

Stevensville Town Council Meeting

Minutes for

THURSDAY, JUNE 25, 2020

7:00 PM

Stevensville Town Council
APPROVED
Date 9/24/20

1. Call to Order and Roll Call

Roll Call: Mayor Dewey, Council members Devlin, Holcomb, Vick and Michalson all present.

2. Pledge of Allegiance

*house keeping from Mayor Dewey in regards to streaming meetings live and ground rules during the meeting.

Council member Michalson stated that he would like to suspend council rules and move item 11d of New Business up to, ahead of public comments I think that is one of the reasons people are here tonight. Motion from Michalson, 2nd by Holcomb to suspend council rules addressing new business item 11d before public comment.

Council discussion on suspending the rules, none. Public comment on suspending the rules, none.

Mayor Dewey called for the vote, Councilmember Vick voted aye, Councilmember Devlin voted aye, Councilmember Holcomb voted aye and Councilmember Michalson voted aye.

New Business 11d. Discussion/Decision: Code of Conduct violations, Oath of Office violations and Improper Influence all conducted by Robert Michalson against Dempsey Vick. Mayor Dewey explained how this was put on the agenda, an email was sent to Councilmembers Holcomb and Devlin and Devlin asked that the agenda be amended to reflect this item of business. Mayor Dewey gave Councilmember Michalson the floor to explain his side of the allegations.

Councilmember Michalson: talked about unity, for states I would like to say since I came back on council, I tried to work with the mayor I thought I had a good working relationship with Mr. Vick and everything was going smooth until I uncovered a contract in March and I think you all know about that contract once that contract came there was an agenda item by Mr. Vick and Ms. Devlin and Mr. Mayor to chastise me and tried to put me on trial and tried to suspend me and send me home they accused me of harassing a staff and everything else and none of it was true. Mr. Vick at that meeting said that Mayor Dewey had orchestrated the whole thing you all heard it and that he wanted to get along and move on. Okay we moved on and then we had a board of adjustments meeting and there was an email that came out and we all know about that the email was read on the board of adjustments meeting Robin and I were accused of an ex parte, no that was a personal email and that is still under investigation and here we are now personal texts these are texts that can be they are not public document they aren't sumpin that should be read at council meetings what would you do if I asked for a freedom of information act and got all the texts between the mayor and the council members this is low really low, but

that is okay I am used to it and I am not going anywhere. Mr. Vick you speak of getting along I see your thing here you want to reach out and get the council together it is pretty hard every time I reach out, we are getting slammed Robin and I feel like outsiders, we actually feel like you two are conspiring to get rid of us. That is how I feel I, but I am not going anywhere you can try to sensor me do anything you want I am not leaving I follow the rules that is pretty low that you have to take personal texts and bring them out yes those are my texts and my opinions to you matter they should be kept private and for you to bring those out and smear them in public is the lowest thing, you don't even hear things like that. I would hope in the future that you would come to me, you could have come to me and asked what was going on. The nature of those texts, yes that was March the first part of those texts was about the trial, I felt it was wrong I still feel that it is wrong and now these texts, these last texts say I lost trust in you because you didn't let the council members now when you took off for a week in the most important part of the budget council members number one job is the budget so you just leave the budget to me and that is unacceptable, if you had something going on you could have had the curtsey to let us know no.

Mayor Dewey: Mr. Michalson I am giving you an opportunity to respond to the allegations in the council packet.

Councilmember Michalson: I am.

Mayor Dewey: Mr. Michalson what you are doing instead is you are turning around and bringing up different allegations against Mr. Vick I am asking for you to respond to the specific allegations on tonight's agenda, your oath of office violations, improper influence and code of conduct violations. Those are specificity outlined in Mr. Vicks email to Ms. Devlin and Ms. Holcomb and that is what I am asking you to respond to, not generalcy respond to the comment of other council members.

Councilmember Michalson: It is a council matter. Like I stated the first part of the texts had to do with the March 14th meeting I am not going to read them you all know what they are.

Mayor Dewey: Is there further council discussion or would Ms. Devlin want to address the agenda item.

Councilmember Devlin: No.

Councilmember Holcomb: Yes. Before your email came out how I found out about this was on Sue Allan's Facebook on the 19th a friend of mine showed it to me who is friends with her on the Facebook. I thought that was not right to be having that on the Facebook page and then we got the email on the 20th and then it shows up on the agenda on the 23rd. I see an issue with that when it is going out there on Facebook without no body having a chance to say anything that is wrong.

Mayor Dewey: Ms. Holcomb I do not have any control over who releases information on social media I received the email that you see in the packet from Ms. Devlin on the 20th. Then because I don't typically work on the weekends, I amended the packet Monday afternoon.

Councilmember Devlin: First and fore most when town business is conducted it doesn't matter if it is from a private source or a public source it is a public right to know. That is open communication again for the publics right to know that fact that somebody is more concerned about the allegations against them and how it makes them feel rather than the position that they put somebody else in and the feelings that went behind that are concerneing to me

generally behavior that we see is accountability and we are not seeing that here it is unacceptable, it is unacceptable if a drug deal is done behind closed doors it is still illegal it is still wrong. It doesn't matter what so ever how it happens it is not appropriate I am sorry that is not a valid reason, these clearly show violation, clearly show violations and while on the agenda tonight we are talking about violations by Dempsey I have a pile of violations on the table that we have not even talked about against me, against Mayor Dewey and the public, I am happy to go through these tonight if we need to, but what I would like to do is make a motion I would like to ask that Robert Michalson resign by 5 o'clock tomorrow if you choose not to do that I ask Mayor Dewey that you set up trial by council according to Roberts Rules and until conclusion on that trial and resolution from that trial, that Mr. Michalson is suspended. That is to protect the Town of Stevensville from any further harm.

Mayor Dewey: Is there a 2nd?

Councilmember Vick: "I 2nd"

Mayor Dewey: It has been moved by Ms. Devlin and 2nd by Mr. Vick to request Mr. Michalson resign by 5 p.m. Friday and if he chooses to not resign then trial before the council according to Robert's Rules will be held or be organized by the Mayor and Mr. Michalson is suspended until that trial or conclusion of that trial does that accurately state your motion Ms. Devlin?

Councilmember Devlin: That is correct.

Mayor Dewey: Council discussion.

Councilmember Vick: I do want to state that beside the texts messages that were put into the packet Mr. Michalson has come up to me in the past and said that in one of the meetings that Jaime was thinking of resigning because her child was in the hospital in Utah if I remember that correctly your child is in Utah. Continueing on from that trying to influence how I was trying to vote; the contract was the biggest thing and one of the biggest things he stated to me was don't forget what Brandon did to you when you were running for office. Fact of the matter is Brandon didn't do anything to me when I was running for office. Then also to start discussions on the Stevensville Citizens Facebook page which is made private to where those of you myself included are not members are allowed to be in there to have discussion I do have screen shots of those and I have made copies and they are readily available for anyone to see where he has started discussions and talked bad about councilmembers including myself, Ms. Devlin and Mrs. Holcomb and Brandon Dewey and especially one thing after our swearing in Mr. Michalson told me I don't know how Jaime thinks but Robin is going to vote exactly how I tell her, which is completely inhaled for. And that is my comment on this.

Mayor Dewey: Any further discussion?

Councilmember Devlin: For the record, Dempsey let me know that he wasn't going to be here. He did let council know, he let council know.

Councilmember Michalson: and he let Robin and me know, he let the council president know. That is kind of the chain of command.

Councilmember Devlin: Excuse me I am speaking you can let me finish. He let me know to say that council did not know is inaccurate.

Councilmember Michalson: Did you let us know?

Councilmember Devlin: That is not my job.

Mayor Dewey: Okay, and to that I think that there is an issue to whether or not councilmembers are informing each other of absences I don't recall seeing anything in council rules that requires it but if we need to have a conversation about that I would happy to entertain that at another time again the matter at hand has been explained is there is any further council discussion on the motion on the floor.

Councilmember Michalson: Call to the question.

Mayor Dewey: Is there any public comment?

Councilmember Michalson: Call new question.

Mayor Dewey: We have to call for public comment before we call for the vote. Is there any public comment? Okay with that we can call for the vote. Councilmember Holcomb, No. Councilmember Devlin, yes. Councilmember Vick, aye. Councilmember Michalson, No. It has come to a tie; I think the merits of the complaint have validity and I vote aye.

Council Member Michalson: Mr. Mayor you can't vote on a council matter when it is a tie.

Mayor Dewey: I am statutorily obligated to break all ties.

Councilmember Michalson: No, you cannot. No. Not on a council related matter.

Mayor Dewey: Mr. Michalson you are out of order, the vote stands until the city attorney reverses it. I will run this motion by the city attorney and in the interest of moving on okay we are going to let the vote stand the motion passes and we are going to move on to the next item.

Councilmember Michalson: You are out of order.

Mayor Dewey: Mr. Michalson you can't tell me I am out of order, I am the presiding officer I can tell you if you are out of order Ojai that is how this works, appreciate your cooperation. With that we move on to the next item.

Councilmember Devlin: Is he suspended.

Mayor Dewey: He has until 5 o'clock tomorrow night.

Councilmember Devlin: Thank you.

3. Public Comments

Jessica Shroud, 507 Central, spoke about rules being taught all the way through school. How can a community move forward?

Sue Devlin, I want to re-read the letter the town staff wrote and sent to the Star for the record.

Janet (unable to hear last name) 303 7th St, my questions are about fireworks permits for the 4th of July. Has it been signed? Mayor Dewey explained that this is a public comment time not a question and answer time for the council.

Alan Recky, 517 South Sunset Bench, quick question I have been attending a couple meetings to know what is going on in the community. I am wondering about getting frisked at the down. Why is that?

Joe Moore, 514 Central, it has been said that we learn from history. Spoke about moving on, all of us want a better Stevensville. Leadership has been the tipping point in our discussions. Leadership serves the greasier good.

Councilmember Vick: I would like to make a motion to suspend council rules to make an administrative function on the last vote that we just handled, due to Mr. Michalson discovering in the MT Code Annotated that says council rules and discipline are handled with a council 2/3 vote and with that I would like his vote stricken from the record so that it is a 2/3 vote.

Councilmember Devlin: I 2nd.

Mayor Dewey: Okay, administrative motion is to strike Mr. Michalson's vote from the record creating a 2/3 vote of council on the previous vote. Council discussion, public comment? I will call for the vote. Councilmember Devlin, aye. Councilmember Holcomb, no. Councilmember Michalson, no. Councilmember Vick, aye. Mayor breaks the tie, and votes aye.

Councilmember Michalson: So, with that there is no suspension you can't suspend an elected official I think we went through that in March and the 2/3 majority, I can read it right here everybody, council punishes its own, the mayor has no vote on anything.

Mayor Dewey: I explain this that everything stands tonight and we will work on getting clarification on this from the city attorney because he is qualified to interpret the code and he can give us an opinion on my vote or your vote counts towards these actions.

4. Approval of Minutes

Councilmember Devlin: motion to approve

Councilmember Holcomb: 2nd the motion

Councilmember Vick: separating himself from the vote of the minutes of the budget workshop.

Mayor Dewey: Council comment, public comment. Councilmembers Michalson, Holcomb, Vick and Devlin all voted aye.

5. Approval of Bi-Weekly Claims

Mayor Dewey: No bi-weekly claims in your packet, Robert has been able to get on a schedule so that the bills come up on the beginning of the month.

6. Administrative Reports

Mayor Dewey: There are no administrative reports those are done at the beginning of the month.

7. Guests

Mayor Dewey: No guests, but we do have our new officer Jacob Guida with us tonight.

8. Correspondence

Mayor Dewey: There is a letter under correspondence from Terry Rosin and there is another letter that was not entered into correspondence. Monica Hoffman read the letters into record from Terry Rosin and a letter from the Bitterroot Star.

9. Public Hearings

Mayor Dewey: there are no public hearings.

10. Unfinished Business

Mayor Dewey: there is no unfinished business.

11. New Business

a. Discussion/Decision: HDR Task Order No. 6, 3rd Street Pavement Preservation Project

Mayor Dewey: gave a description of the project.

Councilmember Vick: motion to approve.

Councilmember Devlin: 2nd the motion.

Council discussion:

Mr. Michalson, Mayor I first want to thank you for this agreement, looking through it is it normal to sign these between the engineer and the mayor with out council approval.

Mayor Dewey: the master service agreement?

Councilmember Michalson: correct

Mayor Dewey: yes, it was approved by council.

Councilmember Michalson: I went back to all of 2016 that is when I started on council and I could not find any item to support where this was approved by the council. Robin, Stacie Barker and I along with Jim Crews we could not find were this came up, there was a task work order on March 24th and unfinished business standing agenda item a. sewer project change order task order number 6 waste water treatment plant and I got the audio from Monica yesterday and listened to whole thing and there was no mention of this agreement

being signed by council so I don't know where this came from I am not saying that this is not valid I am just not finding any documentation that this was approved by the council.

Mayor Dewey: I can't speak to the process of the master service agreement was approved or not approved I was not the mayor at the time. I would imagine that was during the Crew's administration 2016.

Councilmember Michalson: it is signed by Paul Ludington.

Mayor Dewey: under the Ludington administration like I said I can't speak to the master service agreement I was not the mayor during its adoption, I could tell you if we had a master services agreement today that would come in front of the council because it covers such a span of projects more or less we have a master services agreement with HDR. If it is approved by council or not the master services agreement doesn't necessarily reflect the task order.

Councilmember Michalson: would it be okay if we table this to do some more research to see if it was approved by council.

Mayor Dewey: I would prefer that you not table it because we would like to get construction rolled out in July as soon as the budget is adopted. Done before the school year starts I guess what difference would it make if we wait to long and have to go through the process of readopting a master services agreement and then by then the task order comes forward we may be outside of our construction window and may have to put this off one more year and that is not something the public works department and I really want to do we want to get the construction done now.

Councilmember Michalson: my only worry is litigation and if we don't get this right and do a bunch of research and this was given and signed without council approval. I am just saying going forth we could have an issue.

Mayor Dewey: Has anyone mentioned that we would be litigated? Given the task order number I would assume that we have had a couple other projects at least 5 other projects that have had task orders under them at some point under the same master services agreement and none of those projects were litigated to date.

Councilmember Michalson: okay.

Amour Dewey: Further council discussion, Mr. Michalson.

Councilmember Michalson: I had a phone call from Pat Groniger and Mel Cook and their concerns were they were all 100% for the repaving of 3rd Street and I also talked to George but they are concerned about the water leaks going up into 3rd street I think it would be a great time to get that fixed.

Mayor Dewey: part of the engineering plan and this task order is replacing the 8 or 9 services for water and sewer that are on 3rd Street those services will be replaced and would be resolved before the paving of 3rd Street occurred so that we are not prone to issues with this new pavement and we have discussed this with our engineers and they are in a good position to address it because they all ready do our water and sewer.

Public comment, none. Mayor Dewey called for the vote: Councilmember Holcomb: aye.

Councilmember Vick: aye. Councilmember Michalson: aye. Councilmember Devlin: aye.

Motion passes unanimously.

- b. Discussion/Decision: Sublease and Operating Agreement with Stevensville Rural Fire District
Mayor Dewey: council has a copy of the sub lease in their packet. Lease.
Councilmember Vick: made the motion.
Councilmember Holcomb: 2nd the motion.
Council discussion: none. Public Comment: none.
Mayor Dewey called for the vote: Councilmember Michalson, Holcomb, Devlin and Vick all voted aye.
- c. Discussion/Decision: Late fees on utility bills, non-payment service suspensions during COVID-19 pandemic emergency
Mayor Dewey: we adopted Ordinance 166 back in March that suspended late fees for water and sewer. Water department has asked that you wait until August to collect these fees, it gives the staff enough time to set up the bills.
Councilmember Vick: made the motion.
Councilmember Devlin: 2nd.
- Mayor Dewey: It has been moved by Mr. Vick and 2nd by Ms. Devlin to extend the suspension of collections and shut offs until September 1st.
Council discussion: none
Public Comment: none.
Mayor Dewey called for the vote: Councilmember Holcomb, aye. Councilmember Devlin, aye. Councilmember Vick, aye. Councilmember Michalson, aye.

12. Executive Report

Mayor Dewey gave his executive report. Not a formal report it is quite a busy time in the office. Staff member out of the office for a surgery. Nancy will be filling in while the staff member is out of the office. CARE'S funding will pay for the temporary employee. Open to Zoom meetings, council? Councilmember Devlin is open to ZOOM meetings.

13. Town Council Comments

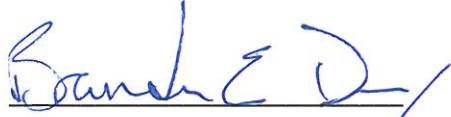
Town Council gave their comments. Councilmember Holcomb.

14. Board Reports

Park Board met, Councilmember Devlin. Clean up day, Civic Club splash deck, dog parks.


15. Adjournment

APPROVE:



Brandon E Dewey, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk