

## Stevensville Town Council Meeting Minutes for

**THURSDAY, FEBRUARY 10, 2022, 7:00 PM**

### CONDENSED MINUTES

#### 1. Call to Order and Roll Call

Mayor Gibson called the meeting to order Councilmembers Barker, Brown and Wolff were all present.

#### 2. Pledge of Allegiance

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

Jenelle Berthoud, Town Clerk: read public comment from Victoria Howell, Bitterroot Star. This letter of public comment will be included in the minutes.

Mayor Gibson: I was going to address this in my executive report, but I will now regarding the quorum. I made a mistake, Mayor Gibson commented on the public comment from Victoria Howell, again I apologize. In regard to first amendment, I was following the guidelines of the previous administration regarding personal attacks that has been used many times by the previous administration as some of you know. We have talked about reviewing these guidelines as they relate to statues, and we will be making suggestions to the council in the future. There were emotions and it was very emotional for council members.

#### PUBLIC COMMENT

Jerry Phillips: 515 Mission Street, this is not related to anything that has been discussed before I just want the council to know on this tree well in front of the library, I hit it and took a tumble, I believe that the town starting with the council should address those tree wells there are numerous tree wells around, normally I don't walk around in the nighttime. During the daytime I use a walking stick and stay away from the tree wells, please address those sidewalk issues.

Sharron Gee: 225 Valley View Street, last meeting one of our citizens was monished about personal attacks, I didn't feel personally that she was attacking she stated fact. Another citizen got up and talked about how people did not support that candidate and that was not stopped. Another citizen got up and talked about the previous mayor and that was not stopped. You yourself has spoken against the previous mayor and you were not censored. She was talking about facts, I hope that you will listen to the citizens, and be open.

John Munk: 401 Central, I think that last meeting was great. Regardless of what took place, everything was in the open. I think that Bob will do great.

#### 4. Approval of Minutes

##### a. Town Council Meeting Minutes, 01/27/2022

Mayor Gibson: introduced meeting minutes for 01/27/22.

Councilmember Barker: I move that we approve.

Councilmember Wolff: 2nd

Mayor Gibson: motion by Ms. Barker, 2<sup>nd</sup> by Ms. Wolff. Comment on the minutes? Seeing none, Jenelle take the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Wolff: aye.

Motion Passes

## 5. Approval of Bi-Weekly Claims

### a. Claims #17260-#17282

Mayor Gibson: introduced bi-weekly claims.

Councilmember Barker: make a motion to approve.

Councilmember Wolff: 2<sup>nd</sup>.

Mayor Gibson: we have a motion, Ms. Barker, Ms. Wolff a 2<sup>nd</sup> is there any discussion?

Councilmember Barker: after reviewing the claims why I am not seeing credit card charges?

Mayor Gibson: there were many charges on the credit cards a lot of last-minute charges in December, one was for a \$9,000 that did not go to the council one was for \$7,000 that did not go to the council. One of the contractors Go daddy, has refunded two years of that understanding the situation. Target Solutions have cut off two years, we are still talking about the first year. We had a department head meeting this morning talking about the credit cards, we have too many of them, I gave mine up. Department heads will have a credit card others will not. They will still have fleet cards for gas. The credit card thing is not necessary except for emergency things, for the finance officer it is very hard to track, and you will see more of those claims at the next council meeting. Hopefully that answers your question.

Councilmember Brown: I have two questions, Northwestern energy, is that about the typical amount?

Mayor Gibson: I don't know, we did have a department head meeting not too long ago reminding people to turn down the heat I know that my bill has gone up because of the cost of gas and electricity. We are trying to monitor that.

Councilmember Brown: attorney's bill, is that a typical month or because things are going on.

Mayor Gibson: I am not sure what month that was for, I was going to address this in my executive report, but I will now. Most of his time has been spent with transition issues because there was very little of it. Calls daily about people that want to develop land and there is some legal issues with that. It is kind of like utility bills; the last council almost doubled the salary from what the previous attorney made.

Councilmember Brown: thank you mayor, the other one is Taz Properties for rent?

Jenelle Berthoud: airport office space.

Mayor Gibson: hanger at the airport. Any other questions?

Councilmember Barker: a2z Supply Corp? 17265

Jenelle Berthoud: vests.

Chief Sosa: body armor.

Mayor Gibson: I appreciate you asking questions about the claims. Jenelle call for the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Wolff: aye.

#### 6. Administrative Reports

a. Airport

b. Building Department

c. City Court

d. Finance

e. Fire Department

f. Police Department

g. Public Works

#### 7. Guests

NONE

#### 8. Correspondence

NONE

#### 9. Public Hearings

NONE

#### 10. Unfinished Business

a. Discussion/Decision: Appointment of Ward 2 Vacant Seat, Tabled from 2/7/2022 Special Town Council Meeting; Per: Town Council Rules Part IV Section 1

Mayor Gibson: introduced unfinished business item a.

Councilmember Brown: I move that we appoint Bob Michalson, for Ward 2.

Councilmember Wolff: 2<sup>nd</sup>.

Mayor Gibson: we have a motion and a 2<sup>nd</sup>. With that we will go into discussion and then public comment.

Councilmember Wolff: I struggled after leaving the meeting last week, which applicant should I support? It wasn't any easier for me. You may disagree with my choice of Bob Michalson. I decided to contact 30 residents in Ward 1 to ask what they thought if they were in my shoes. I found that Bob had more support than Mr. Phillips. Let's move on and I feel with the leadership of Mayor Gibson and the council we can move on.

#### PUBLIC COMMENT

Leanna Rodabaugh: did you mean Ward 1 or Ward 2?

Councilmember Wolff: I meant to say that I talked to people in Ward 1.

Sue Devlin: 6<sup>th</sup> Street, I am concerned that you talked to constituents in your own ward not Ward 2. I am concerned that you are bringing in some one that lost in his ward. I am asking you to not appoint Bob Michalson. He was elected to a four-year term, then he quit. I have read texts from Mr. Michalson and where he has been rude and insulting. Mr. Michalson was part of two lawsuits with the town as an elected official. Mr. Michalson's bullying and harassment led to an experienced person having to quit. Town's people spoke clearly in the last election when he was beat. Please rethink your appointment.

Sharron Gee: a few days ago, when we were here one of the council members stated that she would hate to not see Bob on the council. I don't believe that Mr. Michalson is the best candidate based on past issues I believe that our town would be best served by Jerry Phillips. He is invested in gaining peace in this town. I encourage you to take another look at Mr. Phillips and reconsider.

Martha Phillips: I don't mind who you nominated, but what I do mind is that you got a hold of Ward 1 not Ward 2. Next time check with the people in the other ward.

Karen Wandler: 311 6<sup>th</sup> Street I am a member of Ward 1, I hear a lot of discussion about experience, we are all born with no experience. Most of us have no experience. Most of my neighbors would like to see Mr. Phillips.

Mayor Gibson: council discussion?

Councilmember Wolff: I really only know people in ward 1. I had phone numbers from being on the Creekside Meadows Board. They are good people in our town. Ward 1 and Ward 2 are all people that care about our town. It was people that cared about Bob. This was a very easy way to canvas people. A lot of people cared about Jerry, but I had more that cared about Bob.

Jenelle Berthoud: read letters to the public, these will be included in the meeting minutes.

Mayor Gibson: any further discussion? Jenelle take the vote.

Councilmember Barker: no.

Councilmember Brown: aye.

Councilmember Wolff: aye.

Mayor Gibson: vote is 2-1. Bob Michalson for Ward 2. We are so behind of appointments of boards and so on. I would like to swear in Mr. Michalson now/ if you wish to not do that, I will swear him in tomorrow morning. If you look at the agenda, it has council president, and board appointments.

Councilmember Brown: I wish the attorney was here, but he is not. You have to have your oath of office reordered with the Clerk and recorder office before you make any decisions.

Mayor Gibson: that may be true, in the past they have sworn in on the night of appointment and then taking their seats. I am okay with waiting until tomorrow, we might want to do a special meeting, another meeting next week with proper notice to do a-f.

Councilmember Barker: I think that it should be postponed until next week so that the public has notice and they can weigh in on it.

Mayor Gibson: so, what we will do is swear in Mr. Michalson at 9:00 am tomorrow morning at town hall. I will get with Jenelle to look at a special meeting. We are in a situation with boards and them meeting. We will now go to new business item g.

## 11. New Business

**ITEMS a-f not addressed/voted on this evening. Moving to the next scheduled council meeting.**

a. Discussion/Decision: To Nominate and Elect a Councilmember to Serve as Council President in Accordance with Town Council Rules Part XII

b. Discussion/Decision: Appointment of Councilperson to Serve on Planning & Zoning Board in Accordance with Stevensville Municipal Code §2-313

c. Discussion/Decision: Appointment of Councilperson to serve on TIFID/TEDD Board in Accordance with Stevensville Municipal Code §2-330

d. Discussion/Decision: Appointment of Councilperson to Serve on Park Board

e. Discussion/Decision: Appointment of Councilperson to Serve on the Airport Board in Accordance with Stevensville Municipal Code §3-33

f. Discussion/Decision: Appointment of Councilperson to Serve on the Climate Action Ad. Board

g. Discussion/Decision: Renewal of Monthly (30 day) Contract Between Town of Stevensville and Robert Underwood

Mayor Gibson: introduced new business item g.

Councilmember Brown: I will make a motion to renew.

Councilmember Wolff: 2<sup>nd</sup>.

Mayor Gibson: there is a motion from Ms. Brown and a 2<sup>nd</sup> by Ms. Wolff. Council discussion? Public comment? Hearing none, Jenelle call for the vote.

Councilmember Barker: aye.

Councilmember Brown: aye.

Councilmember Wolff: aye.

Motion passes.

h. Discussion/Decision: Resolution 501, Time Change of Town Council Meetings

Mayor Gibson: introduced new business item h. proposed to 6:00 pm. there is a lot of discussion about not being able to get here. This is up to the council, if someone would like to propose another time then can.

PUBLIC COMMENT

Leanna Rodabaugh: you would have to first amend council rules, until you do that you can't change the time.

Mayor Gibson: I will look into that you may be right.

Vickie Motley: 318 9<sup>th</sup> Street, I am against you changing it to 6:00. There are a lot of people that live here and work out of town. Hard to get to a 6:00 pm meeting.

Mayor Gibson: is there a motion.

Councilmember Barker: I would like to make a motion to change time changes for meetings to 6:00.

Mayor Gibson: is there a 2<sup>nd</sup>.

Councilmember Wolff: I am torn between 6 and 6:30.

Mayor Gibson: you can amend it to 6:30 if they want.

Councilmember Barker: we already have a motion on the floor.

Mayor Gibson; is there a 2<sup>nd</sup>? None. Done, see you at 7:00 pm

## 12. Executive Report

Mayor Gibson: there has been a lot of discussion with the department heads and the council about the budget. We have intentions to go through this with Robert and Pam. When we get to the budget for next year, in house we will probably start it earlier, plan to start no later than April. Department heads will bring their wants and needs, it will not be done by one person. We



will go through the process and come back to the council. That is really why we need Robert one more month, Pam has been working hard and finding a lot of things. We have had some applications for boards. If we have enough, we will bring forth on the 24<sup>th</sup> meeting. There are a couple of boards that do not even have a quorum. I have talked to the department heads, different from the previous administration, you as councilmembers can talk to any department head that you want to you can ask them any questions that you want to you do not have to go through the mayor. I have total respect for the department heads they are extremely professional all that I have asked them to do is to inform me after the fact, what was the question and if they can't answer the question, they will find it out. Department heads are Chief Sosa, Chief Motley, Steve Kruse and Tim Smead. No secrets, no secrets.

13. Town Council Comments

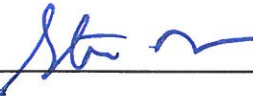
NONE

14. Board Reports

NONE

15. Adjournment

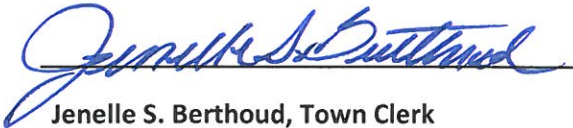
APPROVE:



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Steve Gibson, Mayor

ATTEST:



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Jenelle S. Berthoud, Town Clerk

received  
2/10/22 Jaf.

# Bitterroot Star

P.O. Box 133, Stevensville MT 59870 • (406)777-3928

February 9, 2022

Town of Stevensville  
206 Buck  
Stevensville MT 59870

To Mayor & Council Members;

I attended the special town council meeting on Monday, February 7. New business on the agenda included discussion/decision on town council vacancies.

After interviewing the two candidates for Ward 2, the mayor declared a recess at the request of council member Stacie Barker for the stated purpose of discussing the two candidates in private.

This private meeting was clearly an illegal meeting. The two members constituted a quorum and they cannot hold a meeting in private to discuss council candidates.

Secondly, the mayor has no legal authority to disallow "negative" public comments. One member of the public was cut off while speaking because the mayor stated he would only allow positive comments. He also did not allow the clerk to read a portion of a letter for the same reason.

This too is clearly illegal. Citizens have a First Amendment right to free speech. They also have a right to comment guaranteed by the Montana Constitution. There is no stipulation that comments must be "positive" and even though the mayor cited the Town's Guidelines for Public Comment that accompany every agenda, the guidelines do not mention anything about that because that wouldn't be legal.

So, there are two serious infractions here, a violation of the open meeting laws and a violation of the First Amendment right to free speech. The council and mayor need to stop this type of behavior and work to gain a better understanding of the law. If they continue to violate these laws, any decisions they might make could end up being challenged in court.

I request that this letter be read into the record at the next town council meeting.

Sincerely,



Victoria Howell, Editor  
Bitterroot Star



**[EXTERNAL] Re: [EXTERNAL] Council appointments**

Dan Whitesitt &lt;skibumin1@yahoo.com&gt;

Tue 2/8/2022 12:32 PM

To: Cindy Brown &lt;cindy@townofstevensville.com&gt;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I think Bob is very good on council. But I am not sure the timing is right for him to come back. I fear that if he comes back we are going to have even more negativity than we had against Brandon before. And we are in the same place we were with Brandon.

On Monday, February 7, 2022, 09:59:00 PM MST, Cindy Brown <cindy@townofstevensville.com> wrote:

Dan,

Thank you for your input.

CK Brown  
Stevensville, MT  
Ward 2 Council Member

This e-mail and its attachments may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of The Town of Stevensville. If you are not the intended recipient of this e-mail and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this e-mail in error. Messages and attachments sent to or from this e-mail account pertaining to Town of Stevensville business may be considered public record or private records depending on the message content under Montana's Right To Know Laws.

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**From:** Dan Whitesitt <skibumin1@yahoo.com>  
**Sent:** Monday, February 7, 2022 3:43 PM  
**To:** Cindy Brown <cindy@townofstevensville.com>  
**Subject:** [EXTERNAL] Council appointments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Cindy,

Hope you get this before the meeting tonight. I just wanted to say that as much as I like Bob Michaelson I think it would add to toxicity for the council and the town if he were appointed. I think Jerry would be a good choice for now. I think Bob needs some time away from being a council person and let the dust settle to let the town heal.

Just my 2 cents.

Dan Whitesitt

## Jenelle Berthoud

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**From:** Marsha and Jim Kalkofen <nisspak@brainerd.net>  
**Sent:** Thursday, February 10, 2022 9:22 AM  
**To:** Cindy Brown; Stacie Barker; Marilyn Wolff  
**Cc:** Jenelle Berthoud; Steve Gibson  
**Subject:** [EXTERNAL] Recommendation re: Fourth Council Member

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Council Members,

This evening you will make a choice. I urge you to consider not only the "wants and feelings" of this decision, but the "needs" of the Town.

In my opinion, Bob Michalson has the experience and knowledge that will assist the Council tremendously. I know he can help with a major item ahead -- the budgetary process. He is also very familiar with Council procedures and history. The same applies to his ability to understand regulations and codes.

Past extenuating circumstances that involved others are now history. Look ahead, not back, for the good of Stevensville.

Thank you for your consideration.

Jim Kalkofen  
Stevensville