

Stevensville Town Council Meeting
Thursday, January 10, 2019
7:00 p.m.

- 1. Council for the Town of Stevensville came together in the Council Chambers, this being the time set for the regular meeting of the Town Council.**

Mayor Dewey called the meeting to order at 7:00 pm

Roll Call: Mayor Dewey, Councilmembers Barker, Holcomb, Phillips and Michalson were all present. Staff and members of the public were also present

- 2. The Council and all present rose, faced the flag and recited the Pledge of Allegiance**

- 3. Approval of Town Council Meeting Minutes:**

November 29, 2018

December 6, 2018

December 10, 2018

Councilmember Holcomb moved to approve the Town Council November 29, 2018 and December 6, 2018 and December 10, 2018. Seconded by Councilmember Michalson. The vote was called and all voted “aye”. Motion passes 4-0.

- 4. Approval of Bi-Weekly Claims**

Councilmember Holcomb moved that we approve the bi-weekly claims.

Councilmember Barker seconded the motion. Council asked several questions about the claims. The vote was called and all voted “aye”. Motion passes 4-0.

- 5. Administrative Reports**

- a. Finance Officer

- Report presented by Finance Officer, April VanTassel

- b. Police

- Report presented by Police Chief James Marble

- c. Public Works

- Report presented by Public Works Supervisor George Thomas

- 6. Guests**

Tim Peterson, Bitterroot Task Force on Homelessness and Housing presented an overview of his organization and related statistics.

- 7. Correspondence**

Mayor Dewey read thank you letters from the following recipients of funding for the Grants to Others program:

- Pantry Partners Food Bank
- Historic St. Mary's Mission, Inc.
- Clothes Closet
- Stevensville Playhouse

8. Public Comments

Carolyn Mickens, 211 Buck, resolution 436, spoke in regards to her petition to vacate the alleyway. Ms. Mickens commented that when she wrote out the petition, it stated "to vacate the alleyway", which is the two hundred block of Buck, right across the street. Ms. Mickens stated that she did not have the knowledge that she was supposed to vacate the alley with an easement. When it came to the October 22nd meeting, they had a public hearing, that she was late due to a family emergency. She was never given a hard copy of the resolution so that she would know the steps, 1, 2, 3 and 4. There were not any hard copies back there. When it came time to vote the resolution says that they are voting on, the Councilmembers, vacating the alley and so when the Councilmembers voted, they may have been under the understanding that they were voting about vacating the alley and Mr. West the lawyer said, when you vote, make sure that you vote and that there are utility easements because that is important. Ms. Mickens commented that she feels that they misunderstood what they were voting on. Ms. Mickens also stated that she thought that she had done the petition wrong, so she re-wrote the petition and it stated "to vacate the alley, leaving utility easements." Out of the 15 lots, she has 100% of the signatures. She visited with the Mayor about getting it on the agenda, and again, she was turned down because the Council had already voted on it and it would be wasting their time, obviously if you revote something that you already voted on.

Ms. Mickens commented that she was also told to bring it to her Board members which are, Mrs. Holcomb and Mrs. Barker, which she did. They stated that they felt it would be well worth her time to have them put it on the agenda. We worked together, and wrote it out to decide, discussion and revote this issue. Both Mrs. Holcomb and Mrs. Barker signed off on this request to have it done. Ms. Mickens stated that she was under the understanding that if two Councilmembers sign off on a request for something to be put on an agenda, that the Mayor would put it through. Guess what, Ms. Mickens is greatly disappointed in Mr. Dewey because he denied her request. Ms. Mickens asked at this time, 1 – what can she do to get it back on an agenda and get it settled and, 2 – why was their request denied.

Mayor Dewey responded that public comment period is not an opportunity for dialogue. Mayor Dewey offered to discuss the issue with Ms. Mickens after the meeting. Ms. Mickens responded that she will make an appointment so we can do that.

9. Unfinished Business

- a. **Standing Agenda Item: Discussion/decision regarding the Response and Recommendation Report regarding complaint filed by Town Clerk Audree Tribbensee**

Mayor Dewey provided a status update on the item.

- b. **Discussion/decision regarding an interlocal agreement between the Town of Stevensville Fire Department and the Stevensville Rural Fire District**

Mayor Dewey provided an update on the interlocal agreement, including new documents submitted by the Rural Fire District and indicated that this item will be considered at a later date once the Mayor and Fire Chief have an opportunity to review them.

10. New Business

- a. **Discussion on Resolution #444, a Resolution of the Town of Stevensville, Town Council Establishing Code of Conduct for Elected and Appointed Officials**

Councilmember Jerry Phillips presented an overview of the item.

Council expressed concern about the committee who reviewed and provided comments on the draft document and concern with some of the provisions included such as limiting contact with staff and the Town's Attorney.

Mayor Dewey provided a response to the concerns about the committee.

Council shared some of their individual research on a code of conduct and questioned the need for such a document if Montana State code already provides provisions for code of conduct.

Council agreed that the draft document should be brought forward in a Committee of the Whole meeting.

Mayor Dewey indicated that he will work with the Clerk to find a date that will work to schedule the Committee of the Whole meeting.

b. Discussion/decision to establish a three-member Ethic Panel to review complaints of alleged violations of Public Trust – Public Duty as authorized by §2-2-144 (5) MCA (Michalson/Barker)

Councilmember Michalson indicated that this item was the result of the Mayor's recommendation to form an ethics committee.

Mayor Dewey responded that no he did not have a recommendation to form an ethics committee.

Councilmember Michalson commented that yes it was and explained that he was concerned about finding people to serve on the panel. Mr. Michalson asked four people and he has one, maybe. Mr. Michalson indicated that he is all for it, but getting people on board to be part of the committee will be real hard.

Mayor Dewey explained that State law provides a very narrow scope of issues that can be considered by an Ethic Panel. Mayor Dewey doesn't know if this Panel is authorized to consider things included in the Town's Code of Conduct.

Brian West, Town Attorney added that the only complaints that an Ethics Panel can consider are those listed in the code, section 2-2-144. This Panel could not take up any items that may be included in the Code of Conduct.

No action taken.

c. Discussion/decision to approve an engagement letter between the Town of Stevensville and Ross Miller, Water Rights Attorney

Ross Miller provided an overview of the scope of services and engagement letter.

Councilmember Holcomb moved that we approve of the engagement letter between the Town of Stevensville and Ross Miller, water rights attorney. Councilmember Barker seconded the motion.

Council asked a few questions of Mr. Miller.

The vote was called and all voted "aye". Motion passes 4-0.

d. Discussion/decision to consent to the Mayor's Town Employee Reorganization Plan

Mayor Dewey introduced the item.

Councilmember Barker expressed concerns regarding the Town Clerk/Court Clerk; the building official is not in the Clerk's job. Councilmember Barker feels

that it's not the Clerk's job to do that. There was also concern expressed about changing the Utility Billing Clerk and General Services Clerk to a Deputy Clerk. There is concern that the Clerks are not bonded as Council has not seen any certificates. This is something that the Council needs to be aware of. Councilmember Barker commented that the General Services Clerk was brought in as a 20-hour part-time position, we put that workload on them for more hours, where are we getting these funds? Councilmember Barker indicated that they looked at the moving of the wages and proposed savings, but it appears that you are just moving one thing to another and we are not really saving. The Municipal Handbook states that the Clerk is designated as a Clerk and Councilmember Barker stated that she doesn't know why we are trying to change these things when we have laws to follow.

Mayor Dewey explained the reasons behind the proposed reorganization plan, existing issues and how the plan addresses those issues.

Finance Officer, April Van Tassel provided an overview of the financial component of the proposed reorganization plan.

Police Chief Marble provided his support for the proposed plan and the possibility of hiring an additional officer this budget year.

Councilmember Michalson asked if the Mayor is seeking a raise too.

Mayor Dewey indicated that this plan would allow the Mayor to focus on broader initiatives and not supervise the staff.

Councilmember Barker commented that the Clerk should not be the building official and zoning as the Town has people who would be willing, if the Town put it out there again. Councilmember Barker commented that she was concerned that there is a big workload on the Clerk who doesn't need any more added to it. If the Council is taking the Court Clerk away from her, she needs to concentrate on the job that she has as Clerk and helping out with the financials and whatever else is up front. This is not her job.

Mayor Dewey asked to clarify if Councilmember Barker is suggesting making the Town Clerk full-time so that all of her work is Town Clerk work, no other work and keeping a building official on board.

Councilmember Barker stated that building and zoning needs to be someone else, it's not her job. Same thing as the General Services Clerk, as a Deputy Clerk.

Mayor Dewey responded, that is just a title, she functions as a Deputy Clerk.

Councilmember Barker commented that you can't change her title because that is the way we drew it up and this is the way it was and how it is stated in the job description. She is not a Deputy Clerk.

Mayor Dewey clarified that he is asking to change the job description.

Councilmember Barker responded, no, as she thinks it needs to stay as the General Services Clerk, she doesn't need to be in that position.

Mayor Dewey responded that she functions as a Deputy Clerk and she is doing the job, why wouldn't we call her that.

Councilmember Barker asked is she bonded? Why is she collecting funds if she is not bonded?

Mayor Dewey answered that she is bonded and further responded that he was bonded as the General Services Clerk.

Councilmember Michalson asked who fills in when April is gone, is it part of the Clerk's duties.

Mayor Dewey responded no, when she is gone for any period of time, she puts in processes, such as payroll so that they are scheduled in advance. Denise has some training in that area and the Mayor is also able to perform those functions.

Chief Marble asked Councilmember Barker if her concern was whether or not she is qualified to serve in that capacity.

Councilmember Barker responded, correct.

Chief Marble asked if the Town Clerk could provide a better understanding of her qualifications.

Town Clerk Tribbensee explained her years of municipal experience and qualifications including building safety and zoning and provided an overview of the current workload and deadline issues related to performing Town Clerk and Court Clerk job functions.

Councilmember Holcomb asked Town Attorney Brian West his opinion on whether the Town can or cannot assign those duties without having her fill out an application, because this was open to the public.

Town Attorney, Brian West responded you can reallocate your job positions if it doesn't affect a pre-existing position.

Councilmember Holcomb asked if the work load is currently heavy, how will it be different being the Town Clerk and the Building Official and Zoning?

Town Clerk Tribbensee responded that it will be significantly different because taking out the weekly court responsibilities, which are significant. As an example,

this week Tuesday, Wednesday and until 2:00 pm Thursday, all focus was on court matters, leaving little time to get ready for tonight's meeting. If that 16 hours on average dedicated to the court, removed, because those items are time sensitive. I have to get the warrants, I have to get the attorneys whatever documents took place, I have to prepare for the court all documents, before court and after the hearings. That would significantly free up time to do the zoning and building official functions which takes a lot less time, time sensitive time, allowing more time to manage time.

Councilmember Barker asked when you are saying bring in a court clerk, which would be part time, when you say you are going to be saying significantly, how significantly are you talking? What would that starting wage be?

Mayor Dewey responded \$13 per hour, or \$5 an hour decrease. The court clerk would come forward with a wage adoption and the job description.

Councilmember Barker commented that she doesn't want to see the Town Clerk take on more work, when she already has a big workload and then you are taking something out that is 16 hours. Who is to say that this couldn't, they have 20 something homes that they are proposing, there is another piece of property bringing in some homes. There is different things she is looking at as a future, and doesn't want the Clerk to be overloaded where you are already work, overloaded.

Town Clerk Tribbensee thanked Councilmember Barker, this proposal really reduces the stress and the amount of work load because the amount associated with supervising as a Building Official, interpreting building codes is significantly less. Being the zoning administrator removes the conflict associated with the Mayor and the Board of Adjustment. Those are my areas of expertise. I can read codes left and right, backwards and forward, I know how to do that, so there won't be a learning code and it won't be time intensive, I am not preparing documents for court, warrants, or whatever other documents. The building official is a higher level.

Councilmember Barker asked if that takes the Mayor out of the zoning administrator role.

Mayor Dewey responded yes, which would be appreciated. It is something the Mayor has to spend time on that is more technical, and he would rather his time be spent at a higher level. The other issue is if he makes a determination as the zoning administrator and someone appeals that determination, that comes to the Board of Adjustment. As the Mayor, he has a vote on that Board, it's a conflict. Councilmember Michalson stated that it is a conflict of interest.

Mayor Dewey indicated that MLCT that general counsel, Kelly Lynch said that is not a good practice to do that. Because its appealing a decision to the same person who made that decision and that is not fair.

Chief Marble commented that we need to evolve, be proactive to address issues and move forward with this proposal. We are where we are at because we haven't planned for the future.

Councilmember Barker responded that is something that she spoke with James about a couple of weeks ago about how we want all these things right now, we need to take it step by step. The toys are nice to have, a fire truck needs to be replaced in three years, we set a little aside but we aren't looking at the bigger picture. This is where we are getting ourselves in trouble. When we do have these issues that come aboard, reconfiguring wages, when it is here, we have crunched the numbers but we weren't really planning for it. We need to start looking more ahead.

Chief Marble stated that we are going to experience growing pains as we evolve, but we need to change things as it makes sense. This proposal, if it makes sense to you, we should move forward. If there are things that don't make sense, or weren't explained well, then ask for clarification. We need to move forward with this thing.

Council expressed concern about having enough manpower to perform public works functions.

Councilmember Holcomb commented that we have already discussed this at length before making a motion.

Mayor Dewey responded that it is okay to discuss an item before making a motion. Hopefully now you know what motion to make after the discussion.

Councilmember Holcomb moved to consent to the Mayor's Employee Reorganization Plan. Councilmember Phillips seconded the motion.

Penny Howe, expressed concerned about filing a position based on internal staff qualifications and asked what if she gets hit by a bus. Does not think you should set positions based on current qualifications. Court

Jeff Motley asked about finances down the road and the financial sustainability of the plan.

Mayor Dewey explained the financial expectations and future projections, including available building funds. Mayor Dewey concluded that he believes that this is a sustainable plan.

Council asked for a Police Department inventory list.

The vote was called and Councilmembers Phillips, Michalson and Holcomb voted "aye". Councilmember Barker voted "nay". Motion passes 3-1.

- e. **Discussion/decision to consent to Mayor’s appointment of Don Lorenzen to the Town of Stevensville Airport Board**

Mayor Dewey introduced the item.

Councilmember Holcomb moved to consent to the Mayor’s appointment of Don Lorenzen to the Town of Stevensville Airport Board. Councilmember Barker seconded the motion. The vote was called and all voted “aye”. Motion passes 4-0.

- f. **Discussion/decision to appoint a Councilmember to serve on the Airport Board in accordance with Stevensville Municipal Code §3-33**

Town Clerk Tribbensee introduced the item.

Councilmember Holcomb moved to appoint Councilmember Michalson to serve on the Airport Board in accordance with Stevensville Municipal Code §3-33. Councilmember Phillips seconded the motion. The vote was called and Councilmembers Holcomb, Barker and Phillips voted “aye”. Councilmember Michalson abstained. Motion passes 3-0.

- g. **Discussion/decision to appoint a Councilmember to serve on the TIFID/TEDD Board in accordance with Stevensville Municipal Code §2-330**

Town Clerk Tribbensee introduced the item.

Councilmember Barker moved to appoint Councilmember Holcomb to serve on the TIFID/TEDD Board in accordance with Stevensville Municipal Code §2-330. Councilmember Michalson seconded the motion. The vote was called and Councilmembers Michalson, Phillips, and Barker voted “aye”. Councilmember Holcomb abstained. Motion passes 3-0

- h. **Discussion/decision regarding the Mayor’s appointment of a Councilmember to serve on the Park Board**

Mayor Dewey introduced the item.

Councilmember Michalson moved to appoint Councilmember Barker to serve on the Park Board. Councilmember Phillips seconded the motion. The vote was called and Councilmembers Michalson, Holcomb and Phillips voted “aye”. Councilmember Barker abstained. Motion passes 3-0.

- i. **Discussion/decision consent to the Mayor’s appointment of Loey Knapp to the Town of Stevensville Park Board**

Mayor Dewey introduced the item.

Councilmember Barker moved to consent the Mayor's appointment of Loey Knapp to the Town of Stevensville Park Board. Councilmember Michalson seconded the motion.

Council expressed concern about the Board, lack of meetings, participation of members and the need to have a better understanding of the roles and responsibilities of the Board.

Vicki Motley, 318 9th Street and Park Board member commented that she believes it would help to have guidance from the Council regarding the Park Board because right now it very frustrating because we do not have any direction.

The vote was called and Councilmembers Phillips, Barker and Michalson voted "aye". Councilmember Holcomb voted "nay". Motion passes 3-1.

j. Discussion/decision to Nominate and Elect a Council President for 2019

Mayor Dewey introduced the item.

Councilmember Holcomb moved to nominate Councilmember Michalson to serve as the Council's 2019 Council President. Councilmember Phillips seconded the motion.

The vote was called and Councilmembers Phillips, Barker and Holcomb voted "aye". Councilmember Michalson abstained. Motion passes 3-0.

Councilmember Holcomb moved to elect Councilmember Michalson to serve as the Council's 2019 Council President. Councilmember Barker seconded the motion. The vote was called and Councilmembers Phillips, Barker and Holcomb voted "aye". Councilmember Michalson abstained. Motion passes 3-0.

k. Discussion/decision regarding a lease agreement between the Town of Stevensville Fire Department and the Stevensville Rural Fire District

Mayor Dewey explained that a new document has been submitted by the Rural Fire District after the distribution of Council's packet and as a result, this item will be placed on a future meeting agenda.

DISCUSSION REGARDING COUNCIL APPOINTMEN TO THE PLANNING AND ZONING BOARD, ITEM NOT ON AGENDA:

Councilmember Holcomb asked if we forgot the appoint someone to the Planning and Zoning Board?

Mayor Dewey responded that no one was due.

Councilmember Phillips responded that he was appointed.

Mayor Dewey responded that their term coincides with their term on Council. So Councilmember Phillips can be on that Board as long as he is a Councilmember.

Councilmember Michalson stated that he also serves on that Board.

Councilmember Michalson stated that he called MMIA it can be done but it should not be done because you have two Councilmembers sitting on the planning and zoning board and that could act as a vote of favoritism when it comes to a vote because we are both voting members.

Mayor Dewey responded that when Mr. Phillips was appointed to the Council representative seat on the Board, we failed to reappoint you to another seat. So, as the roster stands now, Mr. Michalson does not serve on the planning and zoning board, so we are okay, there are not two members on the Board. Since Mr. Phillips took your seat, your seat was vacated, we didn't reappoint you to another seat on the Board. This came to our attention when we reviewed the rosters. When we appointed him to your seat on the Board...

Councilmember Michalson asked who appointed?

Mayor Dewey responded, the Council.

Councilmember Michalson stated, no we never.

Mayor Dewey responded, yes you did.

Councilmember Barker stated no, he was still to sit on that Board and the Airport Board at the time.

Mayor Dewey responded if you review past minutes and agendas, Council consented to the appointment of Jerry Phillips to the Planning and Zoning Board as the Council representative. Mr. Phillips was appointed to the Council representative seat on that Board and by doing so, you vacated, or you removed Mr. Michalson from the Board because his seat was refilled by Mr. Phillips.

Councilmember Phillips stated at that time we had a discussion, due to the number of people on the Board it was decided that we keep Mr. Michalson on that Board as well.

Mayor Dewey responded that we talked about that, but we didn't take formal action to reappoint him to the Board in another seat. There needed to be an agenda item and a motion appointing Bob Michalson to a seat on the Planning and Zoning Board and that never happened.

Councilmember Michalson commented that it would be wise maybe two because we are having a hard time coming up with a quorum. Meghan hardly makes it.

Mayor Dewey responded that is a conversation we can have down the road, its not something that is on tonight's agenda.

I. Discussion/decision to approve a new land lease for Lot #1, Block #6 of the Stevensville Airport

Mayor Dewey introduce the item.

Councilmember Holcomb moved to approve a new land lease for Airport Lot #1, Block #6 at the Stevensville Airport. Councilmember Barker seconded the motion. The vote was called and all voted "aye". Motion passes 4-0.

m. Discussion/decision to consent to Mayor's appointment of Dustin Wood to the Town of Stevensville Airport Board

Mayor Dewey introduced the item.

Councilmember Holcomb moved to consent to the Mayor's appointment of Dustin Wood to the Town of Stevensville Airport Board. Councilmember Phillips seconded the motion. The vote was called and all voted "aye". Motion passes 4-0.

11. Executive Report

- Update on the installation of the surveillance cameras – delayed on the part of Moore Technology
- Snow removal code compliance update, a few commercial properties are not clearing their sidewalks

12. Town Council Comments

None

13. Board Report

14. Adjournment

Councilmember Holcomb moved to adjourn the meeting. Councilmember Barker seconded and all voted "aye". Motion carried 4-0.

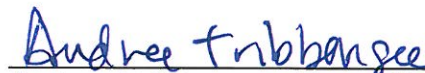
The meeting was adjourned at approximately 9:25 p.m.

APPROVE:



Brandon Dewey, Mayor

ATTEST:



Audree Tribbensee, Town Clerk