

Stevensville Town Council Meeting
Minutes for
THURSDAY, MARCH 12, 2020
7:00 PM

Mayor Dewey read the Guidelines for Public Comment, reminding the audience that everyone's voices will be heard but to please refrain from disrespectful comments.

1. Call to Order and Roll Call

Roll Call: Mayor Dewey, Councilmembers Michalson, Vick, Devlin and Holcomb were present. Staff and members of the public were also present.

2. Pledge of Allegiance

Councilmember Vick made a Motion to suspend council rules and bring up Agenda item, 11. (a.) to the top of the Agenda.

a. Discussion/Decision: Resolution No. 471, A Resolution Suspending Councilmember Robert Michalson for Unbecoming Conduct

The Motion was then Seconded by Ms. Holcomb. Mayor Dewey called for Council Discussion, then Public Comment before calling for the vote; 4-0. Motion passes to move that item to the top of the Agenda.

Councilmember Vick made a Motion to withdraw Resolution 471 from the record. The motion was then seconded by Councilmember Holcomb. Councilmember Vick apologized to the people he represents and fellow Councilmembers, as this was not handled correctly as adults; This situation should have been handled at the lowest level as possible. A week ago, he did feel that Mr. Michalson had "wronged" him; He will give him the benefit of the doubt; Mr. Vick believed that what he had highlighted in the packet is what he was to signing to, not what was in the entire purchasing policy. He would like to make a secondary Motion to discuss how grievances from council members and staff members should be handled against council members, within the policy, as currently our policy is vague. He would like to see this topic discussed at the COW meeting scheduled 3/19/2020. The secondary Motion was Seconded by Councilmember Holcomb.

Mayor Dewey called for Council discussion on the secondary Motion, then Public Comment on deferring the conversation to the COW meeting?

Joe Moore, 514 Central. This type of behavior, described in the resolution was brought up at January's meeting, when the appointment of Council President was brought up. We have ongoing litigations for the same type of problems.

Councilmember Devlin, agreed having a discussion on the resolution. She was at a point of giving another council member the benefit of the doubt, after hearing what staff and other departments heads had to say. But after receiving text messages, herself from Councilmember Michalson, she has a hard time deferring the conversation when an elected official is to

represent the town. It is the duty of Council to make sure staff and department heads do not have to work in a hostile work environment. She was willing to give the benefit of the doubt until today.

Councilmember Michalson asked Ms. Devlin if she was aware of the roles and duties of a council member. Councilmember Michalson stated that there is a grievance process in the personnel policy. He stated making phone calls and emails to the Finance Officer. Mayor Dewey stated this is not the time to defend one self.

Mayor Dewey made it aware to Council there is a Motion on the floor as to whether or not Council wants to undertake a conversation regarding grievances against the Council, within the Council, from staff at a COW meeting next week, March 19th.

Mayor Dewey called for the vote on the secondary Motion; Deferring the conversation to the COW meeting, scheduled for March 19, 2020. Mayor Dewey called for the Vote:

Councilmember Holcomb "I," Vick "I," Devlin "No," Michalson "I." Motion passes 3-1.

The primary motion on the floor: Withdraw Resolution 471 from the Record. Mayor Dewey called for Council discussion, then Public Comment.

Raymond Smith, 326 Valley View. Regarding the resolution, this is a false and inflammatory resolution put forward tonight. This resolution should have never made it this far. The Mayor stating, he consoled with the attorney over this, which is a lie. Mr. Smith stated this is illegal on so many levels, going to the paper and causing hostility. It is time for Council member Vick and Devlin, and Mayor Dewey should resign. Mr. Smith spoke about the Town's grievance policy. He stated, again that they need to resign due to the hassle and embarrassment.

Steve Gibson. Wants to applaud Mr. Vick for withdrawing this resolution. He supports withdrawing the resolution and there are statues that need to be followed.

Joe Moore, 514 Central. Spoke about the history being prudent to this resolution.

Lewis Barnett, 319 College Street. He will be speaking about the grievances at the COW meeting.

Jim Crews, 316 9th Street. Supports withdrawing the resolution, mistakes have been made along the way and this is an illegal resolution, not following the Code of Conduct, Personnel Policy or state law.

Councilmember Michalson stated the Code of Conduct has not been implemented or enforced because it has not been signed by council, therefore, enforcing the Code of Conduct is irrelevant.

Mayor Dewey explained that Mr. Michalson was on Council when the Code of Conduct was adopted. That was a year ago; Just because a piece of paper was not signed does not mean

that you were not aware or that it cannot be enforced. When a Resolution is adopting a policy, that policy should be adhered to.

Councilmember Holcomb spoke about the Code of Conduct, that there is no policy on requesting information and she had no knowledge of this until the agenda came out.

Councilmember Devlin asked Mayor Dewey and Town Attorney if there is a policy set in place for a grievance from an employee to Council member. It was explained that a grievance is filed to someone in a supervisory position. An employee can file a grievance against a department head, they can file a grievance against the Mayor but they cannot file a grievance against a council member because a grievance, grieves a decision in regards to the policy. If a supervisor makes a decision to enforce a policy, and the employee does not like the decision, they can grieve that decision. When it comes to behavior of an elected official, who is not a supervisor, those two legislative branches do not have a process for grievances between the two; That said, we rely on complaints. For example, Employee sends an email, explaining "Councilmember X" did "Y," the only way they have to relay the message is to go to their supervisor, which ends in the Mayor's office. The Mayor's office has no disciplinary role with council.

Mayor Dewey called for the Vote on the withdraw of Resolution 471, starting with Councilmember Vick, "I," Holcomb "I," Devlin "No," and Michalson "I." Motion passes 3-1.

We will reconvene for the COW meeting on 3/19 and bring this item to the agenda.

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

Raymond Smith, 326 Valley View. The reason we are here tonight is because the Mayor has failed to do his due diligence.

Carolyn Mickens, 211 Buck St. Spoke about Resolution No. 455, the vacate of alley of Block 17.

Jim Kalkofen, 287 Birch St. Praised the work being done on the walking path between the town and the highway, including the repaired benches. Spoke about future development near the current Creekside housing development and any future developments.

4. Approval of Minutes

a. February 27, 2020 Council Meeting

Councilmember Michalson made a motion to approve the minutes; Seconded by Ms. Devlin. Mayor Dewey called for the vote and the motion passes, 3-0-1, Councilmember Holcomb Abstained from voting because she did not attend the meeting.

5. Approval of Bi-Weekly Claims

a. Claims #15796, 15812-15846

Councilmember Michalson made a Motion to suspend council rules and move claim #15796 below to New Business "b." The motion was then Seconded by Councilmember Devlin. Mayor Dewey called for the vote and the motion passes, 4-0.

With that claim exception, leaves #15812-15847 to be approved by council this evening. Councilmember Devlin made the Motion to approve Claims #15812-15847; The Motion Seconded by Ms. Holcomb.

Clarification for Ms. Holcomb on #15812: Yearly, sewer system permit

Clarification for Mr. Vick on #15822: Phone records request from Verizon

Mr. Michalson asked for clarification from the Mayor, on Verizon's request, which is still in litigation. MMIA requested further phone records through attorneys, which cost the Town \$30 for that request.

Councilmember Holcomb brought the discussion of shopping locally. It was reassured that Town Hall does shop locally unless a major price difference drives purchases elsewhere.

Mayor Dewey called for the vote and the motion passes, 4-0.

6. Administrative Reports

a. Airport Manager

Ms. Coleman-Assad presented the Airport Monthly Activity Report, including attending a conference which focused on students getting involved in aeronautics. Craig Thomas gave thanks to those supporting the new projects at the airport.

b. Building Department

The Building Department Monthly Report is provided in the packet.

c. Finance

Finance Officer, Mr. Underwood provided the Budget verse Actual for the year. This included the percentage of the budgets for the year.

d. Fire Department

The Fire Department's Monthly Report is included in the packet. This includes 52 calls for the month of February, totally 96 so far for the year.

e. Police Department

Chief Marble presented the Police Department Activity Report. Calls for Service in February were 75, totaling 153 so far for the year. Chief introduced Officer Ellington.

f. Public Works Department

Mr. Thomas presented the Public Works Activity Report, with 11,901,000 gallons of water produced and 5,000,000 gallons of water treated in the month of February.

7. Guests

8. Correspondence

9. Public Hearings

- a. Annexation of a Tract of Land Located in Section 35, Township 9 North, Range 20 West, 26.06 Acres, CS #691110-R Tract 1-B

Council considered action on November 7 & 19, 2020 on a right of first refusal for a 26.06-acre parcel of land adjacent to the Town's existing well field. Although the administration supported exercising the Town's right of first refusal and acquiring the property, Council decided to relinquish the right of first refusal to the buyer, Jesse Reeves.

The Town's attorney is working to complete the contract, which will allow for annexation while securing an easement.

Mayor Dewey called for Public Comment.

John Kellogg, on behalf of Jesse Reeves. The proposed annexation and C-2 zoning was explained, with an included map to help council and citizens understand Mr. Reeves' plans of housing development for his family. C-2 was originally intended to be a buffer between the commercial downtown and the residential zoning. C-2 is appropriate for what he intends to do with the property, building his family a home and his construction business. The annexation territory is currently within the service area of the Town of Stevensville. With annexation, the Town would be able to protect its rights of the well field. Currently all the water rights are currently in the water-rights attorney's hands.

Jim Crews, 316 9th St. Encourages not to pass this land incorporation as C-2 zoning because C-2 zoning is meant to be a buffer between commercial and residential districts; Has a problem putting a commercial property next to a well field. Also concerned about the water rights, and the water rights attorney not being present.

Vicki Motley, 318 9th St. It is in the best interest of the Town to annex the property in, to protect the well fields, which protects the water.

With no further Public Comment, the Public Hearing portion was closed.

10. Unfinished Business

- a. Discussion/Decision: Easement Contract with Jesse Reeves for future well field infrastructure

Councilmember Vick made a motion to table item "a;" Ms. Devlin seconded that motion.

John Kellogg inquired about a timeframe, as Mr. Reeves is on hold until council makes that decision. No timeframe was known at this time.

Mr. Vick does not feel comfortable moving forward on annexation without a contract from the attorney, with those terms of easement.

Mayor Dewey clarified that the intent of the contact was to grant annexation with an exchange of an easement to the property; What that contract looks like right now is unknown. We have not negotiated what that easement looks like right now. The attorney is going to have to spend time on this uncommon issue, while the Town will try to be sensitive to Mr. Reeves' timeline.

Mr. Michalson does not want to move forward without something in writing.

Mayor Dewey called for Public Comment on tabling this agenda item.

Steve Gibson. Agrees that this is not the time to move forward, supporting the motion of tabling.

With no more comments, Mayor Dewey called for the vote; motion passes unanimously, 4-0.

Jim Crews, 316 9th St. Stated that if Council decides to table an agenda item, they need to establish a date in which the agenda item will be further discussed.

This was agreed on, Mr. Vick's timeline's intent was when the contract was completed.

- b. Discussion/Decision: Resolution No. 470, annexing a Tract of Land Located in Section 35, Township 9 North, Range 20 West, 26.06 Acres, CS #691110-R Tract 1-B

Councilmember Holcomb made a motion to table the item, along with item Unfinished Item "a," until the contract was completed. Ms. Devlin seconded that motion.

Jim Crews, 316 9th St. When you table something, and also state, when a contract comes forward, that leaves an open-ended date. If you table it with a date or even 15-30 days, that gives a timeline for the person writing the contract.

Councilmember Vick made a secondary Motion to his original motion to table this agenda item until April 9, 2020 meeting. The secondary motion was seconded by Council member Holcomb. Mayor Dewey called for Council discussion, then Public Comment.

Jesse Reeves, Asked the Council to please consider this in a timely manner as his family has time-sensitive life-plans, as far as selling and building their new home. Sonner an agreement could be reached, the better. Looking back to the protecting the water rights, its for fish and wildlife.

Mayor Dewey took the vote on the motion to bring forward a contract before council on April 9th meeting. The Motion passed unanimously, 4-0.

Mayor Dewey explained the original Motion. Council member Holcomb made the Motion to table Resolution No. 470 until April 9th meeting. The Motion was seconded by councilmember Devlin. With no more council discussion and no further Public Comment, Mayor Dewey called for the vote and the Motion passes, 4-0.

- c. Discussion: Review of special audit from May 2019 through July 2019

Mayor Dewey requested the Finance Office, Mr. Underwood give a briefing on this. Mr. Underwood explained that Ms. Cote is finished with the first two months, and has provided a status on those two months, provided in the packet. So far, everything has been done up to an auditing standard, for those two months. Council would like an overview when it is done.

(10-minute recess)

11. New Business

b. Discussion/Decision: Agreement with First Call Computer Solutions for managed IT services

Jessica Stenberg, Virtual Chief Information Officer from First Call Solutions, provided an overview of what services First Call currently provides for the Town. This includes a 3 yr. contract, with a 12 month "dating period," and this can be cancelled at any time within that 12-month period by either party. Currently, the Town now has a firewall to protect the resources and information in which it currently houses. It also protects the network traffic with programs which it uses, such as Black Mountain. She did state that most of the computers running, currently are still running on Windows 7, not the updated Windows10, and Windows 7 will no longer be supported by Microsoft.

Councilmember Michalson made a motion to reject First Call Computer Solutions contract. The motion was seconded by Council member Holcomb.

Councilmember Holcomb did ask about the \$4,200 claim, back in the January, and it was approved. I was told it was for 2 months of service, for a monthly charge. She stated, shame on Council for not asking any more questions.

Mr. Michalson does not agree with the contract because he has done his due-diligence by not agreeing to IT services.

Attorney, Mr. Owens clarified that IT services were included in the FY20 Budget, which Council did approve.

Conversation continued between Council and Mayor Dewey about IT services.

Councilmember Vick was not pleased with a contract signed without Council approval, although he is aware of the need for IT services. Ms. Devlin asked for the attorney's opinion on the issue. Right now, there is non-binding agreement with the Town, with either party, able to discontinue services. This is a comprehensive issue and trying to find a route to move forward would be the best alternative.

MMIA agrees with the attorney, the Council established the Purchasing Policy. This purchase was in the FY20 Budget and follows the Purchasing Policy.

First Call's representative went into detail about the insecurities and potential violations prior to First Call's onboarding.

Mr. Michalson has a problem going from \$373/yr to a 3/yr contract, which makes him mad to have problems such as leaking water but Council is being told they need IT services.

Mayor Dewey brought the discussion back to referencing the Agenda item, as to whether Council rejects the contract, then asked Council if they have anything else, before opening the floor for Public Comment.

Councilmember Vick agrees that IT services are needed but would like the Town to accept bids. Knowing who was on Council when the Budget was passed, he feels it would have been accepted but the route which was taken was not the right way.

Raymond Smith, 326 Valley View. Based on merit, he understands IT, part of the issue we chose Go Daddy based on the recommendation from the Mayor at the time. The Town took that recommendation then, now this service is being recommended.

Jim Crews, 316 9th St. Every citizen should be able to see the contract, and wondering if Council has seen that 8-page document before now. Wondering if the town attorney has reviewed the document, and aware of Montana Code. If everything isn't done proper, it's not legal. He does not see that the attorney's opinion is written, making it apart of the record.

Patrick Shourd, 507 Central Ave. After hearing the attorney's opinion, its Council's job to protect the Town. We just televised on Facebook that our whole system is vulnerable.

Steve Gibson, This is a pretty large line item, and there was no conversation at the time of the budget. On the Council at the time of the Budget, if this would have gone before Council at that time, it probably would have gone through. He is concerned about the difference between purchases following the Purchase Policy, and purchases approved by Council being a Contract.

Stacie Barker, 104 Winslett Ave. She has a problem with a dept head not knowing the IT was not in their budget. There is a lot of money coming out of that department which can be used other ways. As a tax payer, she has a problem paying for a contract the Council did not approve.

Raymond Smith, 326 Valley View. Previously, before the break, we were discussing a contract, now we are at this point, a sign contract was signed prior to anything. Again, we are looking at a contract for the first time, based on false information which was provided at the last meeting. Now we are discussing something which the attorney hasn't got quite all the information.

Jim Crews, 316 9th St. When he was Mayor, the Council cannot assign powers to an officer of the town that isn't allowed by the state legislator. The Town Council cannot assign duties to the Mayor to sign a contract, only the state legislator can do that.

Raymond Smith, 326 Valley View. Wondering, with the contract, if there was a fee associated with cancelling it.
-It was clarified, no there is not a fee for cancelling within the first 12-month window.

Lew Barnett, 419 Wallace. Everyone needs tech these days but the communication problem between the council and the Mayor; If this was discussed at the Budget Hearings, all of this could have gone away.

Finance Officer, Reminded everyone that there are two different actions being discussed, one is cancelling the current IT provider and the other is the town's need for IT services.

Raymond Smith, 326 Valley View. He agrees with Mr. Underwood for the need for IT services, although he disagrees with the process which was taken. There should be bids. If First Call is the only bidder, fine, and if there are multiple bidders, great. He thinks Council should cancel the contract and be open for bids.

Councilmember Vick asked his fellow councilmembers if any of them would have an issue with tabling this issue and putting out an RFP. Ms. Devlin, assured we would still be covered. First Call assured, the town can stay covered for however long you want and as long as you are within the 12-month period.

Mayor Dewey explained why he chose First Call as the vendor.

The Public Works Director explained that the IT services are needed for the water plant.

Ms. Devlin wondered why, when the budget was going around, with this in the budget, why Council is wondering about it now, and didn't ask questions then.

Ms. Holcomb stated that the reason she voted "No" on the budget was because it changed too many times. She does not remember seeing it in the budget.

Steve Gibson. It may have been in the budget but it was not discussed in the budget process. This needs to be done right.

Craig Thomas. There is a process and there is a need. Regardless of how the process goes, there is a need.

Without further Public Comment, Mayor Dewey called for the Vote, starting with Councilmember Michalson; He continued discussion that there is a lot we can do with that money in a 3-year period. Councilmember Holcomb, this is not how you run a town. People voted us to this table, we can't just fix mistakes.

The motion on the table is to reject the contract; Councilmember Holcomb "I," Vick "I," Devlin No," Michalson "I." Motion passes 3-1.

Next item is Approval of Claim #17956, totaling \$2100.00.

Councilmember Michalson made the motion to reject Claim #17956. Motion dies from Lack of Second.

Councilmember Vick, referenced back to what the attorney advised; Approving the claim does not free anyone from responsibility for that bill. A service was received, we should pay for it. With that, he feels First Call Solutions should be paid.

Councilmember Vick made a Motion to approve Claim # 15796. The Motion was Seconded by Councilmember Devlin. Mayor Dewey called for the Vote and Motion Passes: 4-0.

- d. Discussion/Decision: Land Use Agreement for the Stevensville Airport with the U.S. Forest Service

Councilmember Holcomb made the Motion to Approve the Land Use Agreement for the Stevensville Airport with the U.S. Forest Service. That Motion was then Seconded by Ms. Devlin. Mayor Dewey called for Council Discussion, then Public Comment before calling for the Vote. Motion Passes: 4-0.

- e. Discussion/Decision: Resolution 458a, A Resolution amending the membership of the ad hoc Climate Action Advisory Board

Mr. Vick would like the membership to be broadened, to any citizen in town.

Councilmember Vick made the Motion to Approve Resolution 458a, A Resolution amending the membership of the ad hoc Climate Action Advisory Board. That Motion was then Seconded by Ms. Holcomb. Mayor Dewey called for Council Discussion, then Public Comment before calling for the Vote. Motion Passes: 4-0.

- f. Discussion/Decision: Mayor's Appointment of Patrick Shourd to the Park Board

Councilmember Vick made the Motion to Approve the Appointment of Patrick Shourd to the Park Board. The Motion was then Seconded by Ms. Devlin. Mayor Dewey called for Council Discussion, then Public Comment before calling for the Vote. Motion Passes: 4-0.

Councilmember Vick wanted it on the record that his desire is to fully follow the RFP process for IT Services.

12. Executive Report

Mayor Dewey asked for Council's input/direction if the Town were to be affected by COVID-19. The administration has mitigated those risks with increased disinfecting. He advised that we will follow any measures the state requires but with the unknown, he would like to know how Council would like business to continue if a Council meeting is unable to happen on a normal schedule. Ms. Holcomb is OK with the Finance Office paying the bills if the claims are regularly emailed out to Council. Mr. Michalson suggested a special meeting or an emergency meeting. Mr. Vick suggested an audio meeting; Mayor Dewey assured that we do have the capabilities to do so if needed. Discussion continued about measures in place as far as employees and public safety.

13. Town Council Comments

Mr. Vick asked, given this, at most it takes 45 days for an RFP, would Council be will to allow 50 days, 20 days for RFP, and 30 days to bids? Council agreed to have this placed on the next Council Agenda.

Mr. Michalson is deeply saddened that he came in the beginning of the year, attempted to get along w/ the Mayor but as soon as he started doing his job, next thing he knows, he has 2 Council members against him and the attorney, not willing to speak over the phone, the newspaper reporting about him; He is shocked & addressed the attorney, that he should be ashamed of himself.

Mayor Dewey requested that he refrain from attacking an individual.

14. Board Reports

15. Adjournment

Mayor Dewey adjourned the meeting at 10:20pm.