

Stevensville Town Council Meeting
Minutes for
WEDNESDAY, JULY 03, 2019
7:00 PM

1. Call to Order and Roll Call

Mayor Dewey called the meeting to order at 7:00 pm.

Roll Call: Mayor Dewey, Council members Barker, Holcomb and Michalson were present. Staff and members of the public were also present.

2. Pledge of Allegiance

All rose and recited the Pledge of Allegiance.

3. Approval of Bi-Weekly Claims

Approval of Claims #15223 - #15274

Council member Michalson moved to approve the Bi-Weekly #15223 - #15274. The motion was then Seconded by Council member Holcomb. Mayor Dewey called for Public Comment, then called for the vote. All council members voted "Aye," therefore, the Motion passed unanimously, 3-0.

4. Correspondence

- a. Settlement Offer from Datsopoulos, MacDonald & Lind, P.C. RE: Tribbensee Employment
Mayor Dewey read the Settlement Offer from Datsopoulos, MacDonald & Lind, P.C. RE: Tribbensee Employment. The Mayor stated the correspondence was quite lengthy; Consisting of a letter and over 100 more pages with exhibits. In a summary, it is a settlement offer from Datsopoulos, MacDonald & Lind, P.C. signed by Nathan Wagner, the attorney representing Audree Tribbensee, agreeing to release the town and its insurers from constructive discharge with the exchange payment of \$500,000.00; Offer expires July 5,2019.

5. Public Comments

Raymond Smith, 326 Valley View

Raymond commented on the legality of the agenda item: The settlement between the town's attorney, a council member and the information being public, as opposed to being held confidential.

Jim Tadvick, 509 Mission

Jim commented that many customers' water was turned off during the night and he feels we need to have a better form of communication.

Raymond Smith, 326 Valley View

Raymond asked a question as to what customer and the public clarified.

Leslie Tadvick, 509 Mission

Leslie commented on Roll Call not being called as usual and Council member Crews was selected to sit among Council.

6. Unfinished Business

7. New Business

- a. Discussion/Decision: Mayor's Veto of Council's appointment of James V. Crews to Ward 2 Council Vacancy

Mayor Dewey reported there is a substantial amount of backup information in the packet regarding the Veto. As for the process, Council either needs to confirm or over-ride the Veto but there is a process, then take their action if the council so chooses.

Council member Michalson made a Motion to invalidate the Mayor's Veto of Council's appointment. The Motion was then Seconded by Council member Holcomb. Council member Holcomb stated, the Mayor can only Veto a Resolution Ordinance. Mayor Dewey read what action took place which falls under MT Code 7141, Subsection 22 which the Veto falls under. Council then resolved to make a decision.

Council member Barker stated that if the judge feels it was not appropriate, the judge would not have sworn him in.

Council member Michalson read an email from attorney, Brian West. The email stated, the attorney's opinion is that James Crews is a member of the Stevensville Town Council as of the June 13th appointment, despite the Mayor's protest and should be permitted to vote, representing Ward 2. Council is not obligated to overturn the Veto.

Mayor Dewey then stated there has been inconsistencies between appointments, as to names being on and not on the agendas. The issue for this appointment, the candidate withdrew his candidacy, then in the next meeting the council appointed him. Mayor Dewey expressed that he didn't think citizens were aware that was going to happen, and therefore provided a basis.

Mayor Dewey called for Public Comments

Raymond Smith, 324 Valley View

Raymond stated we have a town attorney, who has given his opinion. In that opinion, the Mayor is not following the law and paying an attorney \$85 hr for his opinion. Stating his opinion, the Mayor is a weak mayor, over stepping role and responsibilities.

Jim Crews, 316 9th

Jim read out the definition of a Resolution, according to MT Code. There was no Resolution for the Mayor to Veto. No Veto should go into effect until 2/3 the council votes. By Council voting either way, this is setting a precedence to allow the Mayor to Veto a decision made by the council, as this Veto is not valid. I have been sworn into the town's council by the judge. I am listed on the town's website as the representative for Ward 2, filling the position until the results of the election.

Raymond Smith, 326 Valley View

Raymond stated the swearing in of a town council member outside is unacceptable. -Was stopped due to his comments.

Mayor Dewey then called for the vote and all voted "Aye." The motion passed 3-0.

Council member Michalson requested Council member Crews be seated at the table and he joined the rest of Council.

- b. Discussion/Decision: Consent to Mayor's appointment of Scott B. Owens as City Attorney Mr. Owens' legal services proposal is in the packet. Mr. West is holding over until the appointment.

Council member Michalson, read an email from June 24th from Mayor Dewey to the current attorney, Brian West, not to renew services with the town.

Council member Barker stated at the last meeting, the council requested a meeting with both candidates. Mayor Dewey stated at the last meeting, we had both proposals for review, with intentions of planning a special meeting the following week. Based on the availability of both proposals, Council and the Mayor, the meeting was not scheduled. With the July 1st date, the Mayor made the decision to forego the meeting with the council to push the appointment for an attorney. Offering the appointment to the council, it is on the Agenda.

Council member Michalson, clarified that we have had Mr. West as the town's attorney for the last 8 years and is knowledgeable of the town's history. Mayor Dewey clarified the two legal issues the town is dealing with right now is not going thru Mr. West's office.

Council member Holcomb made a Motion to table the Mayor's appointment of Scott B. Owens as City Attorney. The Motion was then Seconded by Council member Michalson.

Council member Crews made the recommendation to set the earliest date so both candidates can be there. Mayor Dewey entertained an Amendment to Council member Holcomb's motion that this item be tabled until July 11th meeting.

Council member Holcomb withdrew her motion. Council member Crews followed with making a Motion to table the proposals from both law firms until July 11th meeting to "award" the contract. It was then Seconded by Council member Holcomb.

Mayor Dewey stated that Council is treating this as an appointment.

Mayor Dewey then called for Public Comment

Raymond Smith, 324 Valley View

Raymond was wondering the variance between the two offers. Mayor Dewey responded with, based on 10 hours a month, they were identical.

Mayor Dewey then called for the vote and all voted "Aye." The motion passed 4-0.

- c. Discussion/Decision: Consent to the Mayor's Appointment of Robert Underwood as Finance Officer and approving compensation of \$21.00 per hour

Mayor Dewey & Police Clerk held interviews. Council member Michalson made a Motion to consent to the Mayor's Appointment of Robert Underwood as Finance Officer and approving compensation of \$21.00 per hour. The Motion was then Seconded by Council member Barker. Mayor Dewey called for the Vote and all voted "Aye." The motion passed 4-0.

8. Executive Report

Update on Twin Creeks Well Field & Water Restrictions

Effective this Friday, we can lift the water restrictions. The contractor installed one of the larger pumps and the reservoir is almost full. The other pump was installed today and we should have that water test back in the next 24 hour period. We are back up and running except for one well. Standard water regulations will go into effect.

We found that communication on new water restrictions to renting tenants can be improved. The water was under most landlords' contact information, so tenants were not getting the recorded messages. We can input tenants' contact information into our phone systems to receive the automated calls. Mayor Dewey advised renting tenants to register their contact information with Town Hall to help with communication.

Update on FY2020 Budget

The budget committee met last week and there is still some fine tuning. Now that Mr. Underwood is on board, the Mayor will have more time to put attention on the budget. The budget committee will review the preliminary budget at the end of July, then it will come to Council for review, before going to a public hearing. We are looking at the first couple weeks of August.

The Mayor reported that he does have a candidate for Town Clerk and there will be an appointment on the agenda for July 11th for Monica Hoffman as Town Clerk.

9. Town Council Comments

10. Board Report

11. Adjournment

Mayor Dewey adjourned the meeting at approximately 8:05 pm.

APPROVE:

ATTEST:

Brandon Dewey, Mayor

Monica Hoffman, Town Clerk