18326		1031 MR ASPHALT, INC.	2,268.00					
	3517 04/21/23	PW - Street Repair 510 Mission	2,268.00*			1000 430200	360	101000
		*** Claim from another period ( 3/23) ****						
18327		1911 Steve Kruse	125.00					
		Paid by Steve Kruse personal - reimbursement						
	03/28/23	Hip Boots for Water	62.50			5210 430510	240	101000
	03/28/23	Hip Boots for Sewer	62.50			5310 430610	240	101000
18328		1702 DE Lage Landen Finance Services,	82.00					
		Printer Lease March 23						
	79640264 04/22/23	Printer Lease	82.00			1000 410360	320	101000
18329		1703 North Ridge Fire Equipment	2,533.71					
		Orginial invoice was \$3337.54 with a \$800.00 refund (2533.71)						
	04/14/23	FD- Wildland Supplies	2,533.71			1000 420460	212	101000
		*** Claim from another period ( 3/23) ****						
18330		201 Montana Rural Water Systems,	180.25					
	03/03/23	S-operator training 50%	90.12*			5310 430610	335	101000
	03/03/23	S- operator training 50%	90.13			5310 430610	380	101000
		<b># of Claims 19</b>	<b>Total: 21,043.41</b>					
		<b>Total Electronic Claims</b>	<b>7,575.04</b>	<b>Total Non-Electronic Claims</b>		<b>13468.37</b>		



**File Attachments for Item:**

b. Discussion/Decision: Gravel Pit Funding Source for the Stevensville Airport

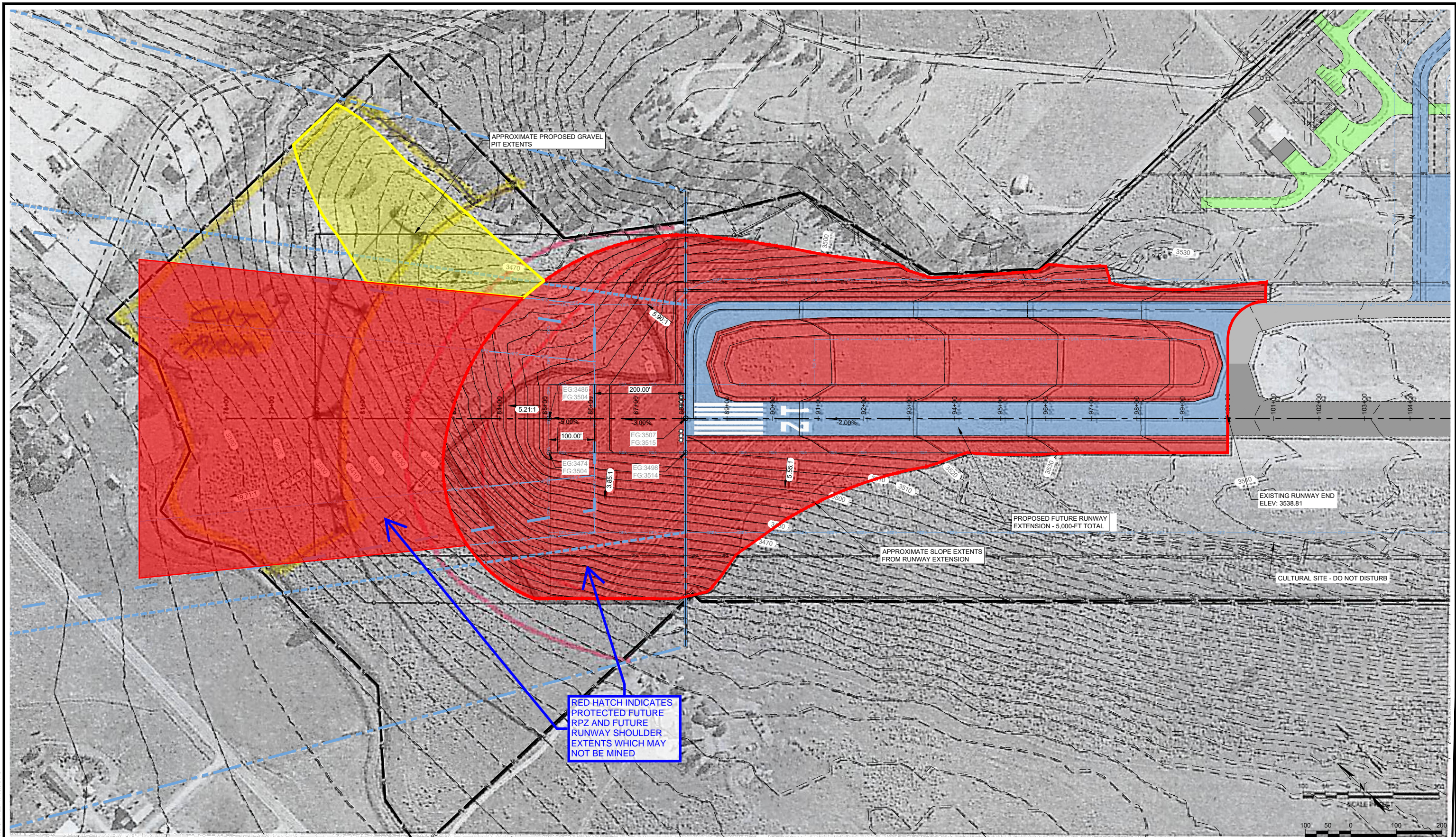


## Stevensville Town Council Meeting

### Agenda Item Request

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

<b>Agenda Item Type:</b>	New Business
<b>Person Submitting the Agenda Item:</b>	Craig Thomas
<b>Second Person Submitting the Agenda Item:</b>	Airport Board
<b>Submitter Title:</b>	Chairman of the Airport Board
<b>Submitter Phone:</b>	
<b>Submitter Email:</b>	
<b>Requested Council Meeting Date for Item:</b>	04/27/2023
<b>Agenda Topic:</b>	Discussion/Decision: Gravel Pit Funding Source for the Stevensville Airport
<b>Backup Documents Attached?</b>	Yes
<b>If no, why not?</b>	
<b>Approved/Disapproved?</b>	Choose an item.
<b>If Approved, Meeting Date for Consideration:</b>	
<b>Notes:</b>	<p>This funding source has the Potential to increase airport revenues by 100%.</p> <p>The memorandum of understanding for the gravel mining lease will be negotiable by the airport board and the county regarding methods of mining, volumes of materials, pricing, payments, fencing, reclaiming, and etc for the Stevensville council approval.</p> <p>The gravel pit funding source was discussed at the following Airport Board Meeting: 04/11/2023. A motion and a 2<sup>nd</sup> were made with a board vote to take this item to the Town Council.</p>



M:\04\2000-MAS TERVACAD\EXHIBITS\2022\0112\GRAVEL PIT V3.0.DWG  
 PLOTTED BY: TYLER S. REED ON Nov/04/2022

NO.	DESCRIPTION	BY	DATE

**Morrison**  
**Maiерle**  
 engineers • surveyors • planners • scientists

1055 Mount Avenue  
 Missoula, MT 59801  
 406.542.8880  
 www.m-m.net

DATE: 1/12/2022

STEVENSVILLE AIRPORT

PROJECT NUMBER: 0442  
 SHEET NUMBER: [ ]

PROPOSED GRAVEL PIT WITH FUTURE RUNWAY EXTENSION

- Page 29 -



Road & Bridge Department  
244 Fairgrounds Road  
Hamilton, MT 59840  
Phone 406-363-2733  
Fax 363-6701

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OG-22-10-29

October 24, 2022

Town of Stevensville  
Mayor Steve Gibson  
206 Buck Street  
Stevensville, MT 59870

Re: Potential Gravel Pit, Stevensville Airport

Dear Mayor Gibson,

As we discussed, the County is interested in developing gravel operations on the Stevensville Airport Property.

On May 14, 2021, the Road and Bridge Department met with the County Commissioners who gave positive consensus to entering discussions working towards a memorandum of understanding for the development of said mining operations. After discussions with the Airport Board and certain limits of excavation that are available, we have attached a draft sketch. Also, attached are some items to discuss in developing a memorandum of understanding.

Please let us know if the Council is favorable towards pursuing this matter further. Please contact us if you have any further questions.

We look forward to hearing from you.

Sincerely,

John C. Horat, PE  
Administrator

cc: Correspondence File-General

Discussion Items  
Memorandum of Understanding  
10-20-22

County

-Obtain and maintain open mining permit.

Operating under past permits have included: Long term plan, stockpiles, hours of operation, reclamation plan and activities

-Pay per yard royalty of material processes.

-Estimated royalties are \$20,000 to \$30,000 per year.

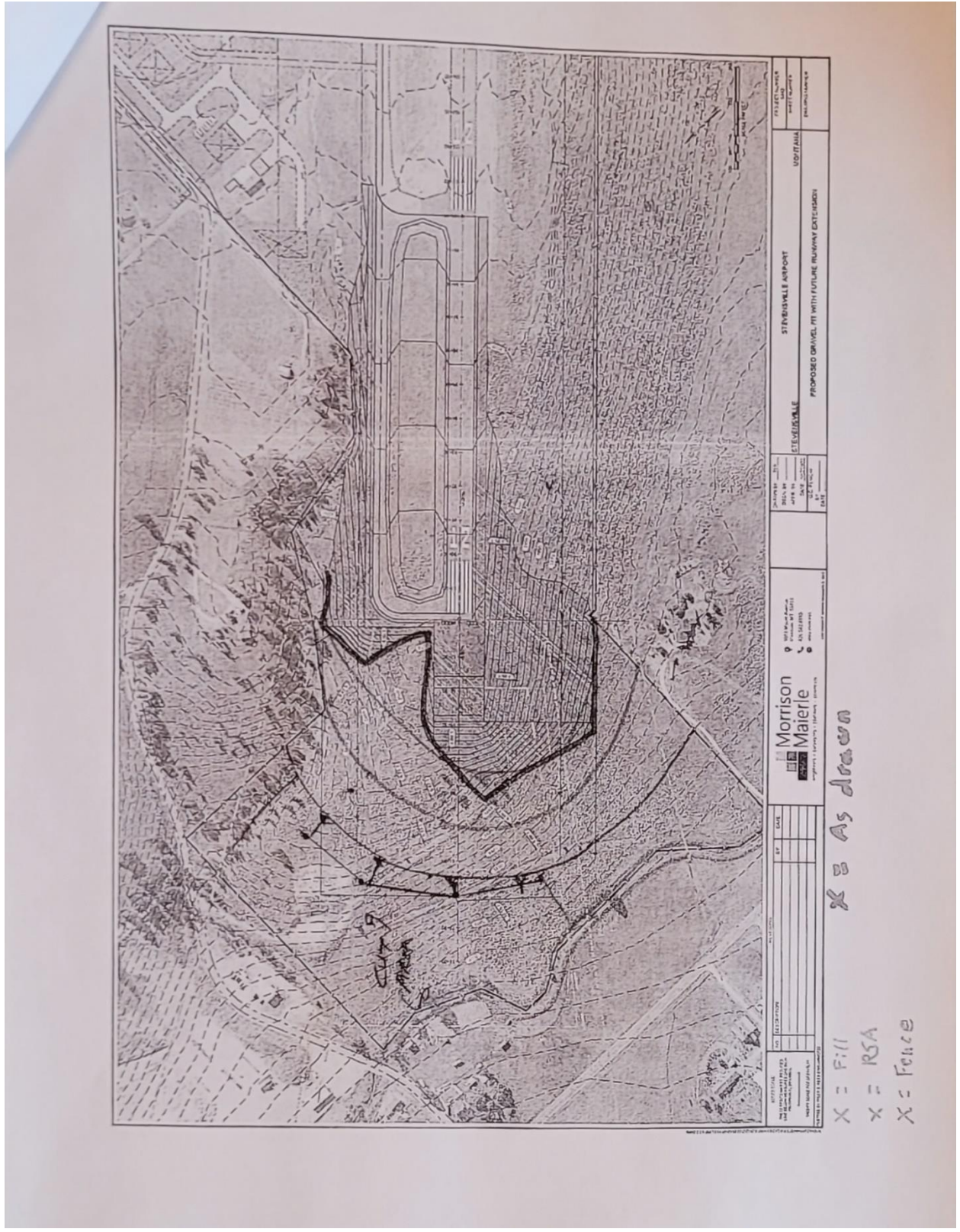
-Estimated life of gravel operation is 10 years.

-Provide insurance on Operations.

Town of Stevensville

-Relocate fence as needed. County could conduct work then have amount paid off by reduction in royalties.

-Possible trades for sands and gravel for royalties.



X = Fill  
 X = RSA  
 X = Fence

X = As drawn



## Jenelle Berthoud

---

**From:** Craig Thomas <ckyber113@gmail.com>  
**Sent:** Tuesday, April 18, 2023 2:01 PM  
**To:** Jenelle Berthoud  
**Subject:** [EXTERNAL] Fwd: Gravel Pit response.  
**Attachments:** image001.png; letter 3 re pit.pdf; HATCH2022 0112-GRAVEL PIT V3.0-MMI\_BORDER.pdf

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.

----- Forwarded message -----

**From:** Tim Smead <tims@townofstevensville.com>  
**Date:** Fri, Apr 7, 2023, 7:47 AM  
**Subject:** Fwd: Gravel Pit response.  
**To:** Craig Thomas <ckyber113@gmail.com>

Craig,

Here's my report on the proposed gravel pit after visiting with both Tyler and Diane

Tim Smead  
Stevensville Airport Manager  
406 369 5502

---

**From:** Tim Smead  
**Sent:** Monday, November 21, 2022 10:54:25 AM  
**To:** Steve Gibson <steve.gibson@townofstevensville.com>  
**Subject:** FW: Gravel Pit response.

---

**From:** Tim Smead  
**Sent:** Monday, November 7, 2022 12:41 PM  
**To:** Steve Gibson <steve.gibson@townofstevensville.com>; Jenelle Berthoud <jenelle@townofstevensville.com>  
**Subject:** Gravel Pit response.

Steve,

I sent the attached picture the county included in their letter about the gravel pit up to our engineer first prior to sending it up to the FAA for review. He took the picture and determined what adjustments would need to be made and sent them on to myself and the FAA (attached).

Our engineer suggests that we send the county the attached revised FAA approved layout that's attached. All of the red hatch should be protected as it's either the future runway shoulders or future RPZ (runway protection zone).

The FAA does not object to this proposal, but they do have the following recommendations below should we decide to move forward. I made my notes in red to help you understand what they are recommending.

- When you have finalized the proposal and location, send the details to us so we can perform a Section 163 determination. To perform a Section 163 determination, we'll also need to know how the property was acquired. The Section 163 determination will inform the level of NEPA required.

Any finalized proposal that council approves the FAA will need to do an environmental assessment which tells us what environmental requirements will need to be included in an agreement.

- Make sure precautions have been set in place to avoid the pit becoming a wildlife attractant. No standing water.

Might be a requirement of the environmental assessment but if it is not it should be included in an agreement to prevent the potential hazard.

- You may want to require a dust mitigation program for operation of the pit.

Should be included in an agreement as this is at the end of a runway and the dust could be a hazard.

- The proposal places the gravel pit right on the RPZ. Unless you will be utilizing surveyors during future excavations, we recommend a lateral buffer (10', 15', or 20') between the RPZ and where they want to run their pit.

We would want this to be requested by the party that's contracted.

- We'll want to either pen/ink the gravel pit to the ALP or include it on the next ALP update.

Our engineer would do this within the master plan.

- We'd recommend that you request that this be a concurrent use. From the Compliance Manual:

#### 22.5. Request for Concurrent Use of Aeronautical Property for Other Uses.

If aeronautical land is to remain in use for its primary aeronautical purpose but also be used for a compatible revenue-producing nonaeronautical purpose, no formal release request is required. This is considered a concurrent use of aeronautical property and requires FAA approval. Aeronautical property may be used for a compatible nonaviation purpose while at the same time serving the primary purpose for which it was acquired. For example, there may be concurrent use of runway clear zone land and low growing crops to generate revenue.

We would submit this request at the same time that we requested the environmental survey.

Also, you said something the other day that Greg had said municipalities are not able to offer contracts for more than five years. What they are asking for is a land lease just as any tenant would be seeking and would be the only way a mining operation could happen there. The specific details would need to be included in the lease.

Chapter 12 of the airport compliance handbook talks about leases. Typically, the FAA is more concerned with leases being too long to the point that a sponsor is giving away their rights and powers. Local regulations can be more stringent than FAA requirements, they just can't be lower than FAA requirements.

Here is what the compliance handbook says, in Chapter 12, 12.3(b):

(3). Term. Does the term exceed a period of years that is reasonably necessary to amortize a tenant's investment? Does the lease provide for multiple options to the term with no increased compensation to the sponsor? Most tenant ground leases of 30 to 35 years are sufficient to retire a tenant's initial financing and provide a reasonable return for the tenant's development of major facilities. Leases that exceed 50 years may be considered a disposal of the property in that the term of the lease will likely exceed the useful life. FAA offices should not consent to proposed lease terms that exceed 50 years.

Please let me know if you have any questions or need further information.

TIM SMEAD, AIRPORT MANAGER

TOWN OF STEVENSVILLE

406.369.5502

[TIMS@TOWNOFSTEVENSVILLE.COM](mailto:TIMS@TOWNOFSTEVENSVILLE.COM)



*"Committed to Community, Dedicated to Progress"*

**File Attachments for Item:**

c. Discussion/Decision: Skydive Montana Hanger Lease Proposal, Lot 5 Block 6 of the Stevensville Airport



## 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).**

<b>Agenda Item Type:</b>	New Business
<b>Person Submitting the Agenda Item:</b>	Craig Thomas
<b>Second Person Submitting the Agenda Item:</b>	Airport Board
<b>Submitter Title:</b>	Chairman of the Airport Board
<b>Submitter Phone:</b>	
<b>Submitter Email:</b>	
<b>Requested Council Meeting Date for Item:</b>	04/27/2023
<b>Agenda Topic:</b>	Discussion/Decision: Skydive Montana Hanger Lease Proposal, Lot 5 Block 6 of the Stevensville Airport
<b>Backup Documents Attached?</b>	Yes
<b>If no, why not?</b>	
<b>Approved/Disapproved?</b>	Choose an item.
<b>If Approved, Meeting Date for Consideration:</b>	
<b>Notes:</b>	The hanger lease was discussed at the following Airport Board Meeting: 04/05/2023. A motion and a 2 <sup>nd</sup> were made with a board vote to take this item to the Town Council.

## Stevensville Airport Land Lease

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This land lease is made and entered into this \_\_\_\_ day \_\_ of \_\_\_\_ 20 \_\_\_\_, pursuant to Stevensville Town Resolution (attached as Exhibit A) and incorporated by reference herein, between the TOWN OF STEVENSVILLE, hereafter “Lessor” and SKYDIVE MONTANA, hereafter “Lessee” at

### *I. Purpose*

1. Lessor agrees to lease to the Lessee \_\_\_\_\_ **square feet** of land described as **Lot No. \_\_\_\_\_, Block \_\_\_\_\_** (attached as Exhibit B) of the Stevensville Airport, hereafter “Premises” subject to the terms and conditions set forth herein.
2. The parties agree that the Lessee shall use Premises for general aviation-related purposes such as storing, maintaining, repairing, rebuilding, and inspecting aircraft.

### *II. Term and Renewal of Lease*

3. **Term.** This lease shall be for a twenty (20) year period, beginning upon execution of the agreement and ending on the \_\_\_\_ **day** of \_\_\_\_\_, **20\_\_** unless terminated as set forth by the terms of this lease.
4. **Renewal.** If Lessee has made all required lease payments and has remained in full compliance with all terms and obligations of this lease the Lessee shall have the option to renew the lease under similar terms and conditions and as mutually agreed upon with the Lessor.

### *III. Payment*

5. **Annual Rate.** Lessee agrees to pay Lessor \$\_\_\_\_ **per square foot** annually for \_\_\_\_\_ **square feet** in the amount of \$\_\_\_\_\_ beginning upon the effective date of this lease. Annual lease payments shall be due on July 1 of each year until its expiration or termination date, with the first year of the lease and final year prorated to July 1 and/or the expiration date.
  - 5.1. **Location.** Lessee agrees to pay all obligations of the lease in check, cash, or money order at the Office of the Town Clerk at 206 Buck Street, Stevensville, Montana 59870.

## Stevensville Airport Land Lease

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6. **Rate Increases.** Lessor, at its discretion may annually increase the rate charged in this lease. Lessor shall give notice to Lessee of any such increase on or before June 1 of any given year, which rate shall be effective on July 1; provided that that no single rate increase shall exceed ten (10) percent and that any rate increase shall apply uniformly to all leases at the airport. Failure to give such notice shall prohibit Lessor from increasing the rate for that year.
7. **Infrastructure Fee.** Lessee agrees to a one time infrastructure fee of **\$\_\_\_\_\_per square foot** of building size to be paid at the time of the execution of this lease for a total sum of **\$ N/A**.

### *IV. Terms and Conditions*

8. **Condition of Premises.** Lessee has inspected and accepts Premises in its present condition.
9. **Compliance with Law.** Lessee shall utilize the land in compliance with all applicable state and federal laws, town ordinances and resolutions, and FAA regulations in effect as of the execution of this agreement. Lessee further agrees to observe and obey all new rules and regulations that Lessor may from time-to-time promulgate during the term of this lease and any successive renewals.
10. **Hangar Construction.** Lessor acknowledges that Lessee will construct hanger on Premises and that the same will conform to the existing building codes enforced in the Town of Stevensville and requirements set forth by the FAA.
  - 10.1. **Additional Construction or Modification of Existing Structures.** Lessee may, during the term of this lease, including renewals, erect other buildings and improvements only with Lessor's prior written consent. Lessee further agrees that any such building shall also conform to the existing building codes enforced in the Town of Stevensville and requirements set forth by the FAA. Lessee shall not modify any existing structure or land on the lease premises, except as expressly permitted by Lessor in writing.
11. **Maintenance.** Lessee shall keep all buildings and improvements well painted and in good repair and good maintenance. Lessee shall store all trash, debris, and waste matters in metal containers and shall keep the area Lessee may use around such structures in neat and clean appearance.
12. **Hazards.** Lessee shall not permit hazards or anything that might be defined as a hazard by Lessor to exist on the Premises. Lessor reserves the right to abate any hazard considered immediate by the Lessor without notice. In the event of abatement by Lessor, Lessee shall be liable to Lessor for the costs of such abatement. The term "hazard" shall mean any course of conduct or condition which might subject the Stevensville Airport or any person using the same, to loss of life, limb, or property, or any course of conduct or condition which is or may be defined by Lessor as constituting a hazard.

13. **Indemnification.** Lessee agrees to indemnify and hold Lessor harmless from and against all liability for injuries to persons or damage to property cause by Lessee's negligent use or occupancy of the Premises; provided however, that Lessee shall not be liable for any injury, damage, or loss occasioned the negligence of the Lessor.
14. **Notice of Lawsuit.** Lessor agrees to give prompt and timely notice of any claim made or suit instituted which in anyway directly or indirectly, contingently, or otherwise, affects or might affect Lessee, and Lessee shall have the right to compromise and defend the same to the extent of Lessee's own interest.
15. **Inspection of Property.** Lessor reserves the right, for itself and its agents, to enter upon and inspect the Premises and any improvements constructed thereon, provided that such inspection shall occur during normal business hours and shall be preceded by reasonable notice to Lessee.
16. **Violations of Terms.** In case of violation of any terms by Lessee, and upon Lessee's failure to cure or discontinue such violation within ten (10) days after written notice is delivered to Lessee, then this lease shall become null, void, and terminated and Lessor or its agents may immediately re-enter and take possession of the Premises without further demand or notice.
17. **Failure to Pay/Late Fees.** Failure on the part of Lessee to make a lease payment within 30 days of its due date shall result in a ten (10) percent penalty being assessed against the Lessee. If payment of the full amount due, plus any penalty assessment, is not made within 60 days of the original due date, the Lessee shall be considered in default of the lease.
18. **Termination.** In case of Lessee's failure to cure such default within ten (10) days after written notice is delivered to Lessee, then this lease shall become null, void, and terminated.
19. **Attorney's Fees.** Should any action be brought by either Lessee or Lessor to enforce any of the terms of this Agreement, the prevailing party in such action shall be entitled to such reasonable attorney fees as the court shall determine
20. **Severability.** In the event that any term(s) or provision(s) is held to be invalid by any court of competent jurisdiction, the invalidity of any such term or provision shall not materially prejudice either Lessor or Lessee in their respective rights and obligations contained in the remaining and valid terms and provisions of this agreement.
21. **Waiver.** No failure by Lessor to exercise any right contained in this agreement shall be construed as a waiver of any such right.
22. **Assignment and Subleasing.** This Agreement shall bind the parties and their respective heirs, personal representatives, and successors in title; provided however that the Lessee hereunder may not assign his or her rights, sublease, or delegate its obligations hereunder without the prior written consent of the Lessor and a new lease entered into.



## Stevensville Airport Land Lease

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**23. Notice and Service.** Service of any notice required may be made personally or by written notice. Written notice shall be deemed given when hand delivered or when mailed by first class mail, postage pre-paid, to the addresses specified below:

If notice to the Lessor:	If notice to the Lessee:
Town of Stevensville PO Box 30 206 Buck Street Stevensville, MT 59870	

### *V. Termination of Lease*

- 24. Termination of Lease.** Upon expiration or other termination of this agreement, or any renewal, Lessee's rights to use the premises, facilities, rights, licenses, services, and privileges herein shall cease and upon expiration Lessee shall surrender the same.
- 24.1. Removal of Buildings.** Lessee is specifically allowed to remove the steel hangar that Lessee caused to be erected on the premises. Lessee shall not be obligated to remove the concrete foundation upon which the hangar is situated if the foundation is in good repair.
- 24.2. Damage from Removal.** Lessee shall, upon removal of the building, concrete foundation, and other personal property, repair all damages resulting from such removal.
- 24.3. Time for Removal.** Any property not removed by Lessee shall, within thirty (30) days after the expiration or termination of the lease, become a part of the real property and title shall vest in Lessor.

### *VI. Modification and Completeness*

- 25. Modification.** This instrument contains the full text of the lease agreement between the parties and may not be altered or modified except by a written agreement signed by both parties.
- 26. Entire Agreement.** This instrument is an integrated agreement (i.e. an integrated contract) that constitutes the final, entire, and complete expression of the agreement of the parties. No prior, subsequent, or additional terms, conditions, or representations are to be considered as part of the contract between the parties. This agreement supersedes all prior negotiations, understandings, and agreements between the parties with respect to the subject matter hereof, and the parties intend that no parol or extrinsic evidence shall be admitted to vary or supplement its terms. There are no other subsisting agreements or understandings between the parties, either oral or written, with respect to the subject matter hereof.

# Stevensville Airport Land Lease

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IN WITNESS WHEREOF, the parties hereto have signed this agreement this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Lessor:  
Town of Stevensville

Attest:

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Town Clerk

Lessee:

\_\_\_\_\_

\_\_\_\_\_  
Print name