

**Stevensville Town Council Meeting
Minutes for
Wednesday, July 22, 2020 7:00 pm**

1. Call to Order and Roll Call
Mayor Dewey called the meeting to order Councilmembers Devlin, Holcomb, Michalson, Vick were all present.
2. Pledge of Allegiance
Mayor Dewey asked for patience with our internet connections.
3. Public Comments
Public comments are being sent into the public comment section of your emails.
4. Approval of Minutes
There are no minutes to approve tonight.
5. Approval of Bi-Weekly Claims
Councilmember Holcomb made the motion to approve the claims, Councilmember Michalson 2nd. Michalson, Jet Miller, \$550.00, does the town pay this or MMIA. Robert Underwood, it came out of the airport fund. Mayor Dewey called for the vote, Councilmember Devlin, aye. Councilmember Holcomb, ye. Councilmember Michalson, aye. Councilmember Vick, aye. Motion passes.
6. Administrative Reports
Will be read at tomorrow's meeting, 07/23/2020.
7. Guests
8. Correspondence
Mayor Dewey forwarded a hand written correspondence to the council via email. Councilmember Devlin asked if the original needed to be turned in, can be turned into town hall.
9. Public Hearings
10. Unfinished Business
 - a. Discussion/Decision: Services Agreement between the Town of Stevensville and First Call Computer Solutions for Managed IT Service

Mayor Dewey explained why this is on the agenda, this was a council request to be put on the agenda. We advertised earlier in the year an RFP we had a single response, it came back to council and they requested that another RFP was done for another two weeks and that was published in the Ravalli Republic, the Missoulian and the Bitterroot Star. Councilmember Vick made the motion to approve the IT services contract, Councilmember Devlin, 2nd.

Councilmember Michalson asked if this was the only contract that was received. Mayor Dewey responded, yes that it is the only contract. He was aware of two others that called and inquired about the RFP and spoke with Robert about our needs, neither of them sent in a proposal/bid.

b. Discussion/Decision: Code of Conduct violations, Oath of Office violations and Improper Influence all conducted by Robert Michalson

This is on the agenda as an update, where we are at in this process. It is the Mayor's hope that we can find a solution instead of going to trial. If it is council's decision to stand with Robert's Rules and move forward that is their choice. Mayor Dewey asked for comment.

Councilmember Devlin: I am not willing to budge, I would like to go to trial. There was another email sent to you today that is in violation of our code of conduct by Robert Michalson so this behavior continues. I think that is only fair that we move forward with a trial.

Councilmember Holcomb: Did we have a copy of that email?

Councilmember Devlin: It is in your email it was sent out to everybody.

Mayor Dewey: I do believe that the whole council was copied on that correspondence.

Councilmember Holcomb: I don't have one.

Councilmember Michalson: Can anybody hear me? Somehow, I was muted. Hey we gotta follow council rules here, like I stated earlier this should not be brought up under unfinished business because it was a 2-2 tie and under council rules only the prevailing side can bring it up for reconsideration and that takes 2/3 of the vote and since I was not there it can't be brought forward, we have to follow our own council rules guys.

Councilmember Devlin: Our opinion from our attorney to move forward that we can refer charges. Robin it was sent out at 10:58 a.m. and it states.

Mayor Dewey: Taking this a step at a time and tiling about council rules and this being reconsidered. This is no motion from the council for reconsideration tonight there were not calling for a vote. The charges have been proffered against you by a councilmember and that does not require a vote of the council. It does require that you are offered a opportunity for due process which you will be afforded when this trial is scheduled but we are not reconsidering any decision here tonight other than to further discuss the charges that are proffered against you. I have explained by intent that if there was an opportunity to mediation or conflict resolution, I would rather exhaust that then go into a trial. But it does not sound like Ms. Devlin is willing to accommodate that so we will move down the path of a trial.

Councilmember Holcomb: I am a little confused about some of the emails that were included in the correspondence. In my opinion they aren't very rude, he is asking Monica for an audio and asking Robert to see if he could get a % of each employees, you know in the past we were always allowed to ask for information from our clerk and our treasure and I don't know when that changed we have always asked and have never had a problem and I don't know why these are included. It says no problem I will patiently wait for your response I would like an audio recording of the minutes, regards Bob Michalson. I don't see were that is rude. I am just a little confused why some of these things are here and like I said we have always been able to email or call up the town hall and ask the clerk for specific stuff or ask the treasure for specific stuff I don't know when that changed, this is my third term and we have always been able to do that.

Councilmember Devlin: If you can look through that packet, I highlighted the code of conduct violations as well as other violations. There is one there that states request for information of the staff go through the mayor first because it creates a flow problem with their everyday business, there have been requests in the past via email to Robert Michalson to not continue to do that and he continues to do that. It has created an issue for the staff being able to get their daily work done because those steps have not been taken. It is in the code of conduct that was adopted.

Mayor Dewey: So, I think from this juncture we understand the process laid out and I think that we will refrain from getting into any other detail about the allegations against Mr. Michalson as I expect we will hash a lot of that through the process of the trial. So, from this juncture the results of the investigation will be compiled by my office for the council's review, Mr. Michalson and the council will be provided a copy of those results which frankly will include a lot of what has been distributed from there we will give Mr. Michalson a chance to prepare his defense and a date for trial before council will be scheduled.

11. New Business

a. Discussion/Decision: Determination of vacancy in the office of Ward 1 Council Member pursuant to MCA 7-4-4111(6)

Ms. Devlin and Mr. Vick both sponsored this item Mayor Dewey deferred to either of them if they would like to explain how to proceed with this item tonight.

Councilmember Devlin: We participated in two meetings that were scheduled where Ms. Holcomb didn't show up. The first one, no reason was given there was a compel and still no show. The second one there was a refusal and I can read this first part of the email, the code states that there is open neglect or refusal to discharge duties MCA 7-4-411 (6). An email was received on July 14, at 5:47 a.m. from Councilmember Holcomb. Councilmember Delvin read the email. At 5:08 p.m. the attorney weighed in and Councilmember Devlin read that email. We have refusal for not coming to the meeting, clear refusal. We are elected to speak for the people. Councilmember Devlin continued with the duties of a councilmember. Chief Marble went to her house that night she did not answer the door, she did not come to the meeting. That again is a refusal to discharge duties and again that is neglectful. What I find even more interesting in that first email that I read where it says, "I will not be part of a witch hunt and not have a person there to be able to defend oneself" that would not be right for anyone. We back up to October 24, 2019, Mayor Dewey was not able to come to that meeting, Ms. Holcomb came to that meeting knowing that there was an agenda item on there to discuss the firework issue/discipline whatever you want to call it against Mayor Dewey not only did Ms. Holcomb show up for that she participated in that meeting and she also made a motion that Mayor Dewey pay that money back. Mayor Dewey was not present for that meeting he was not able to as M. Holcomb stated before, "I will not be part of a witch hunt and not have a person there to be able to defend oneself" it was okay for her to participate when it is against our mayor but you are not willing to come to a meeting that is not a decision it was exactly what we heard tonight the process to move forward when it is against Mr. Michalson. That is a clear open neglect and refusal to discharge duties. I have had several citizens complain to me about unanswered emails. Upwards of three times to Ms. Holcomb and did not have a response. In an

email that Ms. Holcomb sent out on May 22nd, it states "Good morning Scott at this point I don't care anymore" I think that statement says enough. Councilmember Devlin read the rest of the email. So, we have an instance here that is from Ms. Holcomb on May 22nd, citizens are not hearing back from M. Holcomb, that is part of our duty. We represent our people, the people of the Town of Stevensville. That is a refusal that is being neglectful to the people that we serve. Those correspondence were not email out to the mayor like is was stated here, they were not replied to the citizens there are cases here where there is neglect and refusal to discharge duties. In my mind that serves as a vacancy on this instance for Ward 1.

Councilmember Holcomb: So, in my defense yes, I was not there at that Thursday meeting but I did email the mayor. So, if I am like deadly sick a short notice and I was in bed when you all sent Chief Marble to the house I was in bed because I had a headache. Tuesday's meeting, I was not there, yep I thought that it was not right to be discussing because it said on the agenda discussion/decision even though it says it on this one as well I was not going to be part of something that clearly the mayor knew that Mr. Michalson would not be at that meeting he knew he would be out of town he knew before that Friday before. So, yes, I did not come, but I did not refuse to answer the door because I was not home, I did not hear my phone ring and I apologizes on that part because I usually keep my phone on mute because it is with me at work and I forget to turn the volume back on, so that is a mistake on my part and for the emails, yes I did write that email because it is getting a little tiring when you are trying to do town business, but a few people feel that they need to keep digging and digging into councilmembers emails instead of lets come together and get things done. But no, we always have to fight and always have to defend ourselves because emails are always getting hacked into. So, yes, I did say I am getting a little tired of the childless games and I did not mean that when a citizen emails me, I meant that if they email with a complaint, how do I say this? I have been told multiple times by the mayor that when I let him know when citizens email me about issues going on, he makes me look like I am dumb or something. Because he then responds back to me going well it is funny how they are not responding to I am not hearing this, that is what I meant by maybe they should just start emailing the mayor. Again, to that I may not respond to every email but I certainly do not have people in the Town of Stevensville blocked., because I understand that you have people blocked. I have no problem having a rational conversation with anyone, but when I receive hate mail not really sure how to respond to that. Every person is entailed to their thought but emotional hatred is something else. I have repointed to a few of those email that you are talking about how do you respond to the hatred that these people have. All that does is just roll into more problems because they are not going to like what I say because it is all hate, that is my side of these things and yes I do stand by my position on Tuesday and I apologize to that the employees have gotten put in the middle of this and I apologized to them and I have apologized to several people but when we are doing a discussion/decision to bash another councilmember I get the feeling I needed to be there, and frankly I don't know if I wanted to walk into that library because of all of the hatred that is going on in this town right now. I just felt that since he knew that Mr. Michalson was not going to be there Tuesday then why couldn't we have held it out for a few days not a big deal but I did email you and Dempsey about my decision and you did not email me back, Dempsey didn't reply back the mayor did not reply back and yes the attorney did reply back but unfortunately I did not get that email because I came home and ate dinner and I apologize for that.

Councilmember Michalson: Hello Jaime?

Mayor Dewey: Ms. Devlin has her hand raised, go ahead Ms. Devlin.

Councilmember Devlin: So, we all receive criticism you can call it hate mail label it what ever you want. We all receive it and that is part of our job unfortunately. I understand what you mean about walking into the library, but we still did it. Mr. Vick and I still did that we received an email from you on May 22nd saying that you would not be emailing us anymore why would we look for an email stating that you weren't going to be there why? Why would we look for that? Furthermore, you said that you are not coming because of the item number the item on the agenda, you stated that. That is being neglectful, that is refusing to do your duties, refusing to come in to a library because of a hostile environment. There have been things put into place to protect us in there. That is not an excuse, that is being neglectful and that is refusing to do your duties. You received an email at 5:08 from Scott, he told you that you should come to the meeting, you did not come to the meeting, you had 2 hours to check your email you know we had a meeting that night. So, I am sorry that you ate dinner, I am sorry that you did not check your emails and I am sorry that you did not have your phone and you weren't home. That is not my responsibility and that is not the responsibility of the town that you were elected by, it is your responsibility to make be sure that you carry out those duties that you were elected to do. There are no excuses to why you did that it was neglectful. There are some upset people. I am ward 1 and should not have to speak for you. I will rephrase that I feel that there is a vacancy in ward 1 based on everything that I have produced here. We stepped into these positions knowing these things.

Councilmember Michalson: I would like to address this since January Jaime you have been on a witch hunt of me and Robin and it seems like you have just been knit picking and it is very hard to remove an official from office as the mayor is going through a recall right now it is a process. The council punishes its own by a 2/3 majority and they usually start by trying to work it out try to do a sensor which Mr. Dempsey did on the mayor last year during the fire works agenda from last year. Dempsey voted yes and censored the mayor over that and is usually a bad mark on someone's record, but to go over and attack a councilmember like me and Robin. You do have some good points but to try and remove people from office is just sets a bad precedence for all of us. Then I can turn around and Robin could turn around and put agenda items on you. I don't think we want to go there, I don't and I will not do that. I would hope that you would respect me more than that Jaime and Dempsey I hope that we can come for the common cause. It seems like you two are pretty hell bent on removing me and Robin. It is really sad it has split us and the town moving forward on all this is sad. I am sad for what I have done I feel sad for each and every one of us.

Councilmember Vick: I do want to make clear, yes, that back in October I did make that sensor ship motion against Mr. Dewey reason why it was overturned by the city attorney is because Mr. Dewey was not afforded to be accused in front of the others also when we are determining this, this is not a council decision per say this is determined by Montana legislature that states that a determination of vacancy is when a person does this it does not say when a person may it says is. There have been things on the agenda before that I don't like but I had to show up I have shown up to council meetings where people want to drag me out by my toe nails and beat me

up behind my car and I still show up and I still see all the hate on Facebook and on Twitter and what not. I don't comment on it and don't like to see it. Something very similar to this happened in Libby and it was determined by the court that this is not a disciplinary measure.

Councilmembers Devlin: There is not part of me that has any interest in being part of a witch hunt there is every part of me that wants to deal with accountability that has not been seen at this table for a very long time. It is time that people are held accountable to their errors, it has gone on too long, excepted too long I am very much about right and wrong, that is the foundation of who I am that is not going to change. A witch hunt, no that has personal opinions that has emotion's, these are facts, fact based not emotion a business has to be run. If these behaviors happened in a business you wouldn't have a job it is that simple it is black and white. This is black and white it is not a witch hunt there is not emotion in it it's simple.

Mayor Dewey: asked for any further discussion from council, none. There isn't a motion on the floor necessarily.

Councilmember Devlin: I will make a motion.

Councilmember Vick: Mr. Mayor I feel that the evidence speaks for itself so under MT code annotated 7-4-4111(6) I make a motion to determine a vacancy in ward 1.

Councilmember Devlin: I 2nd.

Mayor Dewey: It has been moved by Mr. Vick and 2nd by Ms. Devlin to determine a vacancy exists in ward 1 by the seat of Robin Holcomb. Council discussion.

Councilmember Michalson: I don't believe you can remove a council member this way Mr. Vick I haven't seen anything that says you can do this I have studied it and I think the way you are going at it will fly with the attorney. I don't think you can remove Robin this way.

Mayor Dewey: if I can I am happy to speak to the legalities and the logistics around this specific item. Mr. Owens spent some considerable amount of time with other city attorneys and with other local government guidance he also studied some case law as Mr. Vick referred to out of Libby. To your point Mr. Michalson the town council is not removing Ms. Holcomb from office if this motion was to pass. What they are doing is to determine that a vacancy exists by her seat, if that vacancy is determined to exist Ms. Holcomb has removed herself from office by her actions like Mr. Vick indicated this is not disciplinary action this is whether or not a vacancy exist in the first ward the case law supports to a degree direction that the council may take tonight or at least support that the council decision. The attorney has expressed some thoughts towards whether or not this type of action would be tolerated by the district court if it were challenged and what that might look like. Again, there is enough case law there that the attorney was able to rule that the town council could consider this tonight. He had no objections to the legality of this decision.

Councilmember Michalson: Can I get a written opinion on that? How come he never let Robin and me know?

Mayor Dewey: I don't have an answer for you. No there is no written opinion.

Councilmember Michalson: He can't go with what is said.

Mayor Dewey: Why not? You ask us to do that all the time.

Councilmember Michalson: Something of this magnitude should have a written opinion
Brandon.

Mayor Dewey: Mr. Vick

Councilmember Vick: as a matter of fact, I do have a written opinion from city attorney Jim
Nugent of Missoula, legal opinion 2017-009, councilmember Vick read the legal opinion out
loud.

Councilmember Michalson: And what does that require as a vote Dempsey?

Councilmember Vick: it requires either a majority of the council members or a tie break by
mayor.

Councilmember Michalson: Mayor can't break a tie on a council decision.

Mayor Dewey: This was another area that Mr. Owens weighed in on because this is not a
disciplinary action this is amination of policy by council the mayor does have a tie break vote in
this matter.

Councilmember Michalson: I don't agree with that one. I would like a written opinion on that
one from him too.

Mayor Dewey: Is there anything, obviously there is no public comment. Ms. Devlin has
requested to proceed with the vote. Before we proceed with the vote though and forgive me if
this come out of line but in the interest of maybe trying to find a solution or dealing with this a
different way similar to the item that we have discussed previous I would like to afford Ms.
Holcomb the opportunity to either, I guess I am offering you the opportunity to resign if you
would like to take that opportunity now before I call for the vote.

Councilmember Holcomb: No, I don't feel like I did anything wrong.

Mayor Dewey: Okay fair enough.

Councilmember Holcomb: I have only, like I said I emailed you on Tuesday to say that I would
not be there, unfortunately. I told you sorry for the short notice, I told you I could not make it. I
was in bed when and that is on recording when we talked on the phone that I was in bed.
Tuesday, yes, I do apologize that I was not there I just felt that without Mr. Michalson not being
there to defend himself I just felt I just thought it was wrong.

Mayor Dewey: Okay. With that Ms. Devlin has called for division of the house and we will call for
the vote. Councilmember Devlin, aye. Councilmember Holcomb, no. Councilmember Michalson,
no. Councilmember Vick, aye. We have a tie vote. Ms. Holcomb you have put me in an awkward
position frankly. This is not something that is of course for the faint of heart or a decision in
which I would hope to not come before me. This is not necessarily my interest in local

government to break these ties, for the past two and half years Ms. Holcomb and Mr. Michalson you have done everything you possible can to remove me from office there is evidence in that today in the recall. And now I am in a very uncomfortable and awkward position because of your actions that in theory I can vote for this and remove you from office and that is the effect of my yes vote. But on the other hand, if I vote no are, we going to deal with this for anther two years. When does this end? You speak in your comments, your responses to Ms. Devlin you say you say that you are receiving hate mail and that there is so much hate in this community. Where do you think I have been for the past 2 years Robin? I am not asking for a response. Mr. Michalson is correct removal of an elected official is incredibly difficult and it is that way for a reason because if the citizens choose to represent them and I am a firm believer and I have expressed this in the recall if the citizens have a problem with who is in office a recall is not the way to do it trying to pull political stunts to try and pull them out of office is not the way to do it. You show up at the polls every four years and decide who is going to represent you, it doesn't always go the way we want it to that is just life that is being a part of a citizen of the country and having a right to vote you don't always get your way. And that is on my mind tonight I feel that I am in an impossible position where no matter what I do I am going to upset half of the city council tonight the very people that I am elected to work along side and to do good for this community. Unfortunately, over the last recent history in the past couple of weeks or months I am not sure how good has been accomplished although we keep coming to these meetings and beat our drums that we are coming together and it is a new beginning and then right around the corner I see city council signatures on a recall for my head. So, you know, how much faith do I have in your word that you are sorry and that we are going to come together and work for us and M. Michalson made the comment that the council gets attacked at, the council gets attacked. And I hear that it is okay to attack the mayor, but as soon a city councilmember turns on his own or two councilmembers turn on their own that it is not allowed it is against the rules. We apparently arbitrarily write the rules as we go along and misinterpret them. I don't mean to be sitting on a soap box as I need to decide whether or not if I am going to break this tie and but there are some (live feed on Zoom broke up so unable to hear words said) this is not where we should be in this community you guys. Ms. Devlin said it very well, "our citizens deserve better" and they really do. Candidly I did hope that Ms. Holcomb would take the opportunity to step back and allow someone else fill the role. The law is very clear it is sitting on the screen in front of me. Office becomes vacant on the happening of any of the following events before mention comment item 6, incumbents open neglect or to discharge duties. I mean we can generate excuses all day long, but I think that you (live feed on Zoom broke up so unable to hear words said). And I have had enough of the obstruction you have heard me say it enough over the past two years the obstruction by two members of the city council needs to stop enough is enough. Robin, I am not going to break the tie tonight, I want you to take this opportunity to realize how close you came to losing the very precious gift that this community gave you and that is representing them. Do not screw that up, guarantee that if we end back up at this position, I am not going to rehash the last 10 minutes of stuff that I have pronounced the decision has been made clear and I feel that the decision at the poles going forward I really do. I think that in the interests in not dividing the community further I am allowing you the opportunity to retain your dignity and perhaps prove yourself to this community I will essentially sustain from breaking the tie. And the motion fails for lack of a majority. I will close this time by saying that I do not by no

uncertain terms want to end up in this position again. Not necessarily in breaking a tie, I don't want to be holding a ZOOM meeting or a town council meeting discussing why a town council member failed to hold her elected duty to show up and blatantly disregarded that, it is inexcusable but again I was put in an impossible position and at the least Ms. Holcomb I think that you owe the community a written apology and a public one and I think you owe the rest of us the same. The business that we are considering tonight we may have not had to hold such a meeting tonight we could have been done in an hour, but the business that we are discussing tonight and tomorrow night rather is because you decided to not show up because you were cranky about an agenda item just think how many agenda items I have had to put on the agenda it is not fair to me but I still show up and still do my job. Let's take a 5-minute recess and we will leave the live feed on. We will reconvene at 8:05. Me not breaking the tie does not say that the council cannot still take their own actions.

b. Discussion/Decision: Resolution 477; Adopting a budget and adopting wages and salaries for Fiscal Year 2020-2021

Mayor Dewey introduced new item b. I sent you an email today. Estimated cash reserve work sheet that show available cash to date in the fund and based on what you approve in the budget what you can expect to see remaining in terms of cash. Your budget doesn't necessarily deal with cash directly it is an estimate of our work plan but cash does work into the budget. Just wanted to make sure that you understand how much we have in reserve. Wanted to make sure that you could review the estimated cash worksheet. Before I get into the specific changes that we have implemented since our last budget workshop. You will note that in the column going across the page there are remaining revenues and remaining expenses. Those two columns assume that we would receive all the revenue that we anticipated and that we would spend all the money we said we would spend. If you look at the general fund you will see that it is a negative \$130,000 dollars and a negative number in a revenue line is a good thing that means that we received \$130,000 dollars more in revenue than we said that we thought we would. Expenditures a positive number would mean money is still available to be spent and that number will come down a bit over the next two or three months, there are some things that come in June and July and they have to be coded back into the previous year. We are probably dialed in pretty close on the general fund line it is underspent which means that we did not spend \$85,000 dollars that we thought we would have spent. We are of course proposing a \$793,641.00 in revenue and our expenses are \$864,924.00 so when you look at the cash remaining column please take into consideration the extra revenue and the remaining expenses that those off set. Our cash remaining balance in reality will be higher than what that worksheet says that it will. In terms of the cash remaining balances where you see negative numbers, I will draw your attention to the gas tax fund end of fiscal year 21 with a negative balance of almost \$80,000 dollars remember that is assuming that we are going to spend \$90,000 dollars in fiscal year 20 and we didn't spend that money we are rolling it over into this fiscal year to spend so that is the discrepancy there. Added the cash remaining making a positive \$10,000. The other items are correction and coding in the general fund budget. Fire Department, the way that we put the lease agreement with the rural fire district and the way it came to be we had to reconfigure how the budget looks the rural fire district for \$5,000 dollars

but because we sub leased back half of that from them we wrote them a check for \$2,500 dollars so we had to make an account for that. We had to account for it in our accounting system. There was also a necessary purchase for a new pump at Maplewood cemetery, that pump failed us last week and they estimated that repair at \$5,000 dollars so you will see that increase as well in the general fund. Other changes include bond funds for water and sewer, bond funds that are collected under that line on your water bill going to special funds where that money is being collected for our bonds, currently our bond payment is lower than what we are collecting in terms of what that line says. We think there may have been a discrepancy, not a fraudulent one, lack of oversight we initially had the rate for that bond high so that we could set aside the two years of bond payments that we were obligated to set aside. We have told USDA we are required by the bond to have one year of payment, in town policy we decided to always have two years of bond payments. Bond rate was originally set at a much higher level to accumulate enough funds to set aside two years of payments. That was never then reset in the system, we need to continue to look at the rate on the bill and (live feed on Zoom broke up so unable to hear words said) water fund actually off set. Questions from council?

Councilmember Michalson: I have a question for Robert, Robert what was the total budget that was adopted last year please? Do you know that Brandon was it \$800,000 something?

Mayor Dewey: of the general fund budget?

Councilmember Michalson: Total budget that was adopted in December of last year.

Mayor Dewey: I believe it was around \$2.5 million.

Councilmember Michalson: okay and what is it this year?

Mayor Dewey: this year \$4 million dollars.

Councilmember Michalson: So, we are increasing our budget by \$1.5 million dollars, correct?

Mayor Dewey: (live feed on Zoom broke up so unable to hear words said)

Robert: last year's budget we had \$1,729,688.00

Councilmember Michalson: and this year is \$2.5 million?

waited for Mayor Dewey's live feed to come back on

Mayor Dewey explained the increase in the budget is due to the airport project FAA funding.

Councilmember Vick: I just want to make sure as far the Montana Aeronautics that when that gets paid out, we would see that as a claim and we would just be a pass-through organization.

Mayor Dewey: That is correct, you won't actually see the check but you will see the claim go out to the specific vendor to be paid. We will see the claim come through once the FAA has approved it.

Councilmember Vick made the motion to adopt fiscal year 20/21 budget.

Mayor Dewey: Are you making a motion to adopt resolution, because wages and salaries are included in that, just want to make sure that your intent is clear.

Councilmember Vick: that is my intent to adopt the resolution.

Mayor Dewey: Mr. Vick made the motion to adopt resolution 477

Councilmember Devlin: 2nd the motion.

Mayor Dewey: Council discussion, any questions, Mr. Michalson?

Councilmember Michalson: I would just like to go on record to say that my position hasn't changed I think passing this budget this early without seeing our estimated revenues come in until August also I would like to say that I feel strongly that we should not be giving everybody increases across the board knowing going forward with the COVID and knowing other municipalities all these that are starting to cut back, I don't think that it is very fiscally responsibility. We can hire them now we have money no problem. But going down the road there is a great possibility that we will have to lay these people off. That is your call Mr. Mayor you get to do that job, thank you.

Chief Motley: at the last budget meeting I believe that were going to look into other funding sources for items that were not being funded on the proposed budget, do we know anything do we have any other options. IE, fire department overhead door and the public works building.

Mayor Dewey: the grant opportunities are still being evaluated and what is the best option in the meantime we are reaching out to MCAP to see what the funding looks like. What any of those improvements would look like. We feel with the COVID-19 resection being what it is we feel it is advantages of us to buy some money. At the moment we are investigating with the state. These are reasonable projects to finance because they are long term improvements. The town is in a position of financing a project is reasonable approach.

Chief Motley: I understand what you are looking at doing and I understand that door expansion is not in the proposed budget, but however council you have to be aware that the door project has to happen at some time, I know we are looking at some options for right now I am okay but we have to have that door sooner than later so please keep that on top of your mind as we move forward.

Mayor Dewey: Chief I think when the dust settles on this budget there is \$25,000 dollars in your CIP budget that is appropriated in your budget. We may have to have a conversation on an administrative level and prioritize the CIP projects in your department. The intent is to purchase another vehicle but we may have to back track that thought and not saying that we do that today I am saying that it may warrant a discussion.

Chief Motley: so again, at the last meeting I said, we prioritized our needs and wants and we did that and brought that forward and now in the 11th hour we have an added building, employees. Well these priorities that we put into our budget and now we are going to have to re-prioritize. That is a hard pill to swallow sir.

Mayor Dewey: Chief, the prioritization that affected your specific item was that of the swimming pool.

Chief Motley: we are spending general fund funds in other areas besides the pool and it affects my department and public works, we need some better communication.

Mayor Dewey: noted. Any further discussion, Ms. Holcomb?

Councilmember Holcomb: I just want to say it again on record that I believe everyone deserves a raise but I just wish we would do it across the board during this hard time that we are going through. I know that we getting the CARES ACT I am just afraid down the road they may want it back, so I just want to put it on record push back or pull back on the raises.

Mayor Dewey: Ms. Holcomb I don't think that there is any reason to believe that we would have to return the CARES funding that has been awarded to the town, if that helps address some of your concern I realize that it doesn't address all of it but understand that we have been given no indication by local government that money would have to be repaid for any reason.

Councilmember Holcomb: okay.

Councilmember Michalson: Brandon does the adoption of the budget take one or two public hearings?

Mayor Dewey: one public hearing.

Councilmember Michalson: and we had that one earlier tonight? So, when we adopt this it is final?

Mayor Dewey: that is correct. Unless a budget amendment was to come forward which is interlay possible.

Councilmember Michalson: okay, thank you.

Mayor Dewey: any further from council? Motion on the floor is to adopt Resolution 477. Which adopts the fiscal year 20/21 budget and salaries and wages. I will call for the vote.

Councilmember Devlin: Aye.

Councilmember Holcomb: No.

Councilmember Michalson: No.

Councilmember Vick: Aye.

Mayor Dewey: it is a tied vote, the Mayor votes in favor of the proposed budget and salaries and wages.

c. Discussion/Decision: Authorizing the Mayor to enter into a lease agreement for Police Department office space

Mayor Dewey: introduced new business item c. This is an item tied back into your budget where we have discussed the opportunity to relocate the police department headquarters out of town hall and into a leased space owned by Dean and Ramona Vance, the space used to house the highway patrol detachment so it is set up well and very few modifications need to be made to the space. Landlord has agreed to take care of flooring before we move in. I do not have a copy of the lease agreement for your review tonight that is something patiently waiting for Ms. Vance to get back to me. If you approve the authorization tonight the process would be that lease agreement would go in front of Scott Owens for review to make sure that there are no complications with that. The term will then be agreed upon, we are budgeting \$1,000 dollars per month plus utilities for that space. Ms. Holcomb?

Councilmember Holcomb: So, it is only going to cost \$1,000 dollars? Are paying rent too.

Mayor Dewey: \$1,000 per month in rent plus utilities. The utilities are comparable to what the police department already pays at city hall. We may see some savings; lights are primarily what they are running.

Councilmember Holcomb: thank you.

Councilmember Michalson: so, is this a lease agreement that the attorney is going to look over Brandon?

Mayor Dewey: we are proposing a 5-year lease with the Vance's at a \$1,000 dollars per month plus utilities. once we receive the actual written lease from Ms. Vance for the property Mr. Owens will approve that lease and upon his approval, we would then execute this lease with your approval tonight.

Councilmember Michalson: Wouldn't it make more sense, does this have to be done right away. Couldn't we table this until the agreement have Scott look at it and bring it in front of council for our review wouldn't that be the proper way to do it.

Mayor Dewey: I don't know that there is a difference in what is proper or improper I don't think that we are indicating doing it this way is improper I am outlying the terms of the lease very simple rental agreement, insurance requirements for inside the building but otherwise it is going to be very generic language in regards to a lease unlike what you saw with the rural fire district lease when we leased property to them. I don't have a time line, as soon as possible we would like to get that lease agreement finalized from Ms. Vance. I have ben busy the past few days and haven't have time to follow up with her. As soon as I have the chance to follow up with her and get the lease agreement from her, I would like council's approval so that we can start implementing measures in order to get that space ready to facilitate the police department sooner than later. So, we can get them transitioned and into place. As you know we are on top of each other in town hall in the administrative office and it is going to take us some time to get things in its proper place, I would like to not delay this any further and councils consent to move forward tonight and Mr. Owens approval should be sufficient, with that being said if there is something that Mr. Owens disagrees with or something other than what I have described to you in the term than of course we are going to come back to the council. Mr. Michalson?

Councilmember Michalson: I don't have a problem with the lease agreement the problem I have is a 5-year longevity, does that lock us in for 5 years? Say we can't afford it or another option comes along because the police department has been in this building before years ago, correct.

Mayor Dewey: yeah probably before. This is not the best use of time comparison, but at it hasn't since I have been alive. At one time that building did house city hall the building has housed a lot of different organizations. The rationale behind the 5-year lease Mr. Michalson was to prevent the town losing any investments that it has. This is probably a leap of faith if you will that we are uprooting a department and placing it in another facility we don't want to go through that twice so a 5-year makes sense. The town is prohibited by code to go any further than five years but we think 5-years is a reasonable time to give the operation of that department in that facility the opportunity to prove itself and to see whether it was a successful move or not. For whatever reason that building changed ownership or some other change happened the town is protected in that we are not going to be suddenly be uprooted from its facility for the police force and then quickly reconfigure city hall so that they can get back in.

Councilmember Michalson: okay, thank you.

Councilmember Devlin made the motion to authorize the mayor to enter into a lease agreement for the police department. It was 2nd by Councilmember Vick.

Mayor Dewey called for further council discussion.

Councilmember Holcomb: So, when that motion can we put in there for you to enter into a lease agreement for the police department space on the approval of our attorney.

Mayor Dewey: absolutely. Are you proposing that as an amendment?

Councilmember Holcomb: Yes.

Mayor Dewey: is there a second?

Councilmember Vick: Yes.

Mayor Dewey: it has been moved by Ms. Holcomb and 2nd by Mr. Vick to amend the motion and to add that the mayor is authorized to sign the agreement upon approval of the town's attorney. Discussion on the amendment. I will call for the vote on the amendment.

Councilmember Devlin: aye.

Councilmember Holcomb: aye

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: the amendment passes the motion before you know is to authorize the mayor to enter into a lease agreement for the police department office space upon the agreement's approval by the town attorney. Any further discussion from the council? I will call for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Motion passes.

d. Discussion/Decision: Director of Community Development Position Description

Mayor Dewey: introduced the director of community development position. How the person will assist the building department. Position description is based off of other positions in other towns, Missoula and Helena. Smaller communities don't usually have a position but we really wanted to set the bar for this position in Stevensville due to the growth that we are seeing. We want to make sure that this person is qualified to do this unlike a volunteer like myself. We want to bring someone in with experience to do this job.

Councilmember Vick: made the motion.

Councilmember Holcomb: 2nd the motion.

Mayor Dewey: It has been moved by Mr. Vick and 2nd by Ms. Holcomb. Council discussion? Mr. Michalson?

Councilmember Michalson: Correct me if I am wrong Mayor Dewey, but at our budget meeting we brought this forward all the money that is going to be generated will go to this position. How is this position going to be funded?

Mayor Dewey: in the fiscal year 20/21 this position is funded by permit fees from the building department, as that person handles building permits and issues building permits through the building office. It is funded by zoning and planning, the position facilitates variances, zoning change applications, fees that we charge for these services will offset and a small amount of tax increment funding will also fund this position. If we saw a slump in building activity then those funding sources go away and our response to that is that either our reserves will carry that position during that down turn or if the activity is not there then the position would be reduced.

Councilmember Michalson: I have a question for Robert. Can you give me a figure on what this position pays for a year? Do you have that in front of you?

Robert: the wages would cost \$46,777.00 over all benefit cost \$62,769.00

Councilmember Michalson: was are the two-part time building officials salaries estimated for this year.

Robert: \$34,000.00

Councilmember Michalson: so that is about \$96,000.00? correct and estimated that is what it is going to cost for these three positions. What is the revenue for this department, building fees and everything else?

Mayor Dewey: Robert it is roughly \$100,000.00 is it not? It is important to note that a portion of this position is funded by the building department, the part time building staff those folks are funded 100% by the building department this position is not funded 100% by the building department.

Councilmember Michalson: Okay I just wanted to get an idea on the figures on the money that we are bringing in and putting out.

Mayor Dewey: The building department is having no challenge in collecting revenue. Given its building activity.

Councilmember Michalson: I have a question for you do you know how much revenue the town is expected to get with the school project with building permits and everything else?

Mayor Dewey: that revenue has already been received we would have to go and think they were spit up into 4 different permits, but it was considerably higher than we anticipated. And they did not just pay building fee but also infrastructure fees for water and sewer because they are adding services to the system. They had to pay some infrastructure fees and some public works fees in terms of street excavation and they had to pay some building fees relating to their building. We can go back and run that report, Robert if you would make a note on those cash receipts and give Mr. Michalson those figures.

Councilmember Michalson: thank you.

Mayor Dewey: any further questions on the description or the position. Then I will call for the vote.

Councilmember Vick: aye.

Councilmember Michalson: aye.

Councilmember Holcomb: aye.

Councilmember Devlin: aye.

Mayor Dewey: the motion passes.

e. Discussion/Decision: Consent to the Mayor's appointment of Jenelle Berthoud as Town Clerk

Mayor Dewey introduced new business (e.) Monica Hoffman has resigned her position and vacancy is since July 15th operating without a town clerk since that time. Following her resignation before she left the position, we began internally advertising along with a external advertisement policy states that we advertise internally for 5 days and we did that. We were fortunate enough to receive an application our police clerk Jenelle Berthoud applied to the position and we went ahead and held interviews, Ms. Devlin, Mr. Underwood and our Parks and

Recreation Director and myself conducted the interview with Ms. Berthoud and she did very well and terms of her responses, my gosh we might have asked her 3 pages of questions there were 17-18 questions right down to some very good information. This is an opportunity to provide growth to the individual seeking the position in our organization and Ms. Berthoud, I don't think it is any secret that Ms. Berthoud has done an exceptional job in the police department and she is looking to make that same difference in the rest of the organization as role of town clerk. I am very eager to get her into that role of town clerk I think she will fit into well, the training period will be very short and if you approve the consent or consent to the appointment we will get her into place and we do have staff that can help as she transitions into the clerks role we do have a staff that will help us with phone and walk in inquires in the police department as we do a recruitment for her replacement. I think that Ms. Berthoud's resume and cover letter in the packet speak for themselves as to how qualified she is for the position I don't think. I realize that there is some apprehension, "Oh my gosh we might find an external candidate and I understand that but frankly we have gone through two external candidates in this position and the organization is not in a position where it can afford to go through or bring in another personality into the office, go through the training and all of those other pieces, frankly Ms. Hoffman was just getting comfortable in her position and her training what she new about her job when she resigned. To take another year to train another town clerk is not feasible but we also have the opportunity to use the wealth of knowledge that Ms. Berthoud had about the organization already and her team approach to an integration that already exists at town hall today, so that is why I have offered her the position and bring the consent of my appointment of Jenelle Berthoud before you tonight.

Councilmember Vick: I will make a motion to consent to your appointment.

Councilmember Devlin: 2nd the motion.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Devlin to consent to appointment of Jenelle Berthoud as the town clerk.

Councilmember Devlin: I would like to say something, I did participate in the interview it lasted over an hour and actually there were 18 questions on the sheet but truly we probably went over 30 different questions. Good business practices are practiced all over the nation with hiring within. It does boost mural it does give people an area to grow like you said Mayor Dewey but if someone has worked in the administration and wants to be there it shouldn't hinder their want and desire Jenelle from everything that I have heard has excelled in her position with the police department, she has actually implemented some policy and procedures and has scream lined their system there which is something that is defiantly needed as a town clerk. I was very very impressed with the interview process I think she an extremely capable candidate and think that we would be fortunate to have her in that position.

Councilmember Holcomb: I am not disagreeing in the role; I just have a couple of things. So, you are saying that she will be giving up her role as the police clerk, right to go into this position.

Mayor Dewey: yes, that is correct.

Councilmember Holcomb: The only problem that I have with this is that this advertisement says that it will end July 24th. That is a major concern of mine, that if it is still being advertised that we are taking application until July 24th that might cause a problem.

Mayor Dewey: the towns policy states that internal candidates are given preference and we give them 5 days to apply for the position. The reason that the advertisement was not pulled as soon as we offered the position to Ms. Berthoud is because we wanted councils' consent to the appointment before we pulled the advertisement. To date I can tell that besides Ms. Berthoud there is only one other application that has been received, I believe it was received overnight. The position is advertised, open until filled and does acknowledge that the first review for outside applicants would be the 24th we are a couple days shy of that but there is no practice or law or policy that exists to my knowledge that prohibits us to fill the position prior to review especially an internal candidate. Any further questions? I will call for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: Very good, motion passes unanimously we will schedule the swearing in of Ms. Berthoud and will transition her into the position. That concludes the business portion of tonight's meeting.

12. Executive Report

Mayor Dewey spoke about Bryar coming into the world. Staff has contact with him and checks are getting signed. Tasha, I and Carter thank everyone. If you have questions please don't hesitate to reach out to me. If you can't get a hold of me you can contact Robert. It is no secret there is conflict in our governing body. Mr. Owens and I have discussed how this is approached is there some sort of a solution that we are missing, we have been in communication with Dan Clark over at the local government center and his services are always available to us. I am not asking for direction tonight but something to think about, I know Dan and the local government center, league of cities and towns and MMIA have been here before and have held a workshop with council and staff to try to resolve some of the conflict between the different branches, the question is do you think that would be beneficial since it has been over 2 years and we have different councilmembers on board. Something to stick under your pillow tonight to think about I would like to hear your feedback. The staff will be convening on the 5th Friday in August, 31st. Mr. Underwood is scheduling trainings for staff. Bully and harassment training, more on the staff level of training. We will have our meeting tomorrow night, and you will hear from the department heads. Thank you for your patience with the ZOOM meeting.

13. Town Council Comments

Councilmember Michalson: I want to say that I was in touch with my health care provider yesterday and she started me to the county health department and got the paper work done, went down to the emergency room, got in line and got swabbed for CPVID and should know my results in 3-5 days.

Councilmember Vick: I do want to say my vote earlier tonight was not an easy one, just under a year ago Robin is the one who saw fit to put me into the position that I am in now. However, I do want to thank Mayor for showing grace to her and I do want to continue to work with Ms. Holcomb and want to continue to collaborate with Ms. Holcomb and I would love to collaborate with Mr. Michalson as well. I understand that there is going to be times where we don't agree on something and times when we think that one or the others is the worst human being in the world. We were all elected for different reasons to bring knowledge to the table. Ms. Holcomb brings financial knowledge to the table, Ms. Devlin brings business knowledge, Mr. Michalson brings that boots to the ground working by hand knowledge I bring natural resources and policy knowledge and Mr. Dewey brings his good looks I just want to say that I am glad that Ms. Holcomb is getting to stay on the council with us all though that does contradict what my vote was I am glad she gets to stay on the council with us and do look forward to working with her. I have to say that I have a comment from someone else, I personally myself in this seat I don't want to bring up that agenda item again be it for disciplinary action I believe that the item concerning Ms. Holcomb is over and done with. Lastly Mr. Gibson reached out to me about a letter that we written to the Bitterroot Star and his name was mentioned in there, he wanted me to state for him that he doesn't feel that he harassed anybody while he was in office or afterwards in office. He stated that he would greatly appreciate that if anyone felt that way about him to approach him themselves. That is all that I have.

14. Board Reports

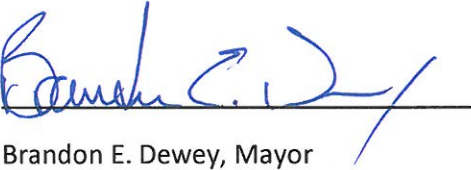
Councilmember Devlin: Park Board met Monday night worked on developing a plan for the civic club, like I stated last time civic club is wanting to put in a splash deck. At both of the parks discussion and some decisions were made on what that would look like, the civic club is working on a full proposal to bring to the board I think that we would be seeing that soon meaning in the next couple of weeks I don't know what that is going to look like. Park Board was given a request that we go through potential splash sprinklers for 2-5 and 5-12 to get that to Bobby and he is going to give that information to the civic club they will compile monies and look forward to seeing what splash deck we are going to endure possibly.

Councilmember Vick: Airport Board met last week on Tuesday two items that were discussed will be on the agenda tomorrow night one being a lease agreement and another one being increase in leasing fees to get us in line with other airports in the area. A couple of days later I received a call from Craig Thomas informing me an issue that is going on during construction of the parking area for the planes that might be something that we see on down the road as an investment.

Mayor Dewey: hear and none we will adjourn the meeting convening at 7:00 pm tomorrow night at our regularly scheduled council meeting.


15. Adjournment

APPROVE:



Brandon E. Dewey, Mayor

ATTEST:



Town Clerk

Meeting notes transcribed by Jenelle Berthoud, Town Clerk