

**Stevensville Town Council Meeting
Thursday, February 14, 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. Councilmember Michalson called the meeting to order at 7:00 pm.**

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

In the absence of the Mayor, as the Council President and therefore the presiding officer, Councilmember Michalson facilitated the meeting.

- 2. The Council and all present rose, faced the flag and recited the Pledge of Allegiance**
- 3. Approval of Minutes**
 - January 10, 2019 Council Meeting Minutes
 - January 24, 2019 Council Meeting Minutes

Councilmember Holcomb moved to approve the minutes for January 10th and the January 24th Council meeting minutes. Councilmember Phillips seconded the motion.

Councilmember Holcomb stated that all of the public comments were included in the January 24th minutes, but Audree's comments were not included and questioned if that was a mistake. Town Clerk Tribbensee responded that if Council would like her to put them in, she will. Councilmember Michalson stated since this is a matter of public record and since Audree does a very a thorough job, he believes it would be to the best interest of the Town if she were to put her comments in the minutes. Councilmember Michalson suggested that if Council wanted those included, then Council should not approve the minutes until they are put in.

Councilmember Holcomb stated that she would like to withdraw her motion for the January 24th meeting minutes and approve the January 10th.

Councilmember Michalson commented that there is a motion on the floor and stated that he thinks she should retract or take the early motion away.

Councilmember Holcomb stated that she will retract her motion and made a motion that we approve the January 10th Council meeting minutes. Seconded by Councilmember Phillips.

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

4. **Approval of Bi-Weekly Claims**

Councilmember Holcomb moved that we approve the Bi-Weekly Claims (#14961-15003). Councilmember Phillips 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 Report**

Finance Officer, April Van Tassel presented the financial report. Council asked questions about the past due claims and inquired about moving the Police Department to the front of the building.

Councilmember Michalson indicated that he and Councilmember Barker are in talks with the Rural Fire Department about the agreement and questioned if Mayor Dewey has heard from Rural Fire and asked questions about the Mayor's and Fire Chief Motley's discussions with Rural Fire.

b. **Public Works Report**

Public Works Supervisor, George Thomas presented the Public Works report. Council asked if the Town has found a replacement for Jack yet.

Martha Phillips thanked George for keeping the roads plowed.

Councilmember Michalson thanked George for sanding the roads.

c. **Airport Report** - none

6. **Guests** - none

7. **Correspondence**

Councilmember Michalson read the clarification correspondence from Town Clerk, Audree Tribbensee dated January 28, 2019

8. **Public Comments** - none

9. **Unfinished Business**

a. **Discussion/Decision to rescind Resolution 11, to abolish the Park Board**

Councilmember Michalson introduced the item and indicated that this item came up at the last meeting and never came up for a vote. Councilmember Holcomb commented that the Park Board doesn't meet often and the Town didn't have any problems when there was not a Park Board for many months and the Council was able to make decisions.

Councilmember Holcomb made a motion to rescind Resolution 11 to abolish the Park Board. Seconded by Councilmember Barker.

Councilmember Phillips read from the Montana Municipal Officer's Handbook, in regards to resolutions, "Resolutions can only be amended or repealed by a resolution. A resolution which amends another resolution should state the entire section being amended." Councilmember Phillips commented that what Council is doing to abolish the Park Board, which is a resolution, it should go through another resolution to do that; not the way Council is doing it now.

Councilmember Phillips gave an example referencing item 10a, a resolution amending another resolution; stating that is the very thing that we are doing with the Park Board. Councilmember Phillips indicated that looking at Great Falls, that is what they do; they have a resolution to amend or repeal a resolution; that is the proper way to do it.

Councilmember Michalson stated that he agrees to disagree. We have done this a few times in his tenure on the Council. If the Clerk or April were to bring the Resolution book out, you will see there are no resolutions to rescind resolutions. Councilmember Michalson commented that he was told by MMIA that has more to do with County and Commissions than it has to do with local towns.

Councilmember Phillips responded that the Council Commission procedures part of the Montana Municipal Officer's Handbook, specifies and provides examples of how resolutions are supposed to be written. It is very clear this is for City Councils and Town Councils.

Councilmember Holcomb suggested that with the new information, Council may need to table 3 of the agenda items until we can look into what was brought forward tonight and then bring them back at a later date.

Councilmember Holcomb retracted her earlier motion.

Councilmember Holcomb moved that we table unfinished business item 9a until we can look into what Councilmember Phillips brought to the table. Seconded by Councilmember Barker.

Joe Moore, 514 Central, asked Councilmember Michalson what were the other items that would be tabled.

Councilmember Holcomb responded new business items "c" and "d" because they were both having similar resolutions.

Joe Moore commented on the Park Board and rather than get into general public comments, to go back to the statement that he made at the last meeting, which was reinforced about taking the time during Council meetings to do what is right for the Town. What items that are going forward and what discussions we might be having and what decisions we make are for a positive impact and a positive way forward for the Town. With regards to the Park Board, he sat through a number of meetings, the idea of rescinding it until next month, reminded everyone that on the Town's web page, Park Board talks about the parks being part of the importance and vitality of the Town. Asked which Councilmember serves as a Park Board representative, one of the things that came up at the last meeting, that there be some flexibility. It says in the resolution 11, voted on in 1975, the last paragraph, "the Stevensville Town Council, shall from time to time, provide in writing guidelines to the Park Advisory Board setting for the powers and duties of the Board." What he said at the last meeting about keeping the Park Board as a function of the Town, even if you didn't have regular meetings like Planning and Zoning has 4 a year, but the idea to keep the Park Board in a flexible motion will be very important for the Town. You can always call meetings when you need to, if you have a Council person that is the chair rather than have somebody else as the chair. Keep the Park Board going, even if its in skeletal fashion because of its vitality and importance in place. There will be issues that come up and it would be nice to have that resource available and have 1 or 2 people available to activate that committee and get it going.

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

10. New Business

- a. Discussion/Decision to approve Resolution No. 435a, A Resolution Amending the Wages and Compensation of Elected and Appointed Officers and All Employees of the Town of Stevensville for Fiscal Year 2018-2019 and Establishing an Effective Date for Wages and Compensation**

Councilmember Michalson introduced the item and asked if there was a motion on the floor.

Councilmember Holcomb moved that we suspend the Council Rules and bring, if it is okay with the Council, bring new business 10f before new business 10a since she is believing that would make the decision on "a". Seconded by Councilmember Barker.

Joe Moore, 514 Central, of all the items presented on the agenda tonight, this is the only item that has a rationale; it is a well-done rationale. For example, going back to the Park Board, there is no rationale and no reasons given other than opinions. Mr. Moore thanked Councilmember Holcomb and Michalson for doing a good job writing the agenda item.

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

f. Discussion/Decision Council Reconsideration of the approval of the Mayor's Employee Reorganization plan

Councilmember Holcomb asked Councilmember Michalson if he wanted to read the rationale submitted as Mr. Moore asked. Councilmember Michalson read the documentation submitted as part of the agenda request and included in the Council packet. Councilmember Michalson stated that upon further review, he called Brenda from Superior. Councilmember Michalson sent an email to all members of staff and to Council. Audree also sent an email to Brenda clarifying that it is not mandatory. Councilmember Michalson commented that it is a 4-year program, not a 3-year program and is highly recommended, but is not in the Montana Annotated Code book; it is the Montana League Cities, Treasures and Clerks. Even though it is highly recommended, it is not a mandatory thing that these Clerks have to go to this 3-year training program. But many towns have ordinances and resolutions that put it in their job descriptions. The Town can make a resolution and ordinance and change the job descriptions of the Clerks and Treasury which would make it mandatory; the Town has that right.

Regarding the Building Official, Councilmember Michalson called the State and had a good discussion with Dennis Monroe this morning. Councilmember Michalson handed out and discussed the States requirements which are cut and dried. The staff qualifications are pretty intensive. Dennis has not resigned and does not want to leave the Town hanging. When he talked to Dennis and Archie, both indicated that she may be licensed in the State of Arizona but she still has to pass all Montana Board licenses. Dennis said he has no problem if we cannot find a building official, he has no problem staying on as long as it takes to get Audree qualified. Before Dennis was here, the Town was not up to snuff, the electrical license only, and didn't have all the qualifications to be a building official and when the State found out they came down and instructed the Town to give back any building permit fees as a result and if not, they would start fining the Town daily. We haven't broken any rules yet, Councilmember Michalson highly recommends if moving forward, doing the reorganization plan, if the Clerk wants to be the Building Official she will have to be mentored by Dennis and be certified and take tests.

Councilmember Holcomb commented that she reached out to Dan Clark and he gave her the same information that Brenda sent Councilmember Michalson, but he made it sound like it is mandatory. He sent her the application and said this is the same thing that Brenda sent. She was always under the understanding as long as she has sat at the Council table, that the Clerks have to be certified within 3 years. Councilmember Holcomb believes that we should be putting that into the Clerk's job descriptions. The

classes are awesome, the schooling is awesome, you learn a lot and believes it is good for them to go and get certified.

Councilmember Phillips commented that it might be wise to include the Councilmembers for training. As a new member of Council, it would be nice to have some training.

Councilmember Holcomb stated that they would like to see the Councilmembers come every year. Because there is always something new that you are learning.

Councilmember Holcomb commented that she has been in a couple of classes with the Clerk's and some of the stuff, she didn't even know. When we had passed this at the one meeting, she was under the understanding that everybody was okay with this and everybody knew about it and then after it passed, she found out that no, not everybody knew about it and was not okay with it.

Victoria Howell asked, are you talking staff?

Councilmember Holcomb responded Dean Whitesitt didn't know and Dennis Monroe.

Councilmember Phillips questioned the cemetery sexton, Mr. Whitesitt was doing it for a number of years. He did an excellent job on keeping track of things. What is our proposal, where do we go from here?

Councilmember Michalson responded that he understands that it has been turned over to the Utility Billing Clerk, Denise Philley; she is the acting cemetery sexton.

Councilmember Michalson commented that he did have a discussion with Mayor Dewey on this, and he told him that that he wanted to bring this back up, not to completely get rid of it. This is probably one of the biggest reorganization plans that this Town has ever had and would like to rescind this for now and take it to a Committee of the Whole meeting, and have it discussed amongst the Council and the staff and Dennis Monroe said if we bring this to a COW meeting he would like to come and discuss his view points on this. Councilmember Michalson indicated that Mr. Monroe is taking a six week leave of absence in March and when he gets back, he wants to be part of this discussion. Councilmember Michalson stated that Mayor Dewey did agree that he felt it should go to a Committee of the Whole meeting also and discuss it and iron it all out and bring it back before the Council to move it forward.

Councilmember Phillips commented that the reorganization plan included a Court Clerk, and questioned if that Clerk has been hired yet?

Councilmember Michalson indicated that he thinks it is under advertisement now and doesn't think it has been filled yet and asked if Audree could answer that.

Town Clerk Tribbensee responded that we conducted interviews yesterday and the Judge is ready to offer the selected candidate the position. But, she is not going to offer it until she knows what Council is going to do because she doesn't feel it is right to give a job to someone and then have it pulled back from them.

Councilmember Barker stated that some of her concerns when we hired Audree, we hired her as a Town Clerk/Court Clerk. If that is the case and we have taken that out of her job duty, then she believes when we go back through the job descriptions that needs to be rewritten as well in our job entitlements and how we have them in our policies. Council will need to write a whole new job description for the Court Clerk as well.

Joe Moore, 514 Central, complimented Council on having a discussion on this rationale, but also commented that Council could have saved at least 20 minutes by just saying that we are going to put this in a COW meeting because there are a number of issues that would be more appropriate at a COW meeting.

Councilmember Michalson said there is a motion on the floor to rescind the reorganization of the approval of the Mayor's reorganization plan.

Councilmember Holcomb commented that she didn't think there was.

Councilmember Michalson made a motion that we rescind the reorganization of the approval of the Mayor's Employee Reorganization Plan.

Councilmember Barker stated that you can't do it, so we need to table the item.

Councilmember Michalson stated that in order to do this correct, that we table this and then at the next meeting, Mayor Dewey would bring it back up and take it to a COW meeting.

Councilmember Barker made a motion that we move the Mayor's Employee Reorganization Plan or to send it to a COW meeting instead of a vote tonight.

Councilmember Michalson stated to clarify you would like to table this and move to a Committee of the Whole meeting to sort all the details out and then bring it back forward for discussion and decision. **Seconded by Councilmember Holcomb. The vote was called and all voted "aye". Motion passes 4-0.**

10. **New Business**

- a. **Discussion/Decision to approve Resolution No. 435a, A Resolution Amending the Wages and Compensation of Elected and Appointed Officers and All Employees of the Town of Stevensville for Fiscal Year 2018-2019 and Establishing an Effective Date for Wages and Compensation**

Councilmember Michalson stated that since we have tabled item “f”, and moved it ahead of item “a”, he would like to also table item number “a” until item number “f” has been thoroughly discussed at a Committee of the Whole meeting and then brought back forward to the Council for decision and then upon doing that then we can properly move to discuss the wages that goes along with this and the other employees. Councilmember Holcomb seconded the motion. The vote was called and all voted “aye”. Motion passes 4-0.

- b. **Discussion/decision to update Ordinance #156 for Special Event Permits**

Councilmember Michalson introduced the item.

Councilmember Holcomb commented that she thinks Council needs to talk about updating Ordinance 156 to bring these back to the Council for approval. There have been a couple that Council didn’t see, the Scarecrow Festival and Parade of Lights, which had more than 1000 people, but neither one of them came to Council. When she asked the question, why didn’t they come, well they had marked that it was under 1000. Because they marked under 1000 people it did not need to go to Council for approval. Councilmember Holcomb asked if we need to have a COW meeting to update the Ordinance 156. Council has never not approved a special event. She would like to see them come to the Council so we can discuss and make sure that everything is kosher.

Councilmember Phillips commented that based on the Montana Officers Handbook, ordinances are laws of the city and town and must be read twice at two meetings.

Councilmember Holcomb made a motion that we table updating Ordinance #156 until Mayor Dewey gets back and we have a Council of the Whole meeting to just maybe make some changes. Seconded by Councilmember Phillips.

Joe Moore, 514 Central, questioned, going to the rationale, Councilmember Michalson, what are we looking at? It can go to a Committee of the Whole, that is fine. But, to bring it up as an agenda item tonight, he cannot understand what the changes would be other than maybe adding specific events to the ordinance.

Councilmember Holcomb responded that it would take out “if the special event is approved by all departments and the event is less than 1000 participants, it may be forwarded to the Mayor for final approval”, which doesn’t come in front of Council. She knows a couple of these events there were over 1000 people. But because they are not putting there are 1000 people, its not coming in front of us.

Joe Moore continued, his point is, the rationale that would proceed this, that would give us an opportunity to understand what you are looking for change, would help facilitate timing, and whether or not you could move quickly to a COW meeting rather than as an agenda item.

Councilmember Michalson commented that a Committee of Whole meeting is the only meeting that the Mayor does not have the authority to schedule, that is the Council’s decision. Since we have so much going on, Committee of the Whole meetings and thinks we have one or two that are coming up, to be fair to Mayor Dewey, he can work that out with the Clerk and that way we can bring it back for discussion.

Joe Moore responded that he applauds that comment Michalson, his whole point tonight is to say that many of the agenda items that come up are things that could be dealt with that way to facilitate moving more positively with the Town. The very thing you said is what we should be doing on a regular basis to move the Town forward.

Victoria Howell, 609 Middle Burntfork, a difference of opinion, something as simple as this, she doesn’t think would require a COW meeting. Robin is pretty clear on what she would like to recommend the change be, which would be to say that all special event permits would come before the Council. That is how you would make the change and doesn’t know if you really need a COW meeting to go all through that. What you could do is bring it forward as an agenda item, a change; however, you still, because it’s an ordinance, can hold a public hearing, which is not a COW meeting; that’s the advertised meeting that you have official public comment. To avoid an extra meeting for a really simple agenda item. Seems like you really don’t need a COW meeting.

Joe Moore, agrees with Ms. Howell, his point was a lot of these things can be done to save us time.

Councilmember Michalson commented that what he is hearing, rather than have a Committee of the Whole meeting to do it, as Mr. Phillips said earlier, taking it to a public hearing.

Councilmember Phillips responded that is correct and re-read the language regarding Ordinance from the Montana Official Handbook.

Councilmember Michalson asked Councilmember Holcomb if she wanted to retract her motion or continue forward with a Committee of the Whole meeting.

Victoria Howell suggested that since you have other Committee of the Whole meetings coming up, you could add this and discuss it among other items, so you don't need another Committee of the Whole meeting.

Joe Moore commented that if you were changing some of the wording, you wouldn't have to go through a lot of discussion.

Councilmember Michalson stated that no matter what happens if we take it to a Committee of the Whole meeting, change the language, you would still have to have a public hearing.

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

c. Discussion/Decision to rescind Resolution 363

Councilmember Michalson commented this item is tabled.

d. Discussion/Decision to Rescind Resolution 281a

Councilmember Michalson commented this item is tabled until we can get clarification on whether we have to rescind a resolution with another resolution.

e. Discussion/Decision on updating the Town of Stevensville Purchasing Policy

Councilmember Michalson introduced the item. Councilmember Holcomb stated that she brought this up to see what other Councilmembers thought. Councilmember Holcomb commented that she knows that things are not happening now, that need to be followed up on and we may need to do some changes to our purchasing policy.

Councilmember Michalson commented that this is quite intensive and is something that that April needs to be here to discuss a lot of this and suggested that we table this.

Councilmember Holcomb made a motion that we table this.

Councilmember Michalson responded until we can bring it back and April can be here and discuss a lot of these issues and if we have to take it to a Committee of the Whole meeting.

Councilmember Barker said there is no reason why we can't talk about this and we can discuss what changes are needed.

Councilmember Holcomb said there are a couple of things, where even though we have budgeted the money for something, even in this, we still have to have 3 bids and it has to be brought to the Council for approval and it hasn't happened in a year or a couple of years. She thinks even when Mayor Mim Mack, if we had 3 bids, it came to Council to approve. Council approved who was going to get that job and we haven't been getting that. Councilmember Holcomb would like for that to be updated on that and make sure that it is being followed.

Councilmember Michalson commented that his first month on the Council, with fellow Councilmember Barker, Mayor Ludington was the acting Mayor at the time. Fire Chief Jeff Motley came forward with a discussion to have the Council approve a ladder truck. Stacie and he were rookies and didn't know what the heck was going on and we approved that after-the-fact. Mr. Motley went down to Columbus, purchased the ladder truck, said it was on its way up here. By doing that it puts the hamstrings on the Council. It's pretty hard once that is going on for Council to say no. That is pretty much a violation of the purchasing policy. It has gotten to the point, last fall, Mr. Motley purchased \$6500 worth of tires for the pumper truck and then brought that forward to the Council for approval. The proper way is to bring it to Council first. To put tires on, we are violating the policy by purchasing items and then asking Council for approval. It is not fair to the Town, we need to get back to the process and have the department heads get approval first for big ticket items.

George Thomas explained his concerns with the bid process and Council's approval of the budget and its timeframe. Mr. Thomas recommends that we get a bid and add a percentage to it, as things go up and can change between the time the bid was received and Council's approval of the budget.

Joe Moore commented that it sounds like what you are talking about, rather than getting into the specifics, is updating and reinforcing and adding flexibility to the time restraints on your schedule. Mr. Moore reiterated that having a rationale ahead of the meeting would be helpful.

Councilmember Phillips commented that the Council can have special meetings, if something is due in so many days, Council can call for a special meeting.

Councilmember Holcomb stated that we need to think about that and down the road call a Committee of the Whole meeting and go through it and see what needs to be changed and what can be left alone.

Town Clerk Tribbensee reminded Councilmember Michalson that there was a motion on the floor and discussion, but no second was made on the motion.

Councilmember Phillips seconded the motion.

Councilmember Barker thanked Joe for his comments; it helps to know what the public wants as well.

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

11. Executive Report - None

12. Town Council Comments

Councilmember Phillips commented that Mr. Ed Sutherland has been plowing the path for us and indicated that he would like to thank Ed for that.

George Thomas commented that Ed was sent a Thank You card.

Councilmember Michalson commented that he also spoke with Ed on that. Councilmember Michalson didn't know if the Town contracted with somebody to do that.

Goerge Thomas responded that we have never contracted with anyone, they volunteer.

Councilmember Michalson that is what Ed told him, that he was doing it voluntarily for the citizens of the Town and stay active, even though he retired.

13. Board Report – none

14. Adjournment

Councilmember Michalson asked the Council for adjournment.

Cathi Cook commented that she appreciates Mr. Sutherland doing that, she assumes that Mr. Sutherland has liability coverage. This might be something that the Town looks into, just in case something happens to him or somebody else; it's a good idea to have that coverage. In this day and age, unfortunately you have to cover your butt.

Councilmember Michalson that is a very good point. If Ed is volunteering for the Town, maybe we should look into liability issues. If he were to run into or hit somebody on that pathway and hurt somebody – is the Town liable or is Ed liable?

Cathi Cook commented that she didn't know that bridge second little river that is broken – didn't know whose responsibility? So far, nobody has put up any markers or pilons which really makes her nervous, that the railing is broken for almost two weeks now and there are still no caution tape, pilons, anything, especially at night. She doesn't know if a snow plow did it or somebody ran into.


George Thomas responded that he thinks it was a car accident.

Cathi Cook commented that she would like to see something on there because if it is going to take a while to get fixed, it gets slippery there.

Councilmember Holcomb moved that we adjourn. Councilmember Phillips seconded the motion. The vote was called and all voted "aye". Motion passes 4-0.

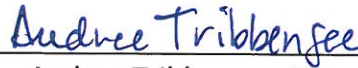
Councilmember Michalson adjourned the meeting at approximately 8:20 pm.

APPROVE:



Brandon Dewey, Mayor

ATTEST:



Audree Tribbensee, Town Clerk