



**Stevensville Town Council Meeting Minutes
THURSDAY, JANUARY 24, 2019
7:00 PM**

- 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 Minutes:** None

- 4. Approval of Bi-Weekly Claims**

Councilmember Holcomb moved to approve Claims (#14933 – 14958).

Councilmember Michalson seconded the motion. Council asked questions about the claims.

Fire Chief Motley asked questions about reviewing the claims in advance of the meeting.

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

- 5. Administrative Reports**

- a. Fire**

Fire Chief Jeff Motley presented the Fire Report

Council asked questions about fire engine numbering

- b. Building**

- c. Airport**

- 6. Guests**

None

- 7. Correspondence**

- Mayor Dewey read a letter to the Mayor and Council from Sheryl Olson, 304 10th Street
- Mayor Dewey read a letter to Mayor and Council from:
Dr. Amy Berglund, Owner Active Care Family Chiropractic
Renee Christensen, Office Manager, Active Care Family Chiropractic
Andrea Buchanan, Owner, Cedar and Sage Herbal Medicine
James Fix, Owner, Your Energy Fix

8. Public Comments

Town Clerk Audree Tribbensee addressed Councilmembers Michalson, Holcomb and Barker regarding her concerns with agenda items 9 c, 10 d, 10 e, and 10 f as they directly and indirectly involved her. Some of the supporting documents include inaccurate, wrong assumptions and questionable information. Her comments tonight are directed at Councilmembers Michalson, Holcomb and Barker and are not directed at Councilmember Phillips. In regards to agenda item 10e, discussion, responsibilities of the Mayor to enforce Council rules during Council meetings; this item was requested by Councilmember Michalson and Barker. Reading the supplemental documentation, it is safe to say that Council is concerned that the Mayor is not following the rules. They list two examples, 1, submission of agenda item requests, and 2, the accusation that “the Mayor on several occasions has allowed members of the public and staff to spread unfounded allegations about members of the public, belittle and bully members of the Council and allow intimidation to be used against the Council in order to influence the decisions of several council members.” Michalson and Barker reference the November 8th meeting when Council initially chose Mr. Jim Crews to fill the vacant Council seat, but later rescinded that motion and picked Councilmember Jerry Phillips. At this meeting various members of the public spoke, professionally, intelligently and rationally about their opinions on who should fill this seat. It is the public’s absolute right and civic duty to participate in their government, to keep their elected and appointed officials, representatives informed of their concerns, opinions and ideas and to weigh in on who they feel is the best candidate to serve as their Council representative.

Clerk Tribbensee stated that she believes it is shameful that Council is seeking to direct the Mayor to break the law and repress the public’s participation in the decision-making process. The Montana Code Annotated provides specific regulations that support public participation. To repress public participation, she does not understand why Council would want to do that. The hypocrisy of that item as it relates to item 10f, discussion/decision Council direction to the Mayor to abolish all Town Social Media Websites and cease video recording and broadcasting of Town Council Meetings, under 10 e, Council wants to direct the Mayor to repress public input so that Council decision-making process is not influenced, this item is accusing the Mayor of censoring public comment. The Council wrongfully accuses the Mayor and staff of monitoring and editing comments of the public on the Town’s Social Media website. “The monitoring and censorship of any social media website is not a prescribed duty of the clerk or any other member of the staff or elected official.” Clerk Tribbensee commented that Council must have forgotten that the job descriptions are examples of typical duties and there is this other item called “and all other duties as assigned.” Council states in their backup documentation that the “Censorship of public comments may be a violation of the Right of Free Speech/Expression under the 1st Amendment of the Constitution of the United States.” Clerk Tribbensee

comments that ironically, this is exactly what Council is directing the Mayor to do under the agenda item 10e – censor the public’s comments to ensure that the public is not influencing Council’s decision-making process, folks, you can’t have it both ways.

Clerk Tribbensee commented that she suspects the primary reason behind Councilmembers Michalson and Barkers request to abolish all town social media websites and cease video recording, if you look back on any Council meeting video and comments submitted, a majority of those comments are spouses of our Councilmembers. Very few comments from anyone else in the public. There is concern that staff is monitoring and deleting and not including these comments that are being made. Clerk Tribbensee stated that is not true, staff is not doing that. The Town’s social media website, Facebook has profanity filters in place, which means Facebook, not staff, automatically hides comments that fall into Facebook’s filter parameters. Facebook does not delete, but rather hides profane and vulgar comments. Clerk Tribbensee commented that she finds it ironic that one agenda item, direct the Mayor to censor public comments and then the next agenda item, “don’t censor the spouses’ comments”.

Regarding 10 e - Discussion Responsibilities of the Mayor to enforce Council Rules during Council meetings, requested by Councilmembers Michalson and Barker, Clerk Tribbensee comments that in Council’s backup documentation they indicate that if an agenda item request is submitted and it will not be considered during a requested meeting time, the Mayor or the Clerk is obligated to contact the person submitting the request and advise the person as to when it will be considered and if not, why it won’t be considered. What Councilmember Michalson and Barker are referring to is another item on tonight’s agenda, 9c Discussion/decision to revoke on a Resolution to vacate an alley. This was originally brought forward by Councilmembers Barker and Holcomb to be placed on an earlier Council agenda. However, because of Council rules, the Mayor did not place that item on that agenda but, in accordance with the Council rules, informed by Councilmembers Holcomb and Barker that it was not going to be placed as requested. If the Mayor placed that item on the agenda as requested, the Mayor would have been in violation of the Town Council’s Rules.

Placing this item on the agenda violates two separate laws, and as you fondly remind everyone, Mr. Michalson, the law is the law. These two regulations or laws include: 1 – Council Rules Part V, Order of Business, Section 2 – Motion to Reconsider. “A motion to reconsider any action may be made at any time before or during the second regular meeting after such action is taken. This action was taken on October 22, since that time there have been approximately 10 meetings. Clerk Tribbensee commented that placing this on to reconsider a motion is in violation of the Town Council Rules. The Town Attorney has previously and subsequently provided information to the Council that there are a number of legal requirements that have to take place first before Council can consider this item. Those legal requirements have not been met. Clerk Tribbensee commented that ironically, the hypocrisy of these two items 10 e and 9 c is ludicrous. What Council appears to be saying essentially is the

Mayor must follow all rules, unless Council doesn't want him to and Council can pick and choose which rules, they may or may not follow.

Regarding Councilmembers Michalson and Barker's item 10d, Discussion/Decision to the Mayor to establish an Office for the Town Council and a Council Reference Library, they state that the Mayor has restricted Council's access to the Town Hall including Town Council Records. Clerk Tribbensee stated that they are not Town Council Records, they are the Town's records. Council states that in doing so is creating an adversarial condition between Elected Officials and staff. They further state that this is inhibiting the ability of Council to perform its functions as the Legislative body and is fostering a hostile, unfriendly and insubordinate condition in Town Hall. They further state that the Mayor has determined the town hall staff must supervise the Elected Officials in the performance of their work, simply not true. And as a result, Council is requesting a secured office for the exclusive use of Town Council, available 24/7 with a copy machine, fax machine, and desk top computer, and phone. The office will have no video or audio recording devices. Clerk Tribbensee asked Council why this demand, what is Council, trying to hide from the public with such blatant lack of transparency? Clerk Tribbensee commented as a public official you have no right to privacy; as a citizen you do have the right to privacy, but as a public official representing the citizens of Stevensville, the public's right to know outweighs your right to privacy. Council authorized the installation of video cameras to monitor our citizens who frequent the Lewis and Clark Park but demands that no videoing or recording of any kind be allowed when Council is performing their elected and appointed duties in a public facility.

Clerk Tribbensee commented that Council also demands that the office will be equipped with a presentable desk, chair, guest chairs and a meeting table and asked Council where in Town Hall they want this office and meeting space and how do they plan on funding this expenditure. Clerk Tribbensee commented that this is interesting when we are really struggling to fund and staff our Police Department.

Clerk Tribbensee also commented that Council jumped to a wrong conclusion as the Mayor did not determine that Council members must be supervised in the performance of their work; nobody said that. Clerk Tribbensee stated that she is obligated by law to maintain the integrity of all of the Town's documents and records and she, not the Mayor, informed Mr. Michalson that she is happy to provide copies of any document he seeks, but she will not hand over the Town's original documents. The originals are the originals, there are no backups. If something happens to these documents, we don't have the originals anymore. Clerk Tribbensee stated that this is very concerning to her and should be to the public. Last September the Town experienced a significant and serious situation regarding the deletion of over 500 Town documents, electronic files. These were important files. They were important to our daily function. They were stored in a shared on-line software program, Dropbox. Dropbox was the Town's way to share documents between staff, the Mayor and Council members and post to the Town's web page. The only people who had authorized access to Dropbox were, staff, the Mayor and Council members.

However, Mr. Michalson added citizens Jim Crews and Mark Adams to Dropbox who both had full and unrestricted access to the Town's important documents. While Mr. Crews and Mr. Adams have the right to public documents, absolutely, they do not have special rights that allow them privileges that all other citizens do not have. When investigating the deletion of the over 500 Town document files, the Town learned through the Dropbox electronic paper trail, that all of these documents were deleted through Mr. Bob Michalson's home computer. Clerk Tribbensee asked why should she hand over original documents to anyone.

Clerk Tribbensee commented that it's important to note two things, Dropbox requires that you delete each file individually. And then it asks you again, are you really sure you want to delete this, as you are going to delete this for everybody; you have to delete each file two times, you have to hit that key for over 1000 times. This wasn't an accident, this was intentional. Clerk Tribbensee asked Council and the public, why would she give the original files, the Town's original documents, laws and ordinance, to any member of the public, including Council without supervision? Clerk Tribbensee stated that she will give anybody who requests copies but she would not give the original documents out. The Town was fortunate that the deleted files were restored. But, original files, if they are destroyed, tampered with, the integrity is gone. We don't have any way to restore those documents. Clerk Tribbensee stated that she personally would be negligent in the performance of her job if she did not responsibly ensure the safety of all of the Town's documents and that she is bound by law to do so and this would constitute a violation of her Oath and bond.

Clerk Tribbensee concluded that she finds it interesting that based on several of the items placed on tonight's agenda by Councilmembers Michalson and Barker, that it appears this Council finds it unacceptable for the public to "bully" and "intimidate" Council members, but perfectly acceptable for the Council to bully and intimidate the Mayor and staff.

Joe Moore 514 Central, reminder, from the Town of Stevensville webpage, and your pictures, Councilmembers, are all on there. Mr. Moore read the write up "the Town of Stevensville from the Montana Genesis" this ends with the Town's charm has remained unchanged.

Rich Marcus, 109 Winslet, a resident for 34 years, has a few comments he would like to make and wants to avoid someone from saying, that he is not from here. He is a tax-paying citizen and owns a business in town and properties. The agenda item about the website prompted Mr. Marcus to do some research and called the Montana State Library and asked if the state has records of any cities and towns that do or do not have websites to disseminate public information. He was directed to Wikipedia who has a list of cities and towns. He found a list of 129 cities and towns in Montana according to the 2010 census. 81 of the 129 have links to websites, 63%, 48 do not have links, equaling 37%. The average population of the 48 towns who do not have websites, is 503. 2010 Census gives Stevensville a population of 1809, more than 3 times the average size of the towns who doesn't have a website. The Montana Law

Library dissemination of public information, MCA 2017 2-6-10 public access to information, safety and secured exemptions, Montana historic exemptions. There are two exemptions, basically if you have an on-going police investigation and the Montana Historical Society has a list of private donors that do not have to be made public. Mr. Marcus read from MCA 2-6-1003, access to public information, exemptions provided, every person has the right to examine, obtain a copy of any public information in this state. We all have access to public information. Having it recorded with audio visual equipment captures much more of the nuances and tones in voices, whereas a stenographer writing on something down is never going to be able to capture if someone says sarcastically or empathetically in some way, and certainly audio-visual equipment to record these meetings would seem to be less expensive way to provide public information as the state laws says we are required to do. Members living in town or not, has lived here for 34 years, but he did live in a big city, Chicago, and that was an issue there. The simple way they resolved it was that not essential members, like staffing members, were exempt and could live anywhere they want as long as they got to work on time. Essential members like police and fire, needed to live within X minutes from headquarters. Maybe this is a simple way to resolve this issue.

Anne Marie McCormick, 1005 College Street, commented that she is not new to some of Council as she had thrown her hat in for Council consideration, but is kind of glad she didn't get it after a couple of these meetings. To be honest, she is appalled. The courage and the ability to articulate the ideas and opinions, she was proud of the Clerk for speaking. As her Council representatives, she is asking Council to vote against 10 c, d, e, f and g. Ms. McCormick indicated that she is representing a number of people.

Michael Sharkey, 203 St. Mary's Drive, suggest that the issue of social media and video the meeting on the internet, is a big advantage for those who are handicapped who may not be able to attend meetings. Watching it on the internet may be their only opportunity to participate. This could apply to other people with children. Or the weather is so bad they cannot make the meeting. Here is an opportunity to spread the word to all the constituents rather than just a handful who have the ability to show up. Mr. Sharkey encourages Council to think about the practical aspects of communicating with your constituents via social media.

Jan Perrin, 503 Charlos, looking at your 8 agenda items, and after listening to our clerk, and after coming to meetings and being told that it is very intimidating by Stacie for her and Bill to come to the Council meetings, we decided to stay home and watch them on the internet, so as not to be intimidating to Council or be accused of bullying, so then we sit home watch your meetings and then you make a comment, "well where are they all now". Well, they met your request and they stayed home. Ms. Perrin commented that she would like to challenge Council to spend as much time representing the good people in our community as you do disrupt what you were voted to do. It appears that you are more concerned about being disruptive as to doing good things for our community. One more thing, the abolishing of our Park

Board, if you look around our community, all of things and wonderful improvements that have happened in our community, the Park, the skateboard park, the baseball diamonds, the soccer fields, all were done by your community members, for no money, as volunteers, and you want to abolish the Park Board. Requesting your community members to no longer serve our community and improve it? I am sorry I don't know where your heads are, you need to think about our community and the people in it. There are a lot of good people here.

9. Unfinished Business

a. Discussion/decision regarding the Visitor Kiosk to be located at Veteran's Park

Mayor Dewey introduced the item and provided an overview of the issues to fulfill the Town's support of this project.

Councilmember Phillips discussed his knowledge of Job Corp and feels that this would be a good place to start, but if worse came to worse, he has the tools and experience to help with the work if necessary.

No action taken.

b. Discussion/decision to consider possible Town Council meeting format options

Mayor Dewey introduced the item.

Council discussed the number of meetings, scheduling too many meetings, and the potential for burn out. Council agrees to keep the system as it exists today and schedule COW meetings as needed.

No action taken.

c. Discussion/decision to revote on Resolution of the Town of Stevensville, MT to vacate the 40 ft alley running through block 17, Lots 3-18 of the Original Townsite of Stevensville leaving a utility easement.

Mayor Dewey introduced the item and turned it over Councilmember Holcomb.

Council indicated that it may be best to table this item until a public hearing is scheduled and held.

Mayor Dewey read the Town Attorney's email regarding this item.

Councilmember Michalson indicated that he spoke with the Town's Attorney, Brian who felt everything was good and the only thing missing was a map and easement.

Council asked questions about the petition and the process.

Carolyn Mickens asked questions about the process, steps and what specifically is needed for consideration.

No action taken.

10. New Business

a. Presentation/Discussion regarding Stevensville Police Department Crime Watch Program

Police Clerk Jenelle Berthoud presented a PowerPoint highlighting the department's new Crime Watch Program

Joe Moore asked about areas with cul-de-sacs, is it something where you can identify a street with a sign that says 'no outlet'?

Mayor Dewey responded that is something the Town can do.

Police Clerk Berthoud explained that Crime Watch signs will be installed in the neighborhoods.

Vicki Motley asked if people who sign up as volunteers for the program will be required to go through a background check.

Michael Sharkey commented that a lot of streets do not have sidewalks, and so some streets have lower speed limits which need to be enforced. Will this be part of the program?

Trevor Motley commented that the River Park is included but not the Airport. Will the Airport be included?

b. Discussion/decision to hold a Committee of the Whole (COW) meeting to discuss a draft Code of Conduct

Mayor Dewey introduced the item.

Councilmember Phillips moved to hold a Committee of the Whole meeting on Thursday, February 7, 2019 at 6:30 pm. Seconded by Councilmember Holcomb. The vote was called and all voted "aye". Motion passes 4-0

c. Discussion/decision to Rescind Resolution 11, to abolish the Park Board

Mayor Dewey turned the item over to Councilmember Barker.

Councilmember Holcomb indicated that she wanted to submit this item but wasn't able to get it in on in time. Councilmember Holcomb explained the reason behind her request to abolish the Park Board and felt that Council did pretty well during the six years when the Town did not have a Park Board. Last year, there were a couple of people on the Park Board and all they wanted to do was argue.

Councilmember Michalson commented that he has heard time and time again, about how people have come to the podium and have asked the Council for guidance and direction. Where Park is an advisory board and they are the ones that should be out there looking for things and doing things and bringing them to Council. Councilmember Michalson believes that it is kind of backwards. Council has to do their work too, but we just don't have the people, and those that are on the Board, aren't showing up. All boards fall under the purview of the Mayor. If there are problems with boards not getting to meetings on time, or boards not going to their meetings in a timely fashion, he believes that the Mayor needs to step up his game and make sure they do that because the Mayor is the one that runs the boards, not the Council.

Mayor Dewey commented that specifically, the Park Board sought direction from Council due to a situation where they went out and sought an idea, they wanted to develop a master plan for parks and site plans to help the Town plan where priorities should fall for spending in the parks. They did that, and found grant funding. Council then shot it down. Their concern, as he understands, not speaking for the board, is the Park Board is frustrated because they went out, with Jim Crews administration's support, and then when they brought this back to Council, Council shot it down. Mayor Dewey believes they are seeking direction from Council because, if that is not a project Council wants us to work on, what is Council willing to let the Park Board work on.

Councilmember Michalson stated that he can think of a few examples we sent to the Park Board, like the bathroom at Lewis & Clark Park. It's going on its fourth year now, it came through the Park Board to get that fixed. It was approved through the Council, budgeted by the Council, but not done. There is a fence at Ravalli Park that we have asked to get done, that never went nowhere and on and on. These are some of the examples that came before Council that have never have been done.

Mayor Dewey responded that it's not a Park Board failure; the administration is failing to implement.

Councilmember Phillip commented that the Park Board needs the Council's and administrations support. Councilmember Phillips provided an example of a time when the Planning and Zoning Board vetted a project, but when it was brought to Council, Council said no, we aren't going to listen to the Board and Council voted the way they wanted. The Park Board is an asset, we have citizens in Town and outside the city limits, we need to support them and give them the tools they

need. Councilmember Phillips commented that he does not support abolishing the Park Board.

Councilmember Michalson commented that what if the Council only met twice a year, where would we be. The Park Board is not meeting but twice a year.

Mayor Dewey responded that if our snow plow breaks, do we stop plowing the streets or do we fix the snow plow. This applies to the Park Board.

Councilmember Phillips commented that the Planning and Zoning Board is required to meet so many times a year. With the Park Board we can write in that they meet so many times per year, which might draw some interest.

Councilmember Barker commented that maybe we keep it, but if they don't meet the expectations in a year, it goes away.

Mayor Dewey explained that it is the administration's intent to bring forward an ordinance governing their functions.

Councilmember Barker indicated that would benefit the Park Board.

Mayor Dewey summarized that we move forward with the Park Board and develop an ordinance.

Council discussed the Town's boards whether they are advisory or can be allowed to have limited decision-making abilities.

d. Discussion/decision: Town Council direction to the Mayor to establish an Office for the Town Council and a Council Reference Library within 30 days

Mayor Dewey turned the item over to Councilmember Michalson.

Councilmember Michalson stated that due to the recent chain of events that started this last fall with the complaints and everything, it got to the point where he did not feel comfortable coming alone to Town Hall. Councilmember Michalson stated that he cannot do a lot of the research that he wants to do, resolutions, ordinances, agendas, and the reason he put that out there was so that he can reign it back in. Councilmember Michalson stated that he does not have a problem coming in here, having his own office, and doesn't need to be somewhere secluded without cameras, etc. Councilmember Michalson commented that he wants to have access to the office and documents, like it used to be. There used to be a desk right across from Denise where we could sit down in front of everybody, Councilmember Michalson stated that he was not going to steal anything and he is not going to take anything, staff can watch him on everything. Councilmember Michalson stated that he just wants to look at his

research and then ask staff to make a copy of the documents. Right now, he can't get in there to get anything.

Mayor Dewey commented that he is unaware of any time that any staff member denied him access to the office.

Councilmember Michalson responded that he has never really asked for it, except for one time, back in the heated time, when the Mayor said he didn't even want Councilmember Michalson in his office or that office. We had to have permission first, set up an appointment to see the Mayor. Also once when he wanted to get records from Audree to get an ordinance, she said that he could come in, but today was not a good day and he understood that but Councilmember Michalson thought if you give me a desk, in the corner, he doesn't need a phone, or a computer, just give him a desk where he has access to the documents, where he can do his research during working hours. He wants this not just for himself, but for the other Councilmembers as well.

Mayor Dewey commented the policy on office access, which remains unchanged, once the lock went on, if you were invited into the office or you requested access and was authorized by one of the clerks, there would be no problem. To date, the Mayor is not aware of any circumstance where Council has requested access to the office and were told no, you can't come in.

Councilmember Michalson clarified that the Mayor was the only one that told him that. If you can let me in the office, put me in a corner to do my research, to look at Council minutes, agendas and ordinances, he doesn't have a problem with anything else.

Councilmember Holcomb commented that she called 4 or 5 cities; no other place has a lock on their door that won't allow their Council to walk in. She asked if they had to get permission or make an appointment to get something, no. As soon as someone asked for it, they went and got it. We are being locked out.

Town Clerk Tribbensee responded that she has contacted the Ravalli County Clerk Recorder who indicated that the biggest problem with Stevensville is that the Town documents are not in their offices. All of our documents should be stored in their office. Then we have copies here where it won't matter if something happens to the documents because everything is backed up. Nobody should have access to those documents. The advice received was to protect the documents until we can get backups. In regards to Councilmember Michalson's request for information, the issue was he was not sure what he wanted. Clerk Tribbensee told Councilmember Michalson that she was happy to help him, even offering to do the research for him. But, Clerk Tribbensee happened to be in court that day and 20 minutes later, court proceedings started, so she could not do anything. Councilmember Michalson has never been denied access to

information, and that she will gladly provide copies of any documents upon request.

Mayor Dewey explained that all of the information will be eventually placed on line, to assist the Council and the public in doing their research.

Councilmember Michalson commented that the governing body, Council makes the laws, there has to be a level of trust. The way to gain the trust is meet in the middle. Last year was a disaster.

No action taken.

e. Discussion Responsibilities of the Mayor to enforce Council Rules during Council meetings

Mayor Dewey turned the item over to Councilmember Michalson.

Councilmember Michalson stated that this item was not meant for Mayor Dewey but was meant for all of us in a lot of ways. Councilmember Michalson stated that he thinks the Council needs to tighten up our ship and gave an example where at the Nov 8th meeting, members of the public directed their comments towards Councilmembers Barker and Holcomb. Those comments should have went through the Mayor as the governing Mayor, when it got out of hand, you should have said point of order and stopped it, which you didn't. For Audree to say that they were very respectful and everything, if they were so respectful, how come both Councilmembers were crying at the end of the meeting? Going forward the Mayor needs to take into consideration that the Council gets beats to death quit a bit, rightfully so, Council isn't perfect.

Councilmember Michalson asked the Mayor not to laugh, it's not funny. Councilmember Michalson stated that they are the governing body and they have just as much rights to be here as the Mayor. To sit there and smirk at him when he is trying to tell the Mayor how to do his meetings in a better fashion is wrong. Council is getting tired of times where the Mayor interrupts the Council and the public. Councilmember Michalson suggested that the Mayor work on this. Councilmember Michalson stated that the Mayor has allowed the public to address Councilmembers directly during a Council meeting when their comments should be directed to you, that's Roberts Rules of Order. On a good point, the Mayor has been here a year and since the very beginning Mayor Dewey you have come along ways. For the first six or seven months you were all over the place. Councilmember Michalson sees the Mayor is gaining confidence and is getting better at what he is doing. There is always room for improvement, not just with the Mayor but all of Council.

Councilmember Michalson stated that the main reason he put this item on the agenda is because he does not want this year to start out like last year. If we are

going to go down this road like we did last year, then we might as well a turn in our badges. Because we put a smear on the Town, it puts a smear on us, everyone has had sleepless nights. Poor Audree got dumped in the middle of the fray. Right in the middle of a fire she was warned, and with her complaint, she had many sleepless nights. None of us deserve that. It's all of our fault.

Mayor Dewey responded that to address the alleged smirk, he has a hard time hearing Councilmember Michalson say that it is not fair that the Council gets beat up. For the last 11 months, 13 months, he, as the Mayor has been beat up at this table, by three of the Councilmembers. That is not fair.

Councilmember Holcomb commented but its fair that you to make comments and allegations in the paper?

Mayor Dewey responded that he is happy to enforce the rules as they are written, which will include any exchange between you and who stands at that podium, it will come through the Mayor. He will enforce the rules on the public and on Council. He would much rather that Council go through the meeting calmly and get through things in an ordinary fashion. But if we need to be a stickler by the rules, and he needs to be a jerk about it, he can do that. He doesn't like to, but he can, if that is Council's direction. Mayor Dewey commented that it is interesting to him that you say, this isn't directed at you Mayor, but you, Councilmember Michalson recited essentially a report card on his performance over the past 12 months. That is not fair either. As the Mayor he is not necessarily accountable to Council; he is accountable to the public. That is who elects him. There is a separation of powers and it needs to be made very clear that Council is not the Mayor's boss.

Councilmember Holcomb responded, yes, we are.

Mayor Dewey responded that Council is elected by the people.

Councilmember Holcomb stated, we are your boss.

Mayor Dewey, no. Council sets policy for the organization, which he implements. Mayor Dewey commented that he has a memorandum from the Town Attorney if Council would like to read it.

No action taken.

f. Discussion/Decision Council direction to the Mayor to abolish all Town Social Media Websites and cease video recording and broadcasting of Town Council Meetings

Mayor Dewey turned the item over to Councilmember Michalson.

Councilmember Michalson indicated that this is not his agenda item.

Councilmember Barker stated that they are not trying to get rid of everything. The problem that she has is that the freedom of speech is being taken away. Not only as was stated in the Stevensville Star, that a spouse discrepancy; no it's not a spouses discrepancy for one. Councilmember Barker stated that she has gone through after meetings and seen other comments that were made by other people, and those comments were taken out. Prime example, Councilmember Barker went in to see the who had made comments for the new public works position. She believes that the Mayor's mother-in-law commented that this might be something for Brandon, its 8 times more than what you are making now. And your comment was, no it makes 10 times mores than what I make now, I don't do it for the pay. Councilmember Barker's spouse commented on it, and boom! Yours was gone. Councilmember Barker stated to the Mayor, tell her that these aren't getting deleted by somebody, whether by you as an administrator. All of her spouses' comments were deleted and there was no derogatory, there was nothing in there, and they were gone again too. If we are going to have public meetings, the filter needs to be shut off or comments need to be shut off and we don't see any of them. That camera should be just for the meeting itself, no comments. That may stop part of this. What has been going on, on that site has been great, its very informational, but how we are monitoring, as she looked at other websites to see how they monitor theirs, a lot of the different places have policies. Maybe we need to put a policy in place for social media.

Mayor Dewey responded that any comments he makes personally, he reserves the right to delete those personally, and so does her mother-in-law.

Councilmember Michalson commented not if it is a government run website, which this is. Not if its on a municipal page. You do not have that right.

Mayor Dewey responded that absolutely he does. If someone makes a comment and then wants to retract the comment, the Mayor can't stop them doing that.

Councilmember Michalson responded that is why we need a policy, like the email policy. We need to have a social media policy.

Mayor Dewey responded that we don't have the physical ability to stop someone from deleting their comments.

Councilmember Michalson read into the record a Montana social media records act, MCA Title 2, Chapter 6 and he stated that a personal Facebook page is one thing, but if a comment is on a Town page, we have to draw a strict policy to ensure all records are maintained. If we want to do this right, we have to go by guidelines. Councilmember Michalson volunteered to draft a good solid social media policy.

Mayor Dewey responded that he is confused, if it is the Council's desire to have a policy in place, why wasn't that the item that was submitted. You have a community all worked up about abolishing when really you were just seeking a policy to govern.

Councilmember Barker commented that she doesn't think it would have been worked up if you had not posted that we were getting rid of the Police Department, the Fire Department, all these different departments on that page.

Mayor Dewey responded that Council's submittal said that you were intending to abolish all Town social media websites and cease video recording. All Town social media websites include the Fire Department, the Police Department, the swimming pool.

Councilmember Michalson responded that is correct and the reason Council put that in there is because it would cover all bases when you are at Council. You start with the big end because if you leave something out, you can't add it on to the agenda. We kept a broad scope and then reigned it in. We never intended to do anything with the Police Department or the Fire Department. The only two sites we looked at was the live streaming and the municipal government because when you posted the last agenda item on there, and you highlighted the Fire Department and the Police Department, by law you can't do that. Because that is a government page.

Mayor Dewey responded that it is not highlighted, its tagged.

Councilmember Michalson whatever, it was still on the agenda item.

Mayor Dewey responded that the post was just a synopsis of what is on the agenda.

Councilmember Michalson replied it is still a government page. You are using government page, it isn't a social page for like, at home.

Mayor Dewey commented that the item is whether or not you are going to abolish all Town social media web sites and cease video recording. The item is not a decision to move forward with a social media policy.

Councilmember Michalson made a motion that we abolish all Town media websites, not all but, the live streaming and the municipal government web site until we have a policy in place.

Mayor Dewey asked Councilmember Michalson to restate his motion.

Councilmember Michalson stated I make a motion that we abolish the live streaming site and the municipal government site until we have a policy in place that adheres to all sections of this.

Motion failed due to a lack of a second.

- g. Discussion/Decision to modify the Stevensville Municipal Code to require the Chief of Police, Chief of the Fire Department, the Town Clerk, all Deputy Clerks and the Finance Officer/Treasurer to be residents of the Town of Stevensville**

Mayor Dewey turned the item over to Councilmember Michalson.

Councilmember Michalson indicated that he did research and called other towns. This town has never had a policy in place as to what, who is in town, who is out of town as far as working. Councilmember Michalson read into the record information provided by the Town Attorney regarding this item and the ability of the Town to adopt explicit residency requirements for officers in a rationale relationship to legitimate government purposes. The Town Attorney provided that his sole caution is that the application of the requirements should only apply to new hires and could not affect someone who has already been appointed and is currently holding an officer's position.

Councilmember Michalson recommends that we need to draw up an ordinance, as to how far out. He understands that it is hard to get good working people. No one in the office lives in the town limits. We have to have a boundary, like a mile limit, 10 minutes, 10 miles, 15 miles out. Councilmember Michalson stated that he has been told we have to have a boundary.

Mayor Dewey responded that we don't have to have a boundary. We are completely legal in the system we have now.

Councilmember Michalson replied, we are, but a lot of towns do it for insurance purposes, litigation purposes.

Mayor Dewey asked Councilmember Michalson what the advantages of ligation or insurance, having somebody live within a 10-mile radius of city hall?

Councilmember Michalson replied time to get there if something were to happen to them.

Councilmember Michalson made a motion that we modify the Stevensville Municipal Code to have the Officers of the Town, we can set a guideline to where the boundaries of where they have to live. Of course, it would not apply to the Chief or Fire Chief, they have to be here, am I right Jeff?

Fire Chief Jeff Motley responded it is up to Council to set the guidelines.

Mayor Dewey informed Councilmember Michalson that his motion has gone by the wayside, it became a very long motion and asked him to restate his motion. Mayor Dewey stated that we are scratching Councilmember Michalson's first motion as we can't have a conversation for a motion.

Councilmember Michalson made a motion to modify the Stevensville Municipal Code to require the Town Clerk, all Deputy Clerks, the Finance Officer and Treasurer to be residents of or around the Town of Stevensville to be determined by the Council. Seconded by Councilmember Barker.

Councilmember Phillips commented that he is concerned about limiting the residency, we have good quality people, but to get good people, we may need to look a little farther. To get the best qualified people we have to expand it out not just a few miles, maybe even to Missoula. He is aware of Deputy Sheriffs who live in town and commute to Missoula. In a bigger city, yes, you have a bigger pool of qualified people, but for Stevensville Councilmember Phillips recommends that we determine what those boundaries are at a COW meeting if we really do need that.

Joe Moore 514 Central, reminded that according to Town Code, under Article IV Officers and Employees, Section 2-117, vacancy of office, it states "This subsection does not apply to an appointed municipal officer who resides outside the town limits with the approval of council and within a distance of town approved by the municipal council." It's already in the code. He reminds Council that there are two outstanding job descriptions online and the general job description, for the part-time clerk and the building official, there are no references for where you live. It doesn't have anything in there about where you live, how far out you live, what town you live in. It sounds like from the code you have already accepted and you are living by, that it is approved within a distance of the Town, and something you would have as a discussion with somebody during an interview provided it is not for a critical need like the fire department, but you already have that in the Town Code. Agrees with Mr. Phillips that it is very difficult to put a time and distance together to have someone come in and get a job.

Jan Perrin, 503 Charlos, commented that one of the most important things that our community wants is good service, good people to serve our community. A perfect example is our school. A very high percentage of our teachers in this town are not from Stevensville, they come from Missoula, the south. If this was such a great idea, why wouldn't schools be putting these limitations on them. You need to think about that when you address this. You are just looking for good quality people, why do you need to dictate where they live?

John Monk, when he moved here, applied for a job, it was required that he live in town and he worked for the school. That was a requirement for years and years. He commented that he was talking to a young teacher the other day, he teaches in Stevensville. He hunted for two years to find reasonable housing in Stevensville, because they were pushing him to live in town. He found a place that fit his budget, his pay scale, and he went and told them about it. That is acceptable, but there is still a push to live in town even though many don't because prices here are pretty high.

Michael Sharkey, 203 St. Mary's Drive, suggested that one thing that you haven't brought up tonight is if you are hiring for a position within the town, an applicant that lives in Kalispell, sees the help wanted ad, are you going to let them apply for the job or are you going to require that they move here first. Maybe you should include that in your considerations. While we are at it, why don't we insist that people work in town and insist that their children attend school in Stevensville. Perhaps they should have to be property tax payers in Town. This is silly. Tonight's agenda was a total waste of his time. Unfortunately, this has become typical and hopes Council can come to some kind of resolution and get on to the Town's business. You are wasting time, when you should be talking about something important, like taking care of sidewalks.

Rich Marcus, procedural question; if you had 2 applicants for a posted job and one lived in Missoula and one in Stevensville and the one in Missoula being very qualified and the one living in Stevensville marginally qualified, and you told the Missoula applicant they weren't going to be considered. Would that be discrimination? I am not considered for a job I am qualified for and I am willing to show up on time, because I live 25 miles away instead of in the Town limits.

Vicki Motley, 318 9th Street, stated that she does not want to see Council vote this through as you limit your options. There are a lot of good people who live outside the Town's limits, they might live in Hamilton and they would be excellent people to work in our Town. Maybe that would encourage them, once they are working for the Town, to move down here. To automatically limit that is not in the best interest of the Town.

Jeff Motley, 318 9th Street, it seems like the motion on the table is exactly what we already have. The motion on the table is they live within the Town, or a distance around town, that is workable. Isn't this already what we are doing. He doesn't understand the motion.

Councilmember Michalson responded that Jeff is right, but he left out the to be determined as far as the radius. Councilmember Michalson stated that the City of Hamilton specifically states that their employees have to live in the City limits.

Councilmember Barker disagrees with Councilmember Michalson statement about Hamilton.

Mayor Dewey responded that Hamilton is larger than Stevensville and has a much larger population to pull from.

The vote was called and Councilmembers Phillips, Barker and Holcomb voted “nay” Councilmember Michalson voted “aye”. The motion fails 3-1

11. Executive Report

- Surveillance camera installed and fully operational
- Moving forward with the reorganization of staff roles and responsibilities, some modifications have been made. Positions are being recruited now.
- Update on the land purchase related and moving forward with an appraisal.

12. Town Council Comments

Councilmember Barker thank Dean Whitesitt for being the Town’s sexton for many years. Councilmember Barker stated that she doesn’t feel that the way this was handled was very good, and could have been handled in a more tactful way. Dean has done a lot, he has cleaned up some records that were a mess, and she hopes that now it is in the Town’s hands, in the office, that these people can hold up to what Dean did before. Greetings those families on Memorial Day when somebody needed help finding a plot, with a grieving family, she hopes staff can hold up to what Dean did. She appreciates what Dean did.

Councilmember Holcomb concurs with Councilmember Barker and appreciates what Dean has done for many years with the cemetery. Councilmember Holcomb wants Council to review the purchasing policy, the events permits and resolution 281a. The Town’s Attorney has brought it up many times that he would like Council to revisit the resolution. Also, Councilmember Holcomb would like Council to discuss a social media policy. We keep talking about moving forward. Councilmember Holcomb clarified that her spouse has never been on Facebook and doesn’t even have a Facebook page, that was very disappointing to have the Clerk say that. And for you to make comments like this about your Council, this is an embarrassment. You talk about Council always bashing you, but you are bashing us constantly in the paper. Before we can move forward, we need to stop this for one. It was brought to Councilmember Holcomb’s attention that when the Mayor did the press release for the Police Department, on what happened at the school, you put it out there before the school could even contact any of the parents. Personally, she thinks that the press releases need to be done by the Fire Department and the Police Department. Unless they ask for your help, help in getting it out there. The school is not very happy right now, that is what she was told. The press releases need to be done by the Fire and Police Department.

13. Board Reports - none

14. Adjournment

Mayor Dewey adjourned the meeting.

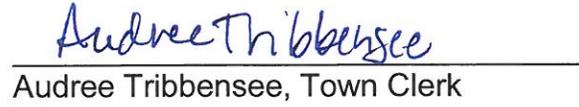
The meeting was adjourned at approximately 9:25 p.m.

APPROVE:



Brandon Dewey, Mayor

ATTEST:



Audree Tribbensee, Town Clerk