

**Stevensville Special Town Council Meeting Minutes for
TUESDAY, JANUARY 11, 2022 7:00 PM**

1. Call to Order and Roll Call

Mayor Gibson called the meeting to order. Councilmembers Stacie Barker and Cindy Brown were present.

2. Pledge of Allegiance

3. Please Mute or Turn off all electronic devices including cellular phones, thank you

Mayor Gibson: Jenelle can you talk about the streaming?

Jenelle Berthoud, Town Clerk: Live Streaming of tonight's meeting will not be taking place this evening due to a new YouTube channel that we had to develop and install today, so it is being recorded and will be uploaded to the website tomorrow morning and Thursday's meeting should be streamed live and I thank you for your patience as we work through this. Thanks.

4. Public Comments (Public comment from citizens on items that are not on the agenda)

NONE

5. Correspondence

NONE

6. New Business

a. Discussion/Decision: Resolution No. 500 A Proposed Temporary Contract Agreement for Financial Services Between Robert Underwood and the Town of Stevensville

Mayor Gibson: introduced new business item a. Council has information in their packet and there is information on the website. I would ask any councilmember to make a motion. Councilmember Barker.

Councilmember Barker: I make a motion to approve Resolution No. 500 A Proposed Temporary Contract Agreement for Financial Services Between Robert Underwood and the Town of Stevensville

Councilmember Brown: 2nd.

Mayor Gibson: there has been a motion and a 2nd. It has been moved by Ms. Barker and 2nd by Ms. Brown. Council discussion? Seeing none we will go to public comment, any public comment?

PUBLIC COMMENT

Jim Crews: Good evening councilmembers, mayor and clerk. I think that this is an item that needs to be done, we need to keep the finances rolling for the town we need somebody experienced in there and I have heard a lot of interesting injector on the internet about Mr.

Underwood, I can't say that I believe any of it. If there is any negative information in former finance officer Underwood's file, I would appreciate that the mayor disclose of that at this time. Thank you.

Sue Devlin: 305 6th Street, my biggest concern is that the contract lists Mr. Underwood as an independent contractor. I have sent the mayor and councilmembers what the state of Montana lists for requirements for someone to be an independent contractor. I have asked several times if Mr. Underwood had his liability insurance if he is bonded is he licensed as an independent contractor and if he is licensed as an independent contractor, he does need to have that on record, thank you.

Mayor Gibson: thank you. Before further public comment, Mr. Overstreet the town attorney is here. Mr. Overstreet could you comment on that subject?

Greg Overstreet, City Attorney: yes, thank you, the criteria that were described for an independent contractor are criteria that are used for the state determining an independent contractor usually of tax purpose of workers compensation. I am not aware of any license or registration that one needs to have to be an independent contractor, thank you.

PUBLIC COMMENT

Karen Wandler: 311 6th Street, I have reviewed this contract and have some concerns about it. Number one after the state review on our records where they said we need to catch up and do a balance on the bank reconciliation and it hasn't been done for 18 months and I think that should be included in the contract that you work on that because you can't accomplish anything with out that. (Unclear audio) I also agree that Mr. Underwood should be bonded and licensed. The one thing is 18-month reconciliation needs to be done, prior on the board was not able to accomplish that so according to the state audit we had a little bit of trouble with that. I was also wondering if our lawyer reviewed the contract before it was awarded.

Greg Overstreet: yes, I did.

Karen Wandler: I was concerned, I worked in contracting for the government and you speak a lot to an agreement and the heading says agreement but down below it says contracts and there is a lot of differences, you should change contract to agreement or agreement to contract (unclear audio) there is a difference legally and it needs to be stated what the difference is. One place you put it was a contract and in that same paragraph you said an agreement. It needs to be one or the other. Thank you.

Mayor Gibson: thank you. Do you want to comment again?

Greg Overstreet: yes, this agreement was based largely on a template from another professional services agreement, I did not want to reinvent the wheel because that costs the town money, so I copied large portions of it.

Mayor Gibson: thank you. In relation to that there is a similar contract that we have with the building improvement person I think that it was for three years there was no bid, and that language was in that contract I believe, thank you for your public comment.

PUBLIC COMMENT

Sharon Gee: 225 Valley View Street the contract to me is a little bit confusing at one point it shows \$30.00 per hour and one place it shows that he can work up to 20 hours per week and it says to not exceed \$1499.00 per month it does not make sense. The contract (Unclear audio) it seems like there are some concerns about Robert, he was here, and when he talked to me, he was planning on staying a few months and all of a sudden next thing I know he was gone. I feel that he left the town in a lurch.

Mayor Gibson: thank you. in regards to the \$30.00 per hour up to 20 hours per week, \$1499.00 per month to me it is clear. 20 hours one week, and maybe 5 the next, maybe 0 the next it would still be under. If that helps.

Sue Devlin: 305 6th Street, it reads that it will be reviewed month by month, is the town council going to review it and it goes on indefinitely until the position is filled, that could mean months or years because it does say month to month it will be reviewed and back to my question the attorney did not answer is Mr. Underwood going to be bonded and insured? Does he have liability insurance he is going to be handling the finances of the town and be privy to all sorts of private information he should at least have some type of liability insurance if not bonded also. Thank you.

Mayor Gibson: thank you. it will be month to month that is what people reviewed and we will be interviewing the finance officer on Friday. I hope that works out and I do believe that the attorney answered the question on the bonding. Any further public comment? (Questions from the audience) we will have him come up again Sue.

PUBLIC COMMENT

Pat Groninger: 518 3rd Street, I made a promise to myself that I would not say anything because I wanted to hear what was going on but I am hearing request of a bond and licensing, first and second born and third promised and everything else, but the previous administration here, and I use that word loosely, did not have a problem when he was working before and now when he wants to come and help the town because the desertion of our mayor and council and others we can't have him. He is the best one for the position he is the best one to find out not if but how much is missing by our previous mayor and that is a lot. We have all heard about it we have all seen it we all know it we have all tried to fight it how he has won as far as he has, that is yesterday, thank you sir for being where you are, thank you ladies for being where you are because it is a hard job and I know it, I have been on both sides but it takes somebody that knows the crookedness and knows the faults it takes somebody that knows the systema and familiar with the past to help us go through the future I think that he is the best man for the job and I think that he is going to do you sir a good job, thank you.

Mayor Gibson: before there is further public comment, I want to answer a couple of questions, there is nothing in Mr. Underwood's file about bad performance or corrective action plan there is actually nothing in his file about date of termination so in regards to the comments about the audit, the audit there is nothing in his personal file no mention of a corrective action plan. There will have to be a corrective action plan with the audit bit in a personal issue a corrective action

plan means that an employee has a corrective action plan Mr. Underwood had none, thank you.
Public comment?

PUBLIC COMMENT

Jim Crews: 316 9th Street, I think that we are talking about two different kinds of contractors here there are certain types of contractors, there is a list of them under title 37. (Mr. Crews listed off types of contractors) I am a professional firearms instructor; I don't need a license. All of those people that installing satellites all of them are generally independent contractors working for a company those particular employees do not need a license they are on a contract basis they come in and work they have a job that they have to do and they do it. If you want your home built by a contractor, you need a licensed and bonded contractor. I can't find any body in the title 37 that says somebody coming in doing some adding and subtracting and doing some bookkeeping has to be an especially licensed professional.

Mayor Gibson: thank you. further public comment?

Nancy Lowell: 211 Church Street, I would like to say that it is very admiral of Mr. Underwood coming back to help the town if you don't have that going there is just problems that people don't realize, there is payroll there is bills. I don't know how far they are behind now, but I think that it would be very important as a citizen to have him come in and start the process. Thank you.

Mayor Gibson: thank you. any further public comment?

Bob Michalson: 222 Turner Street, I would also like to add that the town has not had a finance officer since Robert left and open vacancy between Robert and Wendi Planty and Wendi was there for a very short time so there is not a big discrepancy for when Robert left, and Wendi came in. thank you.

Mayor Gibson: thank you, any further public comment? Seeing none, does council wish to discuss any more?

Councilmember Barker: I just want to say I think that we did have somebody that could step in and help out we have a lot of things that are undone right now we obviously have a lot of bills that need to be paid and we have had somebody stepped in and has graciously given their time to not be paid right now but to come into the town and help out and something needs to be done sooner than later we have obviously several people within the town that need to be paid we have our town employees, there is a certain amount of time before that has to be done and that is a 10 day time period and we are past that 10 day time period and so I think that it is something that need to be looked at sooner than later.

Mayor Gibson: thank you, any further discussion?

Councilmember Brown: I agree with what Stacie has stated.

Mayor Gibson: thank you, with that, Jenelle call for the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Mayor Gibson: motion passes.

b. Discussion: Hiring of Temporary Employee for Service Counter

Mayor Gibson: as you know we have not had a clerk, deputy clerk or a finance officer and I will get into a little more detail later, we have had Jenelle probably almost for the month of December doing four jobs. We discussed this about hiring a temporary and talking with Jenelle and existing staff I don't think we are going to have to do that. In my executive report we have had other staff, Mac's staff, Colette other staff and been willing to step in to give Jenelle at least she can have a little break. If you noticed last month town hall was closed at noon so Jenelle could pick up the mail and get lunch. It hasn't been since January 2nd, and I will get into that in my executive report. If there is any discussion on that it was our intent at first, but people have been so gracious to step up, so it is not going to cost a lot of money. It is amazing what the people that are there have done for the town. If there is not any discussion, I would go to public comment, but this was just a discussion item. Any public comment? Seeing none, now Jenelle can I do the executive report?

Jenelle: yes, you may.

7. Executive Report

Mayor Gibson: most of the month of December Jenelle was pretty much alone in the central office as some of you know the office was closed at noon for mail pick up and lunch the town owes Jenelle, who I did not know very well, gratitude she has been doing the work of four people. No utility clerk, no deputy clerk and no finance officer. Since January 2nd the office has remained open this was made possible by remaining staff stepping up and going beyond their assigned duties the chief's staff, Mayah and Kristy. Colette with the fire department. Steve Kruse with public works and oh my goodness I was even at the window sometimes and answering the phone. It is just amazing how people pull together. Again, we need to be patient, central office is missing 75% of its employees. There has been a lot of hard finding information, we have worked hard and hopefully you will have your utility bills tomorrow in the mail if you don't, please let us know and for our staff we were able to get payroll out today which was quite a hassle, but thanks to all of these people, Jenelle helped Steve Kruse and others I think that we got it done. I was pretty nervous today as Jenelle knows. Thought that it had to be noon then one and finally at 12:58 in think.

One final note, I think that you have seen a little bit of difference tonight, we are going to answer your questions, if we have to do it in a different order we will but if you have question we are going to do the best of our ability to answer those questions, if we cant we will go back to the appropriate department director and get those answers back to you that is your right and that is our job.

One final note, I encourage people that have concerns or questions to contact me I will meet with you at your convenience, I will not get into email debates back and forth we will supply you with information if it is public information, we will let you have that information we will be clear and honest and open with that information. I am not going to get into debates on Facebook, I do

not do Facebook, my wife makes me have it because she likes to be in touch with her family and others. I got Facebook when I ran for office, and I have to get rid of it I have 120 notifications a day from people that I did not know. It is not going to be politics I am going to do the best that I can for the people of Stevensville I do not need to be political I will tell you right now I am not running for office in four years, so I don't have to do anything political. I hope that I can make four years, but I am not going to run for office. I look forward to working with the council hopefully after this Thursday if we don't it is up to the council to appoint from the people that have applied if they decide not to, we may have to have people reapply. I don't know, I am just going to run that meeting it is up to the council. I look forward to working with the council, I may make mistakes but when I do, I will own them.

8. Town Council Comments


Councilmember Brown: thank you for the public showing up tonight and thank you for all of the different departments in the town who have stepped up to help and thank you Jenelle.

Councilmember Barker: I would like to thank Jenelle for all that she has done and the town staff that has also stepped up. Seeing a full room tonight makes me happy which means that the community is involved also Jenelle trying to work and getting our emails up somethings I have not been able to reply to so we are still working on that. I will do my best to reply to anyone that does and go from there. I wish I would have had more information for you tonight, Sue. I look forward to 2022 brings this year and the new council, we are doing the best that we can, and I look forward to working with the community and doing what is right.

Mayor Gibson: thank you and again I encourage everyone to come, and we will have the streaming back up. Feel free to call me and I will meet with you at your convenience.

9. Adjournment

APPROVE:



Steve Gibson, Mayor

ATTEST:

Jenelle S. Berthoud, Town Clerk