



Stevensville Town Council Meeting
Agenda for
THURSDAY, MARCH 14, 2019
7:00 PM

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Approval of Minutes
 - [a.](#) February 7, 2019 COW Minutes
 - [b.](#) February 14, 2019 Minutes
4. Approval of Bi-Weekly Claims
5. Administrative Reports
 - [a.](#) Finance Report
 - [b.](#) Police Department Report
 - [c.](#) Fire Department Report
 - [d.](#) Public Works Report
 - [e.](#) Building Department Report
 - [f.](#) 2018 City Court Annual Report
 - [g.](#) Airport Board Report
6. Guests
7. Correspondence
 - [a.](#) Appreciation Email - Stephanie Mapelli - March 6, 2019
 - [b.](#) Letter of Appreciation, Businesses: Active Care Family Chiropractic, Sama Massage, Your Energy Fix, Cedar and Sage Herbal Medicine - March 7, 2019
8. Public Comments
9. Unfinished Business
 - [a.](#) Standing Agenda Item: Discussion/decision regarding the Response and Recommendation Report regarding complaint filed by Town Clerk Audree Tribbensee
 - [b.](#) Discussion/Update regarding the draft Code of Conduct for Elected and Appointed Officials
10. New Business
 - [a.](#) Discussion/Decision to approve Resolution 445, a Resolution of the Town Council of the Town of Stevensville, Montana, providing for the amendment of the budget for Fiscal Year 2018-19
 - [b.](#) Discussion/Decision to approve Resolution 446, a Resolution of the Town of Stevensville, adopting a procedure for amending or Repealing a Resolution
 - [c.](#) Discussion/Decision to approve Resolution 447, adopting policy regarding rescinding or repealing Resolutions for the Town of Stevensville
 - [d.](#) Discussion/Decision to set a Committee of the Whole Meeting(s)
 - [e.](#) Discussion/Decision regarding a Special Event Permit and Alcohol Use Request for the Highland Games
11. Executive Report
12. Town Council Comments

13. Board Report

14. Adjournment

Guidelines for Public Comment

Public Comment ensures an opportunity for citizens to meaningfully participate in the decisions of its elected officials. It is one of several ways your voice is heard by your local government. During public comment we ask that all participants respect the right of others to make their comment uninterrupted. The council's goal is to receive as much comment as time reasonably allows. All public comment should be directed to the chair (Mayor or designee). Comment made to the audience or individual council members may be ruled out of order. Public comment must remain on topic, and free from abusive language or unsupported allegations.

During any council meeting you have two opportunities to comment:

1. During the public comment period near the beginning of a meeting.
2. Before any decision-making vote of the council on an agenda item.

Comment made outside of these times may not be allowed.

Citizens wishing to speak during the official public comment period should come forward to the podium and state their name and address for the record. Comment during this time maybe time limited, as determined by the chair, to allow as many people as possible to comment. Citizens wishing to comment on a motion for decision before any vote can come forward or stand in place as they wish. Comment must remain on the motion before the council.

Town of Stevensville Committee of the Whole - Minutes
Thursday, February 7, 2019 - 6:30 p.m.

Council for the Town of Stevensville along with Mayor Dewey came together at Council Chambers for a Committee of the Whole meeting. Mayor Dewey called the meeting to order at 6:30 p.m. Councilmembers Barker, Holcomb, Michalson and Phillips were all present. Staff and several members of the public were also present.

Council held discussion regarding:

1. Draft Code of Conduct

Mayor Dewey introduced the item.

Councilmember Phillips read the following statement into the record:

“This Code of Conduct is necessary because of what has happened in the past. There have been numerous disagreements among the leaders of the Town of Stevensville. I see and hear about these issues constantly. And in light of the investigation, which was concluded last year, we need some rules of decorum.

I was selected to work with the Mayor to draft such a code. And the Council unanimously approved of this effort. I fully support this code of conduct, and can say that I can live by these rules at this time. There is no hesitation on my part. We are in this meeting tonight because we need to include everyone. I would hope that each one of us would have an open mind, and do what is right.

I believe that each person who serves the Town of Stevensville, has chosen to do so not only because he or she believes in serving the people first, but also because of the Love for the Community. Together, we can make the Town of Stevensville even better. Can we maintain these values that will be discussed tonight, even when our conclusions differ. It would be nice if we could agree to disagree in a respectful manner, and not be casting judgment on others.

I believe that serving the public is one of the highest callings a person can undertake. We need this Code of Conduct, to show our constituents that we are unified and are working for the best interest of the town. I pledge to adhere to this Code.”

Mayor Dewey and Council went through the draft Code of Conduct, page by page, assessed its content, expressed concerns with certain sections and verbiage, suggested changes, and asked for further refinement in consultation with the Town’s Attorney. Council asked that a second Committee of the Whole meeting be scheduled for Thursday, March 7, 2019.

Public Comment - none

Adjournment

The meeting was adjourned at approximately 7:45 p.m.

APPROVE:

ATTEST:

Brandon Dewey, Mayor

Audree Tribbensee, Town Clerk

DRAFT

Stevensville Town Council Meeting
Thursday, February 14, 2019
7:00 p.m.

1. **Council for the Town of Stevensville came together in the Council Chambers, this being the time set for the regular meeting of the Town Council.** Councilmember Michalson called the meeting to order at 7:00 pm.

Roll Call: Councilmembers Michalson, Holcomb, Barker and Phillips were all present. Mayor Dewey, excused. Staff and members of the public were also present.

In the absence of the Mayor, as the Council President and therefore the presiding officer, Councilmember Michalson facilitated the meeting.

2. **The Council and all present rose, faced the flag and recited the Pledge of Allegiance**
3. **Approval of Minutes**
 - a. January 10, 2019 Council Meeting Minutes
 - b. January 24, 2019 Council Meeting Minutes

Councilmember Holcomb moved to approve the minutes for January 10th and the January 24th Council meeting minutes. Councilmember Phillips seconded the motion.

Councilmember Holcomb stated that all of the public comments were included in the January 24th minutes, but Audree's comments were not included and questioned if that was a mistake. Town Clerk Tribbensee responded that if Council would like her to put them in, she will. Councilmember Michalson stated since this is a matter of public record and since Audree does a very a thorough job, he believes it would be to the best interest of the Town if she were to put her comments in the minutes. Councilmember Michalson suggested that if Council wanted those included, then Council should not approve the minutes until they are put in.

Councilmember Holcomb stated that she would like to withdraw her motion for the January 24th meeting minutes and approve the January 10th.

Councilmember Michalson commented that there is a motion on the floor and stated that he thinks she should retract or take the early motion away.

Councilmember Holcomb stated that she will retract her motion and made a motion that we approve the January 10th Council meeting minutes. Seconded by Councilmember Phillips.

The vote was called and Councilmember Phillips, Holcomb and Barker voted “aye”. Councilmember Michalson abstained. Motion passes 3-0.

4. Approval of Bi-Weekly Claims

Councilmember Holcomb moved that we approve the Bi-Weekly Claims (#14961-15003). Councilmember Phillips seconded the motion. Council asked several questions about the claims. **The vote was called and all voted “aye”. Motion passes 4-0**

5. Administrative Reports

a. Finance Report

Finance Officer, April Van Tassel presented the financial report. Council asked questions about the past due claims and inquired about moving the Police Department to the front of the building.

Councilmember Michalson indicated that he and Councilmember Barker are in talks with the Rural Fire Department about the agreement and questioned if Mayor Dewey has heard from Rural Fire and asked questions about the Mayor’s and Fire Chief Motley’s discussions with Rural Fire.

b. Public Works Report

Public Works Supervisor, George Thomas presented the Public Works report. Council asked if the Town has found a replacement for Jack yet.

Martha Phillips thanked George for keeping the roads plowed.

Councilmember Michalson thanked George for sanding the roads.

c. Airport Report - none

6. Guests - none

7. Correspondence

Councilmember Michalson read the clarification correspondence from Town Clerk, Audree Tribbensee dated January 28, 2019

8. Public Comments - none

9. Unfinished Business

a. Discussion/Decision to rescind Resolution 11, to abolish the Park Board

Councilmember Michalson introduced the item and indicated that this item came up at the last meeting and never came up for a vote. Councilmember Holcomb commented that the Park Board doesn’t meet often and the Town didn’t have any problems when there was not a Park Board for many months and the Council was able to make decisions.

Councilmember Holcomb made a motion to rescind Resolution 11 to abolish the Park Board. Seconded by Councilmember Barker.

Councilmember Phillips read from the Montana Municipal Officer's Handbook, in regards to resolutions, "Resolutions can only be amended or repealed by a resolution. A resolution which amends another resolution should state the entire section being amended." Councilmember Phillips commented that what Council is doing to abolish the Park Board, which is a resolution, it should go through another resolution to do that; not the way Council is doing it now.

Councilmember Phillips gave an example referencing item 10a, a resolution amending another resolution; stating that is the very thing that we are doing with the Park Board. Councilmember Phillips indicated that looking at Great Falls, that is what they do; they have a resolution to amend or repeal a resolution; that is the proper way to do it.

Councilmember Michalson stated that he agrees to disagree. We have done this a few times in his tenure on the Council. If the Clerk or April were to bring the Resolution book out, you will see there are no resolutions to rescind resolutions. Councilmember Michalson commented that he was told by MMIA that has more to do with County and Commissions than it has to do with local towns.

Councilmember Phillips responded that the Council Commission procedures part of the Montana Municipal Officer's Handbook, specifies and provides examples of how resolutions are supposed to be written. It is very clear this is for City Councils and Town Councils.

Councilmember Holcomb suggested that with the new information, Council may need to table 3 of the agenda items until we can look into what was brought forward tonight and then bring them back at a later date.

Councilmember Holcomb retracted her earlier motion.

Councilmember Holcomb moved that we table unfinished business item 9a until we can look into what Councilmember Phillips brought to the table. Seconded by Councilmember Barker.

Joe Moore, 514 Central, asked Councilmember Michalson what were the other items that would be tabled.

Councilmember Holcomb responded new business items "c" and "d" because they were both having similar resolutions.

Joe Moore commented on the Park Board and rather than get into general public comments, to go back to the statement that he made at the last meeting, which was reinforced about taking the time during Council meetings to do what is right for the Town. What items that are going forward and what discussions we might be having and what decisions we make are for a positive impact and a positive way forward for the Town. With regards to the Park Board, he sat through a number of meetings, the idea of rescinding it until next month, reminded everyone that on the Town's web page, Park Board talks about the parks being part of the importance and vitality of the Town. Asked which Councilmember serves as a Park Board representative, one of the things that came up at the last meeting, that there be some flexibility. It says in the resolution 11, voted on in 1975, the last paragraph, "the Stevensville Town Council, shall from time to time, provide in writing guidelines to the Park Advisory Board setting for the powers and duties of the Board." What he said at the last meeting about keeping the Park Board as a function of the Town, even if you didn't have regular meetings like Planning and Zoning has 4 a year, but the idea to keep the Park Board in a flexible motion will be very important for the Town. You can always call meetings when you need to, if you have a Council person that is the chair rather than have somebody else as the chair. Keep the Park Board going, even if its in skeletal fashion because of its vitality and importance in place. There will be issues that come up and it would be nice to have that resource available and have 1 or 2 people available to activate that committee and get it going.

The vote was called and all voted "aye". Motion passes 4-0.

10. New Business

- a. Discussion/Decision to approve Resolution No. 435a, A Resolution Amending the Wages and Compensation of Elected and Appointed Officers and All Employees of the Town of Stevensville for Fiscal Year 2018-2019 and Establishing an Effective Date for Wages and Compensation**

Councilmember Michalson introduced the item and asked if there was a motion on the floor.

Councilmember Holcomb moved that we suspend the Council Rules and bring, if it is okay with the Council, bring new business 10f before new business 10a since she is believing that would make the decision on "a". Seconded by Councilmember Barker.

Joe Moore, 514 Central, of all the items presented on the agenda tonight, this is the only item that has a rationale; it is a well-done rationale. For example, going back to the Park Board, there is no rationale and no reasons given other than opinions. Mr. Moore thanked Councilmember Holcomb and Michalson for doing a good job writing the agenda item.

The vote was called and all voted “aye”. Motion passes 4-0.

f. Discussion/Decision Council Reconsideration of the approval of the Mayor's Employee Reorganization plan

Councilmember Holcomb asked Councilmember Michalson if he wanted to read the rationale submitted as Mr. Moore asked. Councilmember Michalson read the documentation submitted as part of the agenda request and included in the Council packet. Councilmember Michalson stated that upon further review, he called Brenda from Superior. Councilmember Michalson sent an email to all members of staff and to Council. Audree also sent an email to Brenda clarifying that it is not mandatory. Councilmember Michalson commented that it is a 4-year program, not a 3-year program and is highly recommended, but is not in the Montana Annotated Code book; it is the Montana League Cities, Treasures and Clerks. Even though it is highly recommended, it is not a mandatory thing that these Clerks have to go to this 3-year training program. But many towns have ordinances and resolutions that put it in their job descriptions. The Town can make a resolution and ordinance and change the job descriptions of the Clerks and Treasury which would make it mandatory; the Town has that right.

Regarding the Building Official, Councilmember Michalson called the State and had a good discussion with Dennis Monroe this morning. Councilmember Michalson handed out and discussed the States requirements which are cut and dried. The staff qualifications are pretty intensive. Dennis has not resigned and does not want to leave the Town hanging. When he talked to Dennis and Archie, both indicated that she may be licensed in the State of Arizona but she still has to pass all Montana Board licenses. Dennis said he has no problem if we cannot find a building official, he has no problem staying on as long as it takes to get Audree qualified. Before Dennis was here, the Town was not up to snuff, the electrical license only, and didn't have all the qualifications to be a building official and when the State found out they came down and instructed the Town to give back any building permit fees as a result and if not, they would start fining the Town daily. We haven't broken any rules yet, Councilmember Michalson highly recommends if moving forward, doing the reorganization plan, if the Clerk wants to be the Building Official she will have to be mentored by Dennis and be certified and take tests.

Councilmember Holcomb commented that she reached out to Dan Clark and he gave her the same information that Brenda sent Councilmember Michalson, but he made it sound like it is mandatory. He sent her the application and said this is the same thing that Brenda sent. She was always under the understanding as long as she has sat at the Council table, that the Clerks have to be certified within 3 years. Councilmember Holcomb believes that we should be putting that into the Clerk's job descriptions. The

classes are awesome, the schooling is awesome, you learn a lot and believes it is good for them to go and get certified.

Councilmember Phillips commented that it might be wise to include the Councilmembers for training. As a new member of Council, it would be nice to have some training.

Councilmember Holcomb stated that they would like to see the Councilmembers come every year. Because there is always something new that you are learning.

Councilmember Holcomb commented that she has been in a couple of classes with the Clerk's and some of the stuff, she didn't even know. When we had passed this at the one meeting, she was under the understanding that everybody was okay with this and everybody knew about it and then after it passed, she found out that no, not everybody knew about it and was not okay with it.

Victoria Howell asked, are you talking staff?

Councilmember Holcomb responded Dean Whitesitt didn't know and Dennis Monroe.

Councilmember Phillips questioned the cemetery sexton, Mr. Whitesitt was doing it for a number of years. He did an excellent job on keeping track of things. What is our proposal, where do we go from here?

Councilmember Michalson responded that he understands that it has been turned over to the Utility Billing Clerk, Denise Phillely; she is the acting cemetery sexton.

Councilmember Michalson commented that he did have a discussion with Mayor Dewey on this, and he told him that that he wanted to bring this back up, not to completely get rid of it. This is probably one of the biggest reorganization plans that this Town has ever had and would like to rescind this for now and take it to a Committee of the Whole meeting, and have it discussed amongst the Council and the staff and Dennis Monroe said if we bring this to a COW meeting he would like to come and discuss his view points on this. Councilmember Michalson indicated that Mr. Monroe is taking a six week leave of absence in March and when he gets back, he wants to be part of this discussion. Councilmember Michalson stated that Mayor Dewey did agree that he felt it should go to a Committee of the Whole meeting also and discuss it and iron it all out and bring it back before the Council to move it forward.

Councilmember Phillips commented that the reorganization plan included a Court Clerk, and questioned if that Clerk has been hired yet?

Councilmember Michalson indicated that he thinks it is under advertisement now and doesn't think it has been filled yet and asked if Audree could answer that.

Town Clerk Tribbensee responded that we conducted interviews yesterday and the Judge is ready to offer the selected candidate the position. But, she is not going to offer it until she knows what Council is going to do because she doesn't feel it is right to give a job to someone and then have it pulled back from them.

Councilmember Barker stated that some of her concerns when we hired Audree, we hired her as a Town Clerk/Court Clerk. If that is the case and we have taken that out of her job duty, then she believes when we go back through the job descriptions that needs to be rewritten as well in our job entitlements and how we have them in our policies. Council will need to write a whole new job description for the Court Clerk as well.

Joe Moore, 514 Central, complimented Council on having a discussion on this rationale, but also commented that Council could have saved at least 20 minutes by just saying that we are going to put this in a COW meeting because there are a number of issues that would be more appropriate at a COW meeting.

Councilmember Michalson said there is a motion on the floor to rescind the reorganization of the approval of the Mayor's reorganization plan.

Councilmember Holcomb commented that she didn't think there was.

Councilmember Michalson made a motion that we rescind the reorganization of the approval of the Mayor's Employee Reorganization Plan.

Councilmember Barker stated that you can't do it, so we need to table the item.

Councilmember Michalson stated that in order to do this correct, that we table this and then at the next meeting, Mayor Dewey would bring it back up and take it to a COW meeting.

Councilmember Barker made a motion that we move the Mayor's Employee Reorganization Plan or to send it to a COW meeting instead of a vote tonight.

Councilmember Michalson stated to clarify you would like to table this and move to a Committee of the Whole meeting to sort all the details out and then bring it back forward for discussion and decision. **Seconded by Councilmember Holcomb. The vote was called and all voted "aye". Motion passes 4-0.**

10. **New Business**

- a. **Discussion/Decision to approve Resolution No. 435a, A Resolution Amending the Wages and Compensation of Elected and Appointed Officers and All Employees of the Town of Stevensville for Fiscal Year 2018-2019 and Establishing an Effective Date for Wages and Compensation**

Councilmember Michalson stated that since we have tabled item “f”, and moved it ahead of item “a”, he would like to also table item number “a” until item number “f” has been thoroughly discussed at a Committee of the Whole meeting and then brought back forward to the Council for decision and then upon doing that then we can properly move to discuss the wages that goes along with this and the other employees. Councilmember Holcomb seconded the motion. The vote was called and all voted “aye”. Motion passes 4-0.

- b. **Discussion/decision to update Ordinance #156 for Special Event Permits**

Councilmember Michalson introduced the item.

Councilmember Holcomb commented that she thinks Council needs to talk about updating Ordinance 156 to bring these back to the Council for approval. There have been a couple that Council didn’t see, the Scarecrow Festival and Parade of Lights, which had more than 1000 people, but neither one of them came to Council. When she asked the question, why didn’t they come, well they had marked that it was under 1000. Because they marked under 1000 people it did not need to go to Council for approval. Councilmember Holcomb asked if we need to have a COW meeting to update the Ordinance 156. Council has never not approved a special event. She would like to see them come to the Council so we can discuss and make sure that everything is kosher.

Councilmember Phillips commented that based on the Montana Officers Handbook, ordinances are laws of the city and town and must be read twice at two meetings.

Councilmember Holcomb made a motion that we table updating Ordinance #156 until Mayor Dewey gets back and we have a Council of the Whole meeting to just maybe make some changes. Seconded by Councilmember Phillips.

Joe Moore, 514 Central, questioned, going to the rationale, Councilmember Michalson, what are we looking at? It can go to a Committee of the Whole, that is fine. But, to bring it up as an agenda item tonight, he cannot understand what the changes would be other than maybe adding specific events to the ordinance.

Councilmember Holcomb responded that it would take out “if the special event is approved by all departments and the event is less than 1000 participants, it may be forwarded to the Mayor for final approval”, which doesn’t come in front of Council. She knows a couple of these events there were over 1000 people. But because they are not putting there are 1000 people, its not coming in front of us.

Joe Moore continued, his point is, the rationale that would proceed this, that would give us an opportunity to understand what you are looking for change, would help facilitate timing, and whether or not you could move quickly to a COW meeting rather than as an agenda item.

Councilmember Michalson commented that a Committee of Whole meeting is the only meeting that the Mayor does not have the authority to schedule, that is the Council’s decision. Since we have so much going on, Committee of the Whole meetings and thinks we have one or two that are coming up, to be fair to Mayor Dewey, he can work that out with the Clerk and that way we can bring it back for discussion.

Joe Moore responded that he applauds that comment Michalson, his whole point tonight is to say that many of the agenda items that come up are things that could be dealt with that way to facilitate moving more positively with the Town. The very thing you said is what we should be doing on a regular basis to move the Town forward.

Victoria Howell, 609 Middle Burntfork, a difference of opinion, something as simple as this, she doesn’t think would require a COW meeting. Robin is pretty clear on what she would like to recommend the change be, which would be to say that all special event permits would come before the Council. That is how you would make the change and doesn’t know if you really need a COW meeting to go all through that. What you could do is bring it forward as an agenda item, a change; however, you still, because it’s an ordinance, can hold a public hearing, which is not a COW meeting; that’s the advertised meeting that you have official public comment. To avoid an extra meeting for a really simple agenda item. Seems like you really don’t need a COW meeting.

Joe Moore, agrees with Ms. Howell, his point was a lot of these things can be done to save us time.

Councilmember Michalson commented that what he is hearing, rather than have a Committee of the Whole meeting to do it, as Mr. Phillips said earlier, taking it to a public hearing.

Councilmember Phillips responded that is correct and re-read the language regarding Ordinance from the Montana Official Handbook.

Councilmember Michalson asked Councilmember Holcomb if she wanted to retract her motion or continue forward with a Committee of the Whole meeting.

Victoria Howell suggested that since you have other Committee of the Whole meetings coming up, you could add this and discuss it among other items, so you don't need another Committee of the Whole meeting.

Joe Moore commented that if you were changing some of the wording, you wouldn't have to go through a lot of discussion.

Councilmember Michalson stated that no matter what happens if we take it to a Committee of the Whole meeting, change the language, you would still have to have a public hearing.

The vote was called and all voted "aye". Motion passes 4-0.

c. Discussion/Decision to rescind Resolution 363

Councilmember Michalson commented this item is tabled.

d. Discussion/Decision to Rescind Resolution 281a

Councilmember Michalson commented this item is tabled until we can get clarification on whether we have to rescind a resolution with another resolution.

e. Discussion/Decision on updating the Town of Stevensville Purchasing Policy

Councilmember Michalson introduced the item. Councilmember Holcomb stated that she brought this up to see what other Councilmembers thought. Councilmember Holcomb commented that she knows that things are not happening now, that need to be followed up on and we may need to do some changes to our purchasing policy.

Councilmember Michalson commented that this is quite intensive and is something that that April needs to be here to discuss a lot of this and suggested that we table this.

Councilmember Holcomb made a motion that we table this.

Councilmember Michalson responded until we can bring it back and April can be here and discuss a lot of these issues and if we have to take it to a Committee of the Whole meeting.

Councilmember Barker said there is no reason why we can't talk about this and we can discuss what changes are needed.

Councilmember Holcomb said there are a couple of things, where even though we have budgeted the money for something, even in this, we still have to have 3 bids and it has to be brought to the Council for approval and it hasn't happened in a year or a couple of years. She thinks even when Mayor Mim Mack, if we had 3 bids, it came to Council to approve. Council approved who was going to get that job and we haven't been getting that. Councilmember Holcomb would like for that to be updated on that and make sure that it is being followed.

Councilmember Michalson commented that his first month on the Council, with fellow Councilmember Barker, Mayor Ludington was the acting Mayor at the time. Fire Chief Jeff Motley came forward with a discussion to have the Council approve a ladder truck. Stacie and he were rookies and didn't know what the heck was going on and we approved that after-the-fact. Mr. Motley went down to Columbus, purchased the ladder truck, said it was on its way up here. By doing that it puts the hamstrings on the Council. It's pretty hard once that is going on for Council to say no. That is pretty much a violation of the purchasing policy. It has gotten to the point, last fall, Mr. Motley purchased \$6500 worth of tires for the pumper truck and then brought that forward to the Council for approval. The proper way is to bring it to Council first. To put tires on, we are violating the policy by purchasing items and then asking Council for approval. It is not fair to the Town, we need to get back to the process and have the department heads get approval first for big ticket items.

George Thomas explained his concerns with the bid process and Council's approval of the budget and its timeframe. Mr. Thomas recommends that we get a bid and add a percentage to it, as things go up and can change between the time the bid was received and Council's approval of the budget.

Joe Moore commented that it sounds like what you are talking about, rather than getting into the specifics, is updating and reinforcing and adding flexibility to the time restraints on your schedule. Mr. Moore reiterated that having a rationale ahead of the meeting would be helpful.

Councilmember Phillips commented that the Council can have special meetings, if something is due in so many days, Council can call for a special meeting.

Councilmember Holcomb stated that we need to think about that and down the road call a Committee of the Whole meeting and go through it and see what needs to be changed and what can be left alone.

Town Clerk Tribbensee reminded Councilmember Michalson that there was a motion on the floor and discussion, but no second was made on the motion.

Councilmember Phillips seconded the motion.

Councilmember Barker thanked Joe for his comments; it helps to know what the public wants as well.

The vote was called and all voted “aye”. Motion passes 4-0.

11. Executive Report - None

12. Town Council Comments

Councilmember Phillips commented that Mr. Ed Sutherland has been plowing the path for us and indicated that he would like to thank Ed for that.

George Thomas commented that Ed was sent a Thank You card.

Councilmember Michalson commented that he also spoke with Ed on that. Councilmember Michalson didn't know if the Town contracted with somebody to do that.

Goerge Thomas responded that we have never contracted with anyone, they volunteer.

Councilmember Michalson that is what Ed told him, that he was doing it voluntarily for the citizens of the Town and stay active, even though he retired.

13. Board Report – none

14. Adjournment

Councilmember Michalson asked the Council for adjournment.

Cathi Cook commented that she appreciates Mr. Sutherland doing that, she assumes that Mr. Sutherland has liability coverage. This might be something that the Town looks into, just in case something happens to him or somebody else; it's a good idea to have that coverage. In this day and age, unfortunately you have to cover your butt.

Councilmember Michalson that is a very good point. If Ed is volunteering for the Town, maybe we should look into liability issues. If he were to run into or hit somebody on that pathway and hurt somebody – is the Town liable or is Ed liable?

Cathi Cook commented that she didn't know that bridge second little river that is broken – didn't know whose responsibility? So far, nobody has put up any markers or pilons which really makes her nervous, that the railing is broken for almost two weeks now and there are still no caution tape, pilons, anything, especially at night. She doesn't know if a snow plow did it or somebody ran into.

George Thomas responded that he thinks it was a car accident.

Cathi Cook commented that she would like to see something on there because if it is going to take a while to get fixed, it gets slippery there.

Councilmember Holcomb moved that we adjourn. Councilmember Phillips seconded the motion. The vote was called and all voted “aye”. Motion passes 4-0.

Councilmember Michalson adjourned the meeting at approximately 8:20 pm.

APPROVE:

ATTEST:

Brandon Dewey, Mayor

Audree Tribbensee, Town Clerk

DRAFT

Finance Officer's Report to Council

TO: Stevensville Town Council
FROM: April VanTassel, Finance Officer
RE: Finance Report to Council
DATE: March 14, 2019

Strom & Associates completed their audit of the Town's financial statements of the governmental activities, business-type activities, each major fund and the aggregated remaining fund information of the Town of Stevensville for the year ending June 30, 2018. Their official report should be released shortly, however, initial feedback indicate that the Town faired well.

**TOWN OF STEVENSVILLE
POLICE DEPARTMENT ACTIVITY REPORT
March 14, 2019**

January and February Monthly Report:

Coffee with a Cop for the month of January was well attended and the police department was proud to welcome the American Legion Auxiliary group as our guest speaker. Their contribution to our community is priceless and we look forward to them attending another one of our events.

As per councilmember Michalson's request the police department provided Mr. Michalson with an inventory list.

Chief Marble is nearing completion of FTO for Officer Oberhofer. Officer Oberhofer has been able to patrol before school, during lunch break and after school, as time allows, which has helped with speeding issues on 2nd Street.

We are moving forward with the applications for Stevensville Crime Watch that have been returned. We are continuing to accept applications for SCW zones please visit with Jenelle for further details.

- 51 calls for the month of January
- 67 calls for the month of February
 - 28 calls between the days of 2/25/19 and 3/1/19 - snow storm related



STEVENSVILLE FIRE DEPARTMENT

206 BUCK STREET

JANUARY 2019 ACTIVITY REPORT

RESPONDED TO 22 CALLS FOR THE MONTH OF JANUARY

6 LIFT ASSISTS

2 FIRE ALARMS, BUT NO FIRE

14 CALLS, ASSISTED MARCUS DALY AMBULANCE

24 MEMBERS ON TOWN ROSTER NO NEW HIRES.

Town and district administrative assistants attending trainings for new fire software. The training is coming along well, hopefully have new software in place by the end of February or middle of March.

Public Works Administrative Report

February 2019

General

The Town re-advertised to fill the vacant Public Works position. Second interviews were conducted; the Town has made an offer for employment to one of the candidates

Snow Storm Activities

Snow Removal Efforts consumed most of Public Works time beginning on Sunday, February 24 to present. During the storms and snow clean-up activities, only two of the three Public Works staff were available as one of the team members was on vacation.

- 26 inches of snow was received between Sunday and Tuesday (Feb 24 – 26)
- An additional 6-8 inches was received between Wednesday and Thursday (Feb 27 – 28)
- Snow removal efforts shifted from emergency response priority plowing to clean-up efforts beginning late evening Wednesday, Feb 28th and continues to present
- Both plows were utilized for snow removal efforts. Both plows broke down at various times
- Planning strategies to help the Town deal with potential flooding issues due to snow accumulations

Water

- 833 Water Meters Read
- 5,139,290 Total Water Consumption

MONTHLY REPORT

Building Department

January, 2019

| <u>Permits Issued</u> | <u>Fees Collected</u> |
|--|--|
| <u>Building</u> | |
| 1. Permit #19-B001, 209 Main, reroof..... | \$75.00 |
| 2. Permit #19-B003*, 207 Main, comm. remodel..... | 473.00 |
| *permit#19-002 is pending issuance | |
| <u>Electrical</u> | |
| 1. Permit #19-E001, 207 Main, comm. remodel..... | 65.22 |
| 2. Permit #19-E002, 284 Tenderfoot, new SFR..... | 200.00 |
| <u>Mechanical</u> | |
| 1. Permit #19-M001, 233 Tenderfoot, new SFR..... | 80.00 |
| <u>Plumbing</u> | |
| 1. Permit #19-P001, 1618 Creekside, replace water heater..... | 44.00 |
| Total permits issued: <u>6</u> | Total fees collected: <u>\$937.22</u> |
| <u>Activities</u> | |
| 1. Conducted 23 inspections; | |
| <u>Items of Interest</u> | |
| 1. Plans are in the works for the new construction of a physical therapy clinic, to be located at 420 Main; | |
| 2. I've enrolled the new inspector, Josh Thomas, in weekly residential code webinars put on by ICC and . I've compiled quizzes patterned after the ICC test format. to prepare him for his ICC residential inspector certification test. | |

Prepared by Dennis Monroe, Building Official

**IN THE CITY COURT, TOWN OF STEVENSVILLE
RAVALLI COUNTY, STATE OF MONTANA
BEFORE MAUREEN O'CONNOR, CITY JUDGE
206 Buck Street, P.O. Box 30
Stevensville, MT 59870
(406) 777-5271**

To: Mayor and Council

From: Judge O'Connor

Date: January 23, 2019

Re: Annual Court Report to Council, 2018

The following is the annual report for the Stevensville City Court of Record 2018.

From January 1, 2018 through December 31, 2018, seventy-five (75) new criminal cases were filed with the Court and four temporary orders of protection. General traffic violations, excluding speeding constitute the majority of these cases. DUI's, Partner Family Member Assaults, ordinance violations, disorderly conduct, and assaults make up the majority of non-traffic criminal filings. The Court collected a total of \$23,335.31 in fines and fees and collected and distributed \$3,415.47 in restitution.

Each month, funds are allocated and transferred to the Town Treasurer and County Treasurer in accordance with legal requirements. The Court is completely integrated with the State of Montana Full Court program. Balances in the Court's trust account are reconciled each month with the final report filed with the Supreme Court Administrative Office.

In addition to the new cases cited above, the Court has continued its review of older cases where fines, fees and/or restitution are outstanding. The Court is in an ongoing process of reviewing the records and determining the appropriate course of action for those matters. This includes but is not limited to summoning individuals back before the court, initiating contempt proceedings, modifying previous time pay orders, suspending driver licenses and referring cases to collections among other actions.

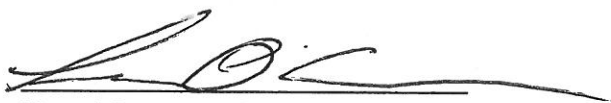
The process of review and revision of court forms and documents to ensure compliance with procedural and legal requirements is ongoing on an as needed basis.

During the last legislative session major revisions to a number of misdemeanor criminal statutes commonly filed and handled in the Courts of Limited Jurisdiction were

implemented. The changes have affected not only the amount of jail time the Court may impose, but also the fines and fees which may be assessed. The 2019 Montana legislature is considering further revision of the MCA as it pertains to misdemeanor offenses and Courts of Limited Jurisdiction. Whether these changes come to pass and/or the overall impact of these changes is unknown at this time.

It is my pleasure to serve the citizens of Stevensville as their Judge. Please do not hesitate to contact the Court if you have additional questions.

Thank you.

A handwritten signature in black ink, appearing to read 'M. O'Connor', with a long horizontal flourish extending to the right.

Hon. Maureen O'Connor

Audree Tribbensee

From: Stephanie Mapelli <sdmapelli@gmail.com>
Sent: Wednesday, March 6, 2019 10:29 AM
To: Audree Tribbensee
Subject: Well done!

My sincere thanks to the Mayor and Town Staff for the care they took of us during our recent "snow event".

Using social media, the Mayor kept us (and is still keeping us) well informed about hazardous driving conditions/travel restrictions/road work, giving us suggestions on how to cope with *many* feet of snow, and brightening our day by turning on the Main Street lights.

George and his Public Works crew pulled heroic duty to make our roads passable and safe.

And our Town came together to take care of each other with many volunteers shoevling and plowing out neighbors and strangers alike.

May this strong sense of community continue far into the future as we are stronger together than we are apart.

Stephanie D. Mapelli
203 St. Marys Drive

March 7, 2019

Dear Mayor Dewey and Town of Stevensville employees:

We wanted to take a minute to commend you all for the efforts you took to keep our main roads accessible, and the public informed during last weeks winter storm. The fact that Public Works is short staffed and working with minimal equipment only adds to the astonishment of what you were able to accomplish. Town Hall's collection and maintenance of the volunteer list is a prime example of what this town is about: Community First. The coordination of efforts between Public Works, Montana Department of Transportation and the private contractors speaks volumes as to what can be accomplished when agencies come together and work for a common goal as a team. We know every employee of the town took part in making last week as easy as possible for everyone, and we wanted to recognize and thank you all for your hard work and dedication.

Amy Berglund, D.C.
Owner Active Care Family Chiropractic

Renee Christensen
Office Manager Active Care Family Chiropractic

Christine Messex

Shirley O'Hearn
Owner Sama Massage

James Fix
Owner Your energy Fix

Andrea Buchanan
Owner Cedar and Sage Herbal Medicine



Stevensville Town Council Meeting

Agenda Item Request

To Be Submitted BEFORE Noon on the Wednesday before the Council Meeting

| | |
|---|--|
| Agenda Item Type: | Unfinished Business |
| Person Submitting the Agenda Item: | Brandon E. Dewey |
| Second Person Submitting the Agenda Item: | |
| Submitter Title: | Mayor |
| Submitter Phone: | |
| Submitter Email: | |
| Requested Council Meeting Date for Item: | 03/14/2019 |
| Agenda Topic: | Standing Agenda Item: Discussion/decision regarding the Response and Recommendation Report regarding complaint filed by Town Clerk Audree Tribbensee |
| Backup Documents Attached? | Yes |
| If no, why not? | |
| Approved/Disapproved? | Approved |
| If Approved, Meeting Date for Consideration: | 03/14/2019 |
| Notes: | |



**TOWN COUNCIL
Council Communication**

**Regular Meeting
March 14, 2019**

Agenda Item: 9a, Unfinished Business
Standing Agenda Item: Discussion/decision regarding the Response and Recommendation Report regarding complaint filed by Town Clerk Audree Tribbensee

| | |
|-------------------------------|---|
| Other Council Meetings | January 10, 2019 December 10, 2019 December 6, 2019 |
| Exhibits | A. None |

This agenda item provides Council with the ability to continue the discussion and take appropriate action regarding the Mayor's Response and Recommendations Report related to the complaint filed by the Town Clerk.

Background:

In October, 2018, Town Clerk Audree Tribbensee submitted a complaint regarding hostile working environment and bullying on the part of individual Councilmembers. Subsequently, based on the advice of MMIA and the Town's Attorney, the Town engaged an independent investigator to review the allegations and report her findings. The resulting investigative report confirmed issues within the Town of Stevensville government related to communication. The report states that the communication situation in the organization could be characterized as a situation so intolerable that a reasonable person could not be expected to endure it. This report also states that the intolerable situation that exists must be recognized by Council and the Mayor and remedied by immediate, conscious efforts on the part of both the Council and Mayor to improve their communication with one another and with the staff.

The Mayor's office is given the authority and the responsibility to ensure that the ordinances, resolutions, and policies that the Council adopts are followed and enforced. As a result, and based on the advice of the Town's Attorney, Brian West, Mayor Dewey issued a Response and Recommendation Report regarding the complaint. While the investigation by the independent investigator did not sustain the claims of bullying and harassment, the report does explain that the reason the claims were not sustained was due to insufficient policy of the Town. The Town's Personnel Policy defines bullying and harassment and provides for training, but fails to explicitly prohibit or express a level of tolerance for the behavior. In other words, the investigator did not sustain the claims of bullying and harassment due to a technicality in the Town's policy. In his Response and Recommendation Report, Mayor Dewey concludes that the claims and assertions made in the complaint are sustained, that the claims related to bullying and harassment meet the spirit and intent of the Personnel Policy and that the claims also meet the workplace violence section of the Personnel Policy. Additionally, Mayor Dewey concludes that the statements made by employees during the

investigation regarding a hostile/toxic work environment, harassment and bullying are also sustained and concludes that these behaviors should not be tolerated on any level by Council, the Mayor, staff and citizens.

The following recommended action items are based on Mayor Dewey's Response and Recommendations Report and the independent investigative report:

| Recommended Actions | Status |
|---|--|
| Maintain the remedies established during the investigation | Discussed, no action taken |
| Bob Michalson apologize for retaliation termination comments | Completed December 10, 2018 |
| Implement a mandatory training program | In process |
| Council and Mayor focus on positive and productive communication, including substance, tone and body language | In process |
| Amend the Personnel Policy to address deficiencies | In process, update on Council's Feb 28, 2019 meeting agenda |
| Draft and adopt a Code of Conduct | In process, COW meeting held on Feb 7, 2019; on Council's Feb 28, 2019 meeting agenda |
| Consider disciplinary actions | Unaddressed |
| Look at measure to address unreasonable harassing, bullying and intimidation on the part of citizens against Town officials and staff members | Address as part of Code of Conduct and the remedies established during the investigation |

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s):

MOTION

I move to:



Stevensville Town Council Meeting

Agenda Item Request

To Be Submitted BEFORE Noon on the Wednesday before the Council Meeting

| | |
|---|---|
| Agenda Item Type: | Unfinished Business |
| Person Submitting the Agenda Item: | Brandon E. Dewey |
| Second Person Submitting the Agenda Item: | |
| Submitter Title: | Mayor |
| Submitter Phone: | |
| Submitter Email: | |
| Requested Council Meeting Date for Item: | 03/14/2019 |
| Agenda Topic: | Discussion/Update regarding the draft Code of Conduct for Elected and Appointed Officials |
| Backup Documents Attached? | Yes |
| If no, why not? | |
| Approved/Disapproved? | Approved |
| If Approved, Meeting Date for Consideration: | 03/14/2019 |
| Notes: | Discuss draft code and future COW meeting date(s) |



**TOWN COUNCIL
Council Communication**

**Regular Meeting
March 14, 2019**

Agenda Item: 9b, Unfinished Business
Discussion/Update regarding the draft Code of Conduct for Elected and Appointed Officials

| | |
|-------------------------------|---|
| Other Council Meetings | February 7, 2019 COW January 10, 2019 December 10, 2018 |
| Exhibits | A. Draft Code of Conduct, Revised |

This agenda item provides Council with the ability to review revised draft Code of Conduct and discuss next steps.

Background:

In response to an internal personnel complaint involving the conduct of Council members, Mayor Brandon Dewey and Town Attorney Brian West both recommended that Council adopted a Code of Conduct. At the December 10, 2018 meeting, Council, through consensus agreed to adopt a Code of Conduct. Councilmember Phillips was selected to work with the Mayor and create a draft document that could be brought back to Council for consideration and possible adoption.

Councilmember Phillips researched a number of other Communities and reviewed their documents. Mr. Phillips used his research findings to draft a possible document.

On February 7, 2019, Council held a Committee of the Whole (COW) meeting to review the draft Code of Conduct and consider the Town Attorney’s comments. Mayor Dewey and Council went through the draft Code of Conduct, page by page, assessed its content, expressed concerns with certain sections and verbiage, suggested changes, and asked for further refinement in consultation with the Town’s Attorney.

In response to the COW meeting, Mayor Dewey in consultation with the Town Attorney, made revisions to the draft Code. This revised draft is attached. Additionally, at the COW meeting, Council asked that a second Committee of the Whole meeting be tentatively scheduled for Thursday, March 7, 2019.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s):

MOTION

I move to:



Town of Stevensville
Code of Conduct
for
Elected and Appointed Officials
and Citizen Interaction

"Always do right. This will gratify some people and astonish the rest." – Mark Twain

Glossary of Terms:

| | |
|------------|---|
| Attitude | The manner in which one shows one’s dispositions, opinions and feelings |
| Behavior | External appearance or action; manner of behaving; carriage of oneself |
| Boards | Official Town Boards, Commissions, and Committees established to participate in proceedings related to Town business |
| Civility | Politeness, consideration, courtesy |
| Conduct | The way one acts; personal behavior |
| Courtesy | Politeness connected with kindness |
| Decorum | Suitable; proper; good taste in behavior |
| Manners | A way of acting; a style; method or form; the way in which things are done |
| Members | Individuals formally elected or appointed to participate in proceedings related to Town business – Council, Mayor, Boards, and Town staff |
| Membership | The body of Members – Council, Mayor, Boards and Town staff |
| Protocol | The courtesies that are established as proper and correct |
| Respect | The act of noticing with attention; holding in esteem; courteous regard |

It is the policy of the Town of Stevensville to expect, promote, and uphold the highest protocol of conduct from its elected and appointed officials. The Mayor, Councilmembers, Board members, and ~~For local government and Democracy,~~ Town staff are dedicated to promoting values, ~~and~~ integrity, ~~of local government and democracy~~ and committed to governing efficiently and effectively. After taking the Oath of Office as a Councilmember and Mayor, they agree to conduct themselves in accordance with the following Code of Conduct (Code).

A. CONDUCT GUIDELINES

~~The Council has the authority to set the policies for the Town.~~ Elected and appointed officials have the responsibility to take the high road on conduct and to treat everyone as they would like to be treated. This Code is designed to describe the manner in which all elected and appointed officials should treat one another, Town staff, constituents, and others they come into contact with while representing the Town of Stevensville. ~~The Town of~~ Stevensville's Town Council adopts this Code to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operations and integrity of Stevensville's Town government. The term "Members" referenced throughout this Code includes elected and appointed officials, Town Board and Commission members as well as Town staff.

Comment [BW1]: It is implicit that the Council has authority to adopt policies.

1. General

The professional and personal conduct of Members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, ~~displaying negative attitudes,~~ personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees, Commissions, staff or the public.

Comment [BW2]: I would caution using this clause for disagreement on policy issues.

Members shall perform their duties in accordance with the processes and rules of order established by the Town Council with respect, courtesy and integrity.

Members shall support the maintenance of a positive and constructive workplace environment for its members, the Mayor, Town staff and for citizens and businesses dealing with the Town. Members shall conduct themselves when dealing with Town employees to, in no way, create the perception of inappropriate direction to staff.

~~Unless otherwise provided in this Code, the~~ Council or individual Council members and Board members shall not attempt to supersede the Administration's powers and ~~duties.~~

Comment [BW3]: The code cannot legally grant authority to supersede administrative powers or duties.

Comment [BW4]:

2. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. ~~Despite this diversity, all~~ All have chosen to serve in public office in order to preserve and protect the present and the future of the Town of Stevensville. In all

Comment [BW5]: "Despite this..." has a connotation that "diversity" is an impediment.

cases, this common goal should be acknowledged even though individuals may not agree on every issue by doing the following.

- a. Honor the role of the chair in maintaining order. It is the responsibility of the Chair to keep the comments of Members on track during public meetings. Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- b. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- c. Avoid personal comments that could offend other Members. If a Member is personally offended by the remarks of another Member, the offended Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Member to justify or apologize for the language used. The Chair will maintain control of this discussion.
- d. Demonstrate effective problem-solving approaches. Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

3. Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of a Member toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- a. Be welcoming to speakers and treat them with care and respect. While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- b. Be fair and equitable in allocating public hearing time to individual speakers. The Chair will determine and announce limits on speakers at the start of the public hearing process.
- c. Practice active listening. It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest.
- d. Members shall try to be conscious of facial expressions and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.
- e. Maintain an open mind. Members of the public deserve an opportunity to provide input in the decision-making processes of their elected and appointed officials.
- f. Ask for clarification, but avoid debate and argument with the public. Only the chair, not individual Members, can interrupt a speaker during a presentation. However, a Member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or

language the Member finds disturbing.

- g. Members make a commitment to attend and partake in discussions. It is important that discussions on issues be relative to the topic at hand. It is not appropriate to discuss other issues not related to the topic at hand.
- h. Members should not disrupt other Members during discussions and from performing their respective roles.

4. Elected and Appointed Officials' Conduct with Town Staff

Governance of the Town of Stevensville relies on the cooperative efforts of elected and appointed officials who set policy and the Town staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. The Town of Stevensville has a Personnel Policy in place for all Town employees. That Policy should be used in conjunction with this Code of Conduct.

- a. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff will not be tolerated. The employees of the Town of Stevensville are also expected to adhere to this Code.
- b. Do not disrupt Town staff from performing their jobs. Elected and appointed officials should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend Town staff meetings unless requested by staff. Even if the elected or appointed official does not say anything, his or her presence may imply support, show partiality, intimidate staff, and/or hamper staff's ability to do their job objectively.
- c. Never publicly criticize an individual employee. Elected and appointed officials should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Mayor through private correspondence or conversation.
- d. ~~Limit contact with Town staff~~ Prudent Councilmembers will take care to deal with staff and department heads through the Mayor to avoid any possibility of disrupting the supervisory chain of command. The individual likely to be compromised in such a circumstance, as too often occurs in municipal government, is not the Councilmember nor the Mayor but the staff member or department head, who is, after all, supervised by the Mayor. Members have the same rights and access to information as the general public. However, limitations to staff resources must be considered. Staff will make every effort to ensure that general information will be available online. Requests that may require substantial staff time must be approved by the Mayor. If the Mayor is not available, he shall be copied on or informed of such request. ~~Directions to staff should be made only through the Mayor.~~ When in doubt about what staff contact is appropriate, Members must consult with the Mayor. Materials related to an item under the Council's or Board's consideration, supplied to a Member, will be made available to all members so that all have equal access to information.

Comment [BD6]: Direction to staff lies solely with the Mayors Office. Requests, however, are addressed in this section.

- e. Attorney-Client Relationship: ~~Members shall not seek to establish an attorney-client relationship with the Town Attorney.~~ The Town Attorney represents the Town and not individual Members. Members ~~should cannot~~ not establish a ~~personal~~ attorney-client relationship with the Town Attorney; ~~Members shall not seek to establish an attorney-client relationship with the Town Attorney for personal purpose. however, Members may do so in accordance with the~~ contact the Attorney in accordance with Attorney Access Resolution adopted by Council, policies and protocols established by the Town.

5. Elected and Appointed Officials' Conduct with Boards

The Town of Stevensville has established several Boards, as a means of gathering more community input. Citizens who serve on Boards become more involved in government and serve as advisors to the Town Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

- a. Councilmembers may attend any Board meeting which is open to any member of the public. When attending a Board meeting in a personal capacity, Councilmembers should be careful to only express personal opinions regarding the issues. ~~Councilmembers may attend any Board meeting which is open to any member of the public.~~ However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Council.
- b. ~~Limit contact with Board members to questions of clarification.~~ It is inappropriate for a Councilmember to contact a Board member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board members in order to clarify a position taken by the Board.
- c. Respect that Boards serve the community, not individual Councilmembers. The Town appoints individuals to serve on Boards, and it is the responsibility of Boards to follow policy established by the Town. Board members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board members with removal if they disagree about an issue. Appointment and re-appointment to a Board should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board appointment should not be used as a political "reward."
- d. Be respectful of diverse opinions. A primary role of Boards is to represent many points of view in the community and to provide the Town with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, but must be fair and respectful of all citizens serving on Boards.

6. Elected and Appointed Officials' Conduct Outside of Public Meetings

- a. Make no promise on behalf of the Town, the Mayor, or Council without the express authority or permission to do so granted by a majority vote of the Council and/or the Mayor.
- b. Members will frequently be asked to explain a Council/Board action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of the issue and to refer to Town staff for further information. Overt or implicit promises of specific Council action or promises that Town staff will take some specific actions will not be tolerated.
- c. Members must ensure that in expressing their own opinions they do not mislead any listener into believing that their individual opinion is that of the entire Membership, unless a vote has been taken on that issue and the Member's opinion is the same as the decision made by the Membership. Likewise, no Member should make a statement in writing that implies it is the position of the entire Membership.
- d. Members shall not make any personal comments about other Members. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Members, their opinions or actions.
- e. Members are constantly being observed by the community every day that they are in office. Their behaviors and comments serve as models for proper deportment in the Town of Stevensville. Honesty and respect for the dignity of everyone should be reflected in every word and action taken by a Member, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

B. SANCTIONS

1. Behavior and Conduct

The Stevensville Code of Conduct expresses standards of conduct expected for Members of the Stevensville Town Council, Mayor, Boards and Town staff. Members themselves have the primary responsibility to assure that conduct standards are understood and met, and that the public can continue to have full confidence in the integrity of government. Additionally, the responsibility to intervene, when the actions of Members appear to be in violation of this Code, falls on all Members.

2. Councilmembers

It is the responsibility of the Council to educate and, when necessary, discipline other Councilmembers who violate this Code. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes that the progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including

the intent of the one accused of wrongdoing.

Possible Penalties and Sanctions may include:

- a. An informal censure by the Council, which would only be made as part of a motion in a public meeting.
- b. A formal censure by the Council, which would be made by motion in a public meeting and then published in the newspaper as a public notice.

~~c. Mandatory community service.~~

~~d. c. Attendance at counseling or mediation sessions.~~

~~e. Imposition of a monetary fine of up to \$500.00.~~

~~f. d. Any other sanctions available by law by an appropriate tribunal.~~

The Town Council Rules may be used to guide sanctions and the process that the Council uses to impose such sanctions.

The imposition of any of these penalties or sanctions will require a 2/3 vote of the Council, other than an informal or formal censure which shall only require a majority vote of the Council. A violation of the penalties imposed by Council may constitute grounds for removal from office under Montana law and in accordance with Stevensville Municipal Code.

Town staff and citizens should also point out to the Mayor any perceived infractions of this Code. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the President of the Town Council addressed directly with he or she so that corrective action can be taken. It is the responsibility of the Mayor or President of the Town Council to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor or President of the Town Council, then the alleged violation(s) can be brought up with the full Council.

3. Board Members

Counseling, verbal reprimands, and written warnings may be administered by the Mayor to Board members failing to comply with this Code. ~~These lower levels of sanctions shall be kept private to the degree allowed by law.~~ Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the Chair of the respective Board, the Town Clerk, the Town Attorney, and the Town Council.

The Town Council may impose sanctions on Board members whose conduct does not comply with this Code, up to and including removal from office in accordance with municipal code section 2-119. Any form of discipline imposed by Council shall be determined by a majority vote of the Council at a noticed public meeting and such action shall be preceded by a Report to

Comment [BD7]: Council agreed to modify some sanctions outlined here.

Comment [BW8]: I have been weighing the legal validity of sanctions C, D, & E. There is some support at the national level for financial punishment and inter-branch assessments of punishments, see, for example: <https://fas.org/sqp/crs/misc/RL31382.pdf>

It is not as well supported in Montana law. Arguably, it would be supported by SMC §2-55

I would encourage cross-reference inclusion in the Council Rules.

Comment [BW9]: The Council cannot serve in lieu of the City or District Court

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Comment [BW10]: Example §2-119

Comment [BW11]: I do not believe there is a basis for keeping any admonishment private under our laws.

Comment [BW12]: Cross reference with §2-119

Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of a Board member's conduct. The Mayor or Town Council shall ask for an investigation into the allegation and the findings must be reported to the Membership.

4. Public Disruptions

Members of the public who do not follow proper conduct, after warning by the Chair in a public meeting, may be barred from further testimony at that meeting or removed from the Council Chambers.

Comment [BW13]: If this code of conduct is addressing elected and appointed officials, why does it address members of the general public?

Comment [BD14]: Council felt the code should also address interactions with public and provide relative expectations.

5. Inappropriate Staff Behavior

Any Town employee who does not follow proper conduct in their dealings with Membership, other Town staff, or the public should be referred to the Mayor. ~~If an incident involves the Mayor, the matter should be referred to the Town Attorney.~~ The staff member may be disciplined in accordance with the Town's Personnel Policy for such actions.

Comment [BW15]: Same comment as above.

Comment [BD16]: Removed. Mayor's non-compliance with the code is outlined in sanctions. This section is titled for Staff.

C. IMPLEMENTATION

This Code of Conduct is intended to be self-enforcing by Members and is an expression of the standards of conduct for Members expected by the Town of Stevensville. It therefore becomes most effective when Members are thoroughly familiar with it and embrace its provisions.

Comment [BW17]: The word choice or intent is unclear. The document itself is not self-enforcing, but can express a desire that adherence by members is self-enforcing.

For this reason, this document shall be included in the regular orientations of candidates for Town Council, Town Clerk, Town Treasurer, applicants to Boards, and newly elected and appointed officials. Members entering office shall sign a statement acknowledging they have read and understand the Code of Conduct. In addition, the Code of Conduct shall be periodically reviewed by the Town Council, Mayor, Boards, and staff, and updated as necessary.

1. Principles of Proper Conduct include:

- Serving as a model of leadership and civility to one another and the community
- Inspiring public confidence in Stevensville's Town government
- Demonstrating honesty and integrity in every action and statement
- Keeping promises
- Being dependable
- Building and maintaining a solid reputation
- Participating and being available
- Demonstrating patience

- Showing empathy
- Holding onto ethical principles
- Listening attentively
- Studying thoroughly
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner, attitude and appearance

2. Proper Conduct is not:

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner
- Attempting to supersede the Administrations powers and duties

3. It all comes down to respect:

- Respect for one another as individuals.
- Respect for the validity of different opinions.
- Respect for the democratic process.
- Respect for the community that we serve.

4. Checklist for Monitoring Conduct:

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my ulterior motives and the spirit behind my actions or words?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reasons to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?

- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas and opinions?
- Will my conduct cause public embarrassment to someone else? The Town? The Council? The Mayor? Staff?



Stevensville Town Council Meeting

Agenda Item Request

To Be Submitted BEFORE Noon on the Wednesday before the Council Meeting

| | |
|---|---|
| Agenda Item Type: | New Business |
| Person Submitting the Agenda Item: | April Van Tassel |
| Second Person Submitting the Agenda Item: | |
| Submitter Title: | Finance Officer |
| Submitter Phone: | |
| Submitter Email: | |
| Requested Council Meeting Date for Item: | 03/14/2019 |
| Agenda Topic: | Discussion/Decision to approve Resolution 445, a Resolution of the Town Council of the Town of Stevensville, Montana, providing for the amendment of the budget for Fiscal Year 2018-19 |
| Backup Documents Attached? | Yes |
| If no, why not? | |
| Approved/Disapproved? | Approved |
| If Approved, Meeting Date for Consideration: | 03/14/2019 |
| Notes: | Council discussed and authorized the purchase of Fire Department SCBAs on November 26, 2018 |



**TOWN COUNCIL
Council Communication**

**Regular Meeting
March 14, 2019**

Agenda Item: 10a, New Business

Discussion/Decision to approve Resolution 445, a Resolution of the Town Council, of the Town of Stevensville, Montana, providing for the amendment of the budget for the Fiscal Year 2018-19

Other Council Meetings

November 26, 2018

Exhibits

A. Resolution 445

This agenda item provides Council with the ability to approve a resolution amending fiscal year 2018-19 budget.

Background:

On November 26, 2018, the Fire Department presented a request to purchase additional Self-Contained Breathing Apparatuses as part of a regional grant application. A Self-contained breathing apparatus, or SCBA, is a device worn by rescue workers, firefighters and others to provide breathable air in an immediately dangerous to life or health atmosphere. The term self-contained means that the breathing set is not dependent on a remote supply, such as through a long hose. A SCBA typically has three main components: a high-pressure tank, a pressure regulator, and an inhalation connection (mouth piece, mouth mask or face mask), connected together and mounted to a carrying frame.

Council approved this request.

Because these items were not included in the original fiscal year 2018-19 budget, Finance Officer, April Van Tassel is seeking a budget amendment to account for this expenditure. A Public Hearing for this budget amendment will held at 6:30 pm on February 28, 2019. The public hearing was publicly noticed in the Bitterroot Star in accordance with all applicable laws and regulations.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): do not approve Resolution 445.

MOTION

I move to: to approve Resolution 445, a Resolution of the Town Council, of the Town of Stevensville, Montana, providing for the amendment of the budget for the Fiscal Year 2018-19

RESOLUTION NO. 445

**A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF STEVENSVILLE, MONTANA,
PROVIDING FOR THE AMENDMENT OF THE BUDGET FOR THE FISCAL YEAR 2018-19**

WHEREAS, the Stevensville Town Council adopted the budget for Fiscal Year 2018-19 by Resolution No. 430; and

WHEREAS, the Town Council, in its budget, did not set appropriations for expenditures from Fund 4002 Fire Engine Capital Improvement; and

WHEREAS, Resolution No. 437 was adopted October 22, 2018 setting spending authority from Fund 4002 in the amount of \$10,500 to purchase Self-Contained Breathing Apparatus; and

WHEREAS, further spending authority in the amount of \$18,000 is necessary to purchase additional SCBA units.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Stevensville, Montana that the amount of EIGHTEEN THOUSAND NO/100 DOLLARS (\$18,000.00) be appropriated from Fund 4002, to increase the original budget allocation.

Passed and adopted by the Town Council and Mayor of the Town of Stevensville the 14th day of March, 2019.

Approved:

Attest:

Brandon E. Dewey, Mayor

Audree Tribbensee, Town Clerk



Stevensville Town Council Meeting

Agenda Item Request

To Be Submitted BEFORE Noon on the Wednesday before the Council Meeting

| | |
|---|--|
| Agenda Item Type: | New Business |
| Person Submitting the Agenda Item: | Jerry Phillips |
| Second Person Submitting the Agenda Item: | |
| Submitter Title: | Council Member |
| Submitter Phone: | |
| Submitter Email: | |
| Requested Council Meeting Date for Item: | 03/14/2019 |
| Agenda Topic: | Discussion/Decision to approve Resolution 446, a Resolution of the Town of Stevensville, adopting a procedure for amending or Repealing a Resolution |
| Backup Documents Attached? | Yes |
| If no, why not? | |
| Approved/Disapproved? | Approved |
| If Approved, Meeting Date for Consideration: | 03/14/2019 |
| Notes: | |



**TOWN COUNCIL
Council Communication**

**Regular Meeting
March 14, 2019**

Agenda Item: 10b, New Business

Discussion/Decision to approve Resolution 446, a Resolution of the Town of Stevensville, adopting a procedure for amending or repealing a Resolution

Other Council Meetings

Exhibits

- A. Resolution 446
- B. Montana Municipal Officials Handbook Excerpt

This agenda item provides Council with the ability to review possible procedures that standardize how resolutions are amended or repealed.

Background:

During the February 14th Town Council Meeting, Councilmember Phillips brought up the issue of changing a resolution with a resolution. The Montana Municipal Officials Handbook recommended this procedure. Councilmember Michalson disagreed with this procedure, and stated that this issue had been brought up before.

There were several items on the February 14th agenda that sought to change or repeal different resolutions. All those items were tabled because of the procedural question Councilmember Phillips raised.

Councilmember Phillips believes there should be a uniform way to change or repeal a resolution and to provide for consistency in what the Town does. By being consistent in format and procedure, it will be easier to locate changes when searching the archives.

Additionally, when amending or repealing a resolution it would be helpful to understand why the action is being suggested/taken. The reasons need to be stated in a clear and concise way, so that it can be understood. If needed, a workshop could be held before hand, to discuss a specific need. Maybe we need a Committee of the Whole Meeting or maybe a simple committee, just to work on resolutions. By having the resolution complete it would save a lot of time in our Town Council meetings.

At the time of bringing this up, Councilmember Phillips was not aware that there were not any laws or statutes to support this. The only reference that Councilmember Phillips could locate was in the Montana Municipal Officials Handbook, as produced by the Montana State University, Local Government Center, Municipal Officials PART II.

“A resolution is not law, but usually sets policy. There are resolutions that set budgets, tax and special assessment levies, water and sewer rates and fees, personnel policies, rules for use of city/town property and for applying for grants. There are resolutions used proclamations to honor people or organizations for outstanding service or accomplishments. Most resolutions are prepared by the clerk. Resolutions require one reading and become effective immediately upon passage or at the time specified in

the resolution. A resolution should not contain more than one subject. The wording of the resolution is drawn up in the same fashion as an ordinance and should include the following:

- Number
- Preamble stating the reason for the resolution
- Clause or clauses that explain the need, list pertinent statutes, etc. Each clause begins with “WHEREAS, ...”
- A resolving clause which states “Be it resolved by the City/Town Council (Commission) of the City/Town _____, Montana”
- The body of the resolution
- A statement indicating the effective date of the resolution
- A sentence with the date of passage
- Mayor/presiding officer and clerk signature lines

A roll call is required for each vote on a resolution. The clerk must record the vote of each council as AYE, NAY, ABSTAIN, or ABSENT. After the resolution is adopted, the clerk should print the resolution on the paper used for the Resolution Book. The mayor and clerk will sign the resolution and the clerk will stamp the signature section with the city/town seal.

A resolution can only be amended or repealed by a resolution. A resolution which amends another resolution should state the entire section being amended. An amending resolution should not merely state that a sentence is added or that a word is changed in a particular line of a sentence. In such a case, the entire section should be stated with the sentence added and the word changed. Resolutions are permanent record and should NEVER be destroyed.”

While the Handbook does not constitute State law, it is widely used as a reference throughout the State and is accepted as best practice. An additional consideration regarding the importance of resolutions is the State’s record retention requirements, which provide for their permanent retention. Therefore, Councilmember Phillips is proposing that Council adopt Resolution 446, adopting procedures for making changes to resolutions consistent with the Montana Municipal Officials Handbook – so the Town of Stevensville can stand out in adopting such a procedure.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): Do not approve Resolution 446.

MOTION

I move to: approve Resolution 446, a resolution of the Town of Stevensville, adopting a procedure for amending or repealing a resolution.

RESOLUTION NO. 446

A Resolution of the Town of Stevensville, Adopting a Procedure for Amending or Repealing a Resolution

WHEREAS, the Town of Stevensville occasionally has a need to amend or repeal a resolution;

WHEREAS, at present there is no set procedure for writing a resolution for amending or repealing a resolution;

WHEREAS, in the Montana Municipal Officials Handbook, Part 2, Pages 13-14, are guidelines for a uniform procedure; and

WHEREAS, a resolution can only be amended or repealed by a resolution; and

WHEREAS, a resolution which amends another resolution should state the entire section being amended; and

WHEREAS, an amending resolution should not merely state that a sentence is added or that a word is changed in a particular line of a sentence; and

WHEREAS, in such a case, the entire section should be stated with the sentence added and the word changed;

WHEREAS, having a uniform format will eliminate confusion for all concerned.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Town Council of the Town of Stevensville, that the Town does hereby establish a procedure for writing a Resolution, that Amends or Repeals a Resolution.

PASSED AND ADOPTED by the Town Council of the Town of Stevensville, Montana, this 14th day of March, 2019.

APPROVED:

ATTEST:

Brandon E. Dewey, Mayor

Audree Tribbensee, Town Clerk

1.14 Resolutions

A resolution is not law but usually sets policy. There are resolutions that set budgets, tax and special assessment levies, water and sewer rates and fees, personnel policies, rules for use of city/town property and for applying for grants. There are resolutions used as proclamations to honor people or organizations for outstanding service or accomplishments. Most resolutions are prepared by the clerk. Resolutions require one reading and become effective immediately upon passage or at the time specified in the resolution. A resolution should not contain more than one subject. The wording of the resolution is drawn up in the same fashion as an ordinance and should include the following:

- Number
- Preamble stating the reason for the resolution
- Clause or clauses that explain the need, list pertinent statutes, etc. Each clause begins with "WHEREAS,".
- A resolving clause which states "*Be it resolved by the City/Town Council (Commission) of the City/Town _____, Montana*"
- The body of the resolution
- A statement indicating the effective date of the resolution
- A sentence with the date of passage
- Mayor/presiding officer and clerk signature lines

A roll call is required for each vote on a resolution. The clerk must record the vote of each council as AYE, NAY, ABSTAIN, or ABSENT. After the resolution is adopted, the clerk should print the resolution on the paper used for the Resolution Book. The mayor and clerk will sign the resolution and the clerk will stamp the signature section with the city/town seal.

A resolution can only be amended or repealed by a resolution. A resolution which amends another resolution should state the entire section being amended. An amending resolution should not merely state that a sentence is added or that a word is changed in as particular line of a sentence. In such a case, the entire section should be stated with the sentence added and the word changed. Resolutions are permanent records and should NEVER be destroyed.

SAMPLE RESOLUTION

CITY/TOWN OF _____

RESOLUTION NO. 14 _____

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 210 ENTITLED "A RESOLUTION ESTABLISHING POLICIES IN REVIEWING AND GRANTING APPLICATIONS OF INDIVIDUALS OR GROUPS DESIRING TO UTILIZE CITY/TOWN- OWNED PROPERTY".

WHEREAS, the City/Town Council (Commission) has determined that it is in the best interest of the City/Town of _____ to require special events insurance coverage for events held in city/town parks,

NOW, THEREFORE BE IT RESOLVED BY THE CITY/TOWN COUNCIL (COMMISSION) OF THE CITY/TOWN OF _____, MONTANA THAT SECTION 1 OF RESOLUTION NO. 210 BE AMENDED AS FOLLOWS:

8) The User (Permitee) shall indemnify the CITY/TOWN and hold it harmless from and against all claims, damages, losses and expenses arising out of or resulting from the USER's (Permitee's) negligent acts or omissions.

The USER (Permitee) shall carry Special Events Insurance liability insurance in the amount of Seven Hundred and Fifty Thousand and No/100 Dollars (\$750,000) for each accident, and One Million Five Hundred Thousand and no/100 Dollars (\$1,500,000) aggregate MCA Section 2-9-108(1)(1997). Prior to USE, the USER (Permitee) shall provide the CITY/TOWN a Certificate of Insurance made out to the City/Town of _____ and naming the City/Town of _____, as an additional party insured.

PASSED AND APPROVED by the city/town council (commission) and approved by the Mayor/Presiding Officer this _____ day of _____, 20__.

, Mayor/Presiding Officer

Attest:

, City/Town Clerk

Various members of the staff, council and the mayor have indicated that it is required to implement a resolution in order to rescind or repeal a resolution.

It is agreed that an amendment to a resolution should be by resolution.

It is agreed that when one resolution is superseded by a council decision, for example wage and salary or budget resolutions the affected resolution should be repealed or amended by another resolution.

The question at hand is, "should a resolution need to be repealed or rescinded, is it required to be repealed or rescinded by another resolution?"

There does not appear to be a state statute or town ordinance that requires a resolution to be repealed or rescinded by another resolution. Discussion with other town/cities such as Hamilton and Michinook reveal that it can be accomplished in either manner. The town's attorney has also previously weighed in and elaborated that it may be accomplished using either method. Stevensville does not have a history of rescinding or repealing a resolution by another resolution. (No records of such in the town resolution book).

If a resolution is rescinded or repealed it would appear that the easiest way to annotate a rescinded or repealed resolution would be to place a clerk's note, annotated with date/time stamp and reference to the particular council meeting during which such resolution was rescinded or repealed.

Suggested motion: I move that a council decision to rescind or repeal a resolution may be made by simple council decision, with the requirement that a clerk's note be placed in the resolution book annotating the date/time and council meeting during which the resolution was repealed or rescinded.

RESOLUTION 447

**A RESOLUTION ADOPTING A POLICY REGARDING RECSINDING OR REPEALING RESOLUTIONS
FOR THE TOWN OF STEVENSVILLE**

WHEREAS, the Town of Stevensville, Montana states Town Policy by Resolution in accordance with § 2-93 SMC,

WHEREAS, the Town Council of the Town of Stevensville, Montana creates Policy and issues said policies via Town Resolutions,

WHEREAS, the Town Council of the Town of Stevensville, Montana has need on occasion to rescind or repeal existing resolutions,

WHEREAS, the Montana Coda Annotated and the Stevensville Municipal Code do not directly specify a method to rescind or repeal Council Resolutions,

NOW THEREFORE, BE IT RESOLVED, the Town council of Stevensville establishes a Policy to Rescind or Repeal Council Resolutions per Exhibit 1.

Passed and adopted by the Town council of the Town of Stevensville, Montana this ____ Day of _____, 2019.

Approved:

Attest:

Brandon Dewey, Mayor

Audree Tribensee, Town Clerk

Exhibit 1

Resolution Policy to Rescind or Repeal Town Council Resolutions

- 1) A resolution is a statement of town policy and may be adopted at a single meeting of the town council; provided however, that resolutions adopting or amending the town's budget and resolutions setting usage, license and permit fees shall be adopted only after notice given in accordance with MCA 7-1-4127 and a public hearing held thereon. Resolutions shall be approved by the mayor or the person acting in the mayor's stead and shall be numbered sequentially and filed by the town clerk in a resolution book to facilitate future access.
- 2) There are two methods of which a resolution may be Rescinded or Repealed.
 - a) Method 1 is to have the Resolution brought forward for consideration at a regularly scheduled or special council meeting.
 - i) The resolution may be rescinded or repealed simply by a council vote.
 - ii) The clerk will place a statement of the following substance regarding the Rescinding or repealing of the resolution.
 - iii) On date ____-____-____, at a regularly scheduled or special council meeting, Resolution ____ was rescinded/repealed by a majority vote of the council.

Signed _____ Town Clerk of the Town of Stevensville Date _____

- b) Method 2 is to draw up a resolution that specially rescinds a particular resolution.
 - i) The new resolution is to be added to the Council Agenda and a vote will be taken at a regularly scheduled or special council meeting. If the resolution is passed, it will be entered into the resolution book.
 - ii) The clerk will place a statement of the following substance regarding the Rescinding or repealing of the resolution by the new resolution. (Include the new resolution number in the statement.)
 - iii) On date ____-____-____, at a regularly scheduled or special council meeting, Resolution ____ was rescinded/repealed by a majority vote of the council by resolution ____.

Signed _____ Town Clerk of the Town of Stevensville Date _____



Stevensville Town Council Meeting

Agenda Item Request

To Be Submitted BEFORE Noon on the Wednesday before the Council Meeting

| | |
|---|--|
| Agenda Item Type: | New Business |
| Person Submitting the Agenda Item: | Brandon E. Dewey |
| Second Person Submitting the Agenda Item: | |
| Submitter Title: | Mayor |
| Submitter Phone: | |
| Submitter Email: | |
| Requested Council Meeting Date for Item: | 03/14/2019 |
| Agenda Topic: | Discussion/Decision to set a Committee of the Whole Meeting(s) |
| Backup Documents Attached? | No |
| If no, why not? | NA |
| Approved/Disapproved? | Approved |
| If Approved, Meeting Date for Consideration: | 03/14/2019 |
| Notes: | |



TOWN COUNCIL
Council Communication

Regular Meeting
March 14, 2019

Agenda Item: 10d, New Business
Discussion/Decision to set a Committee of the Whole Meeting(s)

Other Council Meetings
Exhibits A.

This agenda item provides Council with the ability to schedule Committee of the Whole meetings for as necessary to have more in-depth discussions regarding Council items.

Background:

At Council's January 24, 2019 and February 14, 2019 meetings, Council discussed the possibility of holding one or more Committee of the Whole (COW) meetings. Possible items that Council raised for discussion include, but are not necessarily limited to:

- Code of Conduct
• Special Event Permits
• Purchasing Policy
• Mayor Dewey's Employee Reorganization Plan
• Resolution 281a, Council/Attorney contact policy

Board/Commission Recommendation: [] Applicable - [x] Not Applicable

Alternative(s):

MOTION

I move to: schedule a Committee of the Whole Meeting(s) for _____(day)
at _____ (time) to discuss _____



Stevensville Town Council Meeting

Agenda Item Request

To Be Submitted BEFORE Noon on the Wednesday before the Council Meeting

| | |
|---|---|
| Agenda Item Type: | New Business |
| Person Submitting the Agenda Item: | Garrett Middleton |
| Second Person Submitting the Agenda Item: | |
| Submitter Title: | Citizen |
| Submitter Phone: | 406-381-0370 |
| Submitter Email: | |
| Requested Council Meeting Date for Item: | 03-14-19 |
| Agenda Topic: | Discussion/Decision regarding a Special Event Permit and Alcohol Use Request for the Highland Games |
| Backup Documents Attached? | Yes |
| If no, why not? | |
| Approved/Disapproved? | Approved |
| If Approved, Meeting Date for Consideration: | 03-14-19 |
| Notes: | |



**TOWN COUNCIL
Council Communication**

**Regular Meeting
March 14, 2019**

Agenda Item: 10e, New Business

Discussion/Decision regarding a Special Event Permit and Alcohol Use Request for the Highland Games

Other Council Meetings

Exhibits

A. Application Packet

This agenda item provides Council with the ability to approve the special event permit and alcohol use request for the Highland Games.

Background:

The Scottish American Athletic Association has submitted a Special Event Permit and Alcohol Use Request to host the Bitterroot Valley Highland Games on March 30, 2019. If approved, the event would be held in the Lewis and Clark Park from 8 am to 6 pm. Event organizers anticipate approximately 100-300 people will be in attendance for the event based on attendance records for past events; however, they do not anticipate more than 100 attendees at any given time.

The 4th Annual Bitterroot Valley Highland Games benefits the Montana Scottish American Athletic Association, VFW and Pantry Partners. This is a free event for the public to watch or participate for a small fee. The highland games consist of nine different Scottish throwing events that competitors compete in throughout the day. Kids 5-12 can practice the highland games from 1:00-1:30 pm with help from the adult competitors. Pantry Partners will be setting up a donation table for nonperishable items. Entry is free; however, event organizers are asking participants to bring a canned item to support the local community.

VFW Post 209 has submitted an Alcohol Use Request form. There will be an ID check point and wristbands will be required to purchase and consume the alcohol. TIPS trained staff will be responsible for the ID checks and issuing wristbands to verify age. TIPS or Training for Intervention Procedures, is a global leader in education and training for the responsible service, sale, and consumption of alcohol. Proven effective by third-party studies, TIPS is a skills-based training program that is designed to prevent intoxication, underage drinking, and drunk driving. Local law enforcement and TIPS staff will provide for the safety and security of event attendees and other citizens. A certified emergency medical technician will be onsite and a first aid kit will be available. One porta-potty will be placed next the Park's restroom. Overflow parking, if needed will be available at the Stevensville Senior Center.

Stevensville's Two Chicks Scratch Food Truck will be the food vendor this year. They will have breakfast and lunch items available to purchase as well as adult beverages. Sponsors help keep this free event.

Event organizers will provide trash cans and removal. A walk through will be conducted by Corvallis Cub Scout Pack 1976 on Sunday at 1:30 pm to clean up any trash left behind as part of their community service requirement.

The Fire Chief, Police Chief, Public Works Supervisor and Mayor have all reviewed and signed off on the application for the special event and alcohol use request. Insurance information has been provided and a copy of the liquor license will be provided.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): Do not approve the special event permit and alcohol use request.

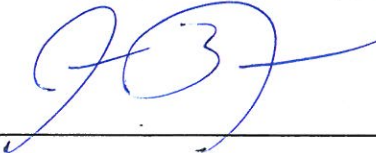
MOTION


I move to: approve a Special Event Permit and Alcohol Use Request for the Highland Games

TOWN OF STEVENSVILLE
DEPARTMENT REVIEW OF SPECIAL EVENT PERMIT

DEPARTMENT REVIEW: as applicable


POLICE: Approved Disapproved

Comments: 

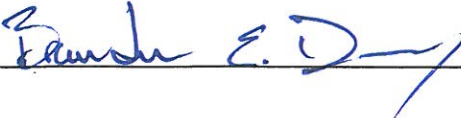
Public Works: Streets/ Parks: Approved Disapproved 

Comments:

Fire: Approved Disapproved

Comments: 

Mayor: Approved Disapproved

Comments: 

TOWN OF STEVENSVILLE
APPLICATION FOR SPECIAL EVENT PERMIT

APPLICATION DATE: 2/7/19 (Must be at least 30 days prior to event)

NAME OF GROUP OR ORGANIZATION: Scottish American Athletic Assoc.

CONTACT PERSON: Garrett Middleton TELEPHONE: 406-381-0370

ACTIVITY: Highland Games

LOCATION REQUESTING: Lewis and Clark Park

DATE: 3/30/19 STARTING TIME: 8AM ENDING TIME: 6pm

ESTIMATED NUMBER OF PEOPLE ATTENDING: 100

ALCOHOL USE? YES NO

If yes please attach Alcohol use request form

Will bring by next meeting

IS OVERNIGHT CAMPING REQUESTED? YES NO

DO YOU HAVE INSURANCE? YES NO

If yes please attach declaration page as proof of insurance for \$1.5 million as pursuant to Montana Statute M.C.A. 2-9-108.

WILL SECURITY BE REQUIRED? YES NO

IF YES, PLANS FOR SECURITY: _____

PLANS FOR CLEAN UP: We provide trash cans & walk through on Sun.

FEE: \$ _____

This application will be considered at the first Town Council Meeting after its receipt, and the contact person will be notified of the Council's decision the following day.

** A representative must attend the council meeting.

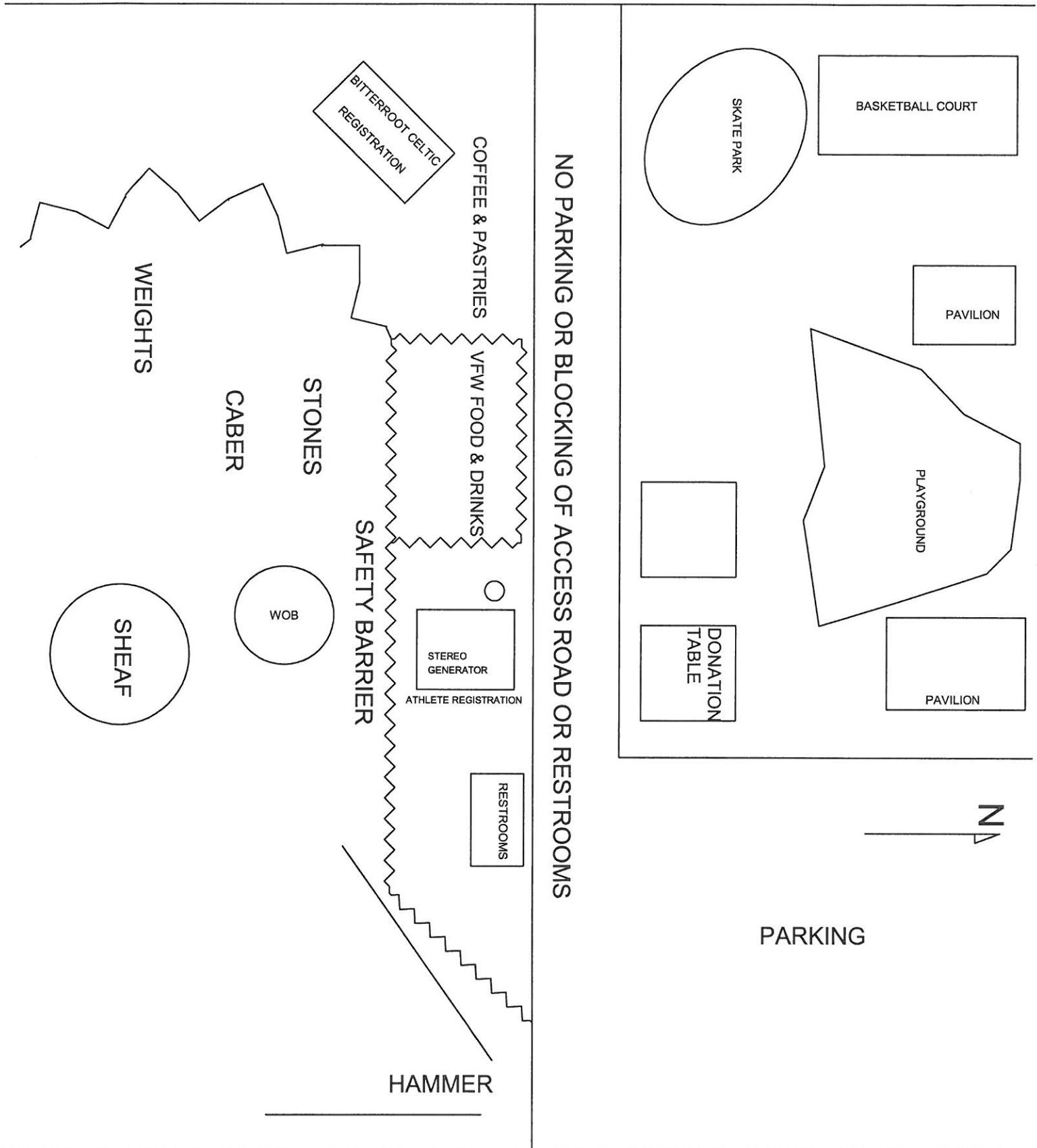


Event General Liability Insurance
Proposal & Application

Payment Outstanding: [Click here to make payment](#)

| |
|---|
| PROPOSAL NUMBER 1441096 |
| PREPARED ON 02/08/2019 |
| PRICING VALID UNTIL 02/15/2019 (7 days) |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------|-------------------------------|-------------|---|----------|-------------------|-------------|------------------|---------|------------------|---------------|-----------------------|--------------|-----------------------|----------|------------------------|--------------|------------|---------|--|-----------------------|--|---------|----------|---------------|--------|-----|--------|------------|---------|---------------------------------------|--------|--------------------------------|-----------------|
| <p>PREPARED FOR Scottish American Athletic Association Garrett Middleton 353 Sweathouse Creek Road, Victor, MT 59875 Phone: 4063810370 Email: middletonfabrication@gmail.com</p> | <p>LICENSED AGENT (ALL 50 STATES) East Main Street Insurance Services, Inc. Will Maddux PO Box 1298 Grass Valley, CA 95945</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>PROPOSAL CREATED BY www.TheEventHelper.com Inc. Direct Sale 1020 McCourtney Rd. Suite B, Grass Valley, CA 95949 Phone: (530) 477-6521 Email: info@eventhelper.com</p> | <p>INSURED BY Lloyds Syndicate 2623 NAIC: AA-1128623 82% Lloyds Syndicate 623 NAIC: AA-1126623 18% Rating: A.M. BEST A(Excellent) XV</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>COVERAGE LIMITS</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Each Occurrence (Includes Bodily Injury and Property Damage)</td> <td style="text-align: right;">\$2,000,000</td> </tr> <tr> <td>Personal & Advertising Injury</td> <td style="text-align: right;">\$2,000,000</td> </tr> <tr> <td>Products / Completed Operations Aggregate</td> <td style="text-align: right;">INCLUDED</td> </tr> <tr> <td>General Aggregate</td> <td style="text-align: right;">\$2,000,000</td> </tr> <tr> <td>Medical Payments</td> <td style="text-align: right;">\$5,000</td> </tr> <tr> <td>Liquor Liability</td> <td style="text-align: right;">Host Included</td> </tr> <tr> <td>Waiver of Subrogation</td> <td style="text-align: right;">Not Included</td> </tr> <tr> <td>Additional Insured(s)</td> <td style="text-align: right;">Included</td> </tr> <tr> <td>Hired & Non-Owned Auto</td> <td style="text-align: right;">Not Included</td> </tr> <tr> <td>Deductible</td> <td style="text-align: right;">\$1,000</td> </tr> </table> | Each Occurrence (Includes Bodily Injury and Property Damage) | \$2,000,000 | Personal & Advertising Injury | \$2,000,000 | Products / Completed Operations Aggregate | INCLUDED | General Aggregate | \$2,000,000 | Medical Payments | \$5,000 | Liquor Liability | Host Included | Waiver of Subrogation | Not Included | Additional Insured(s) | Included | Hired & Non-Owned Auto | Not Included | Deductible | \$1,000 | <p>POLICY COVERAGE INTENT This is just an brief overview, see policy for exact coverage. Property Damage Coverage for your rented Event Locations. Bodily Injury Coverage for your Event Attendees. Protection from Property Damage & Bodily Injury Lawsuits.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">COST BREAKDOWN</td> </tr> <tr> <td>Premium</td> <td style="text-align: right;">\$186.30</td> </tr> <tr> <td>Stamping Fees</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Tax</td> <td style="text-align: right;">\$5.13</td> </tr> <tr> <td>Policy Fee</td> <td style="text-align: right;">\$64.88</td> </tr> <tr> <td>Risk Purchasing Group Membership Cost</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Outstanding Policy Cost</td> <td style="text-align: right;">\$256.31</td> </tr> </table> | COST BREAKDOWN | | Premium | \$186.30 | Stamping Fees | \$0.00 | Tax | \$5.13 | Policy Fee | \$64.88 | Risk Purchasing Group Membership Cost | \$0.00 | Outstanding Policy Cost | \$256.31 |
| Each Occurrence (Includes Bodily Injury and Property Damage) | \$2,000,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Personal & Advertising Injury | \$2,000,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Products / Completed Operations Aggregate | INCLUDED | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| General Aggregate | \$2,000,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Medical Payments | \$5,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Liquor Liability | Host Included | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Waiver of Subrogation | Not Included | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Additional Insured(s) | Included | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hired & Non-Owned Auto | Not Included | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deductible | \$1,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| COST BREAKDOWN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Premium | \$186.30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Risk Purchasing Group Membership Cost | \$0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Outstanding Policy Cost | \$256.31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>EVENT DETAILS Where is your event? MT Total days of coverage you need? 1 Estimated total attendance? 100 Festival & Cultural Event - Outdoor</p> | <p>UNDERWRITING QUESTIONS See Underwriting Document</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>COVERAGE TERM Dates of Coverage: 03/30/2019</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>ADDITIONAL INSUREDS (SHOWING 1 OF 1) Town of Stevensville Scottish American Athletic Association Garrett Middleton West 2nd Street Stevensville, MT 59870</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



**ATHLETIC COMPETITORS
ENTRY FORM:
BITTERROOT VALLEY HIGHLAND
GAMES – STEVENSVILLE, MT**

Classes: Circle

Men's A, B, C, Novice, Lightweight,
Men's Masters: 40+ 50+ 60+ 70+
Women's A, B, C, Novice, Lightweight,
Women's Masters: 40+ 50+ 60+ 70+
Kids 10-11 9-10 7-8 5-6

Saturday, March 30, 2019

Name: _____

Class: _____ Birth date: _____

Address: _____

City: _____ State: _____

Zip _____

Telephone: _____

Email: _____

I have read the rules and regulations as set forth on this Entry Form. By my signature, I hereby guarantee that I shall indemnify, defend, and hold harmless the Scottish American Athletic Association, Town of Stevensville, Lewis & Clark Park, and any of its employees or agents from any & all liability, expenses, costs (including attorney fees), damages and/or losses arising out of injuries or death to any person or persons or damage to any property of any kind in connection with the Highland Game Event. The undersigned further agrees to abide by the non-discrimination clauses contained in the Montana Human Rights Act and the Governmental Code of Fair Practices.

IN ADDITION: Any athlete who displays poor sportsmanship or engages in inappropriate behavior during or after competition may, at the judge's or the host discretion, can be expelled from the games and forfeit any refund of fees. Depending on severity of behavior, the athlete may also be suspended from future Montana Games.

SIGNATURE: (competitor)

SIGNATURE: (parent or guardian)

Please make Checks payable to:
Scottish American Athletic Association (SAAA)

ATHLETIC RULES AND NOTES:

1. Competitors are encouraged to wear a kilt during the competition.
2. Competitors must be 18 years of age or older, unless a parent or guardian is present.
3. Competitors must have signed this registration form to compete in the games.
4. Decisions of the Judges and Athletic Director are final.
5. The organizers of the Highland Game reserve the right to change, combine, or eliminate scheduled events.
6. By my signature on the entry form I release my rights to any photographs or facsimiles taken of me during my participation in the Heavy Events Competition at these games and grant the organizers of the games the right to use, reproduce and publish the photographs of facsimiles at their discretion.
7. The competition is expected to include nine events of Scottish Highland athletics; however, the scheduling of final competition events is at the discretion of the Athletic Director and Judges.
8. Do not use profanity on the athletic field.
9. HAVE FUN!
10. SAAA Highland Game rules and regulations will be followed.
11. I recognize that any activity may involve certain dangers, including but not limited to the hazards of the forces of nature, and the actions of other participants and other persons unaffiliated with the Highland Games. I understand that these hazards produce a risk of physical harm or death, as well as a risk of loss or damage to my personal property. I further understand and agree that these games would not be able to sponsor such Events without some form of agreement providing protection for its officers, directors, staff and volunteer workers.
12. By competing in the games, athletes agree to help mark throws, shag weights, set up, and take down equipment.

ADDITIONAL INFORMATION:

Direct registration questions:
Garrett Middleton 406-381-0370

Adult Highland Game Competition: \$30

| | |
|--------------|------|
| Set up | 8am |
| Registration | 9am |
| Games begin | 10am |

Kids Practice: FREE!

| | |
|--------------|--------------|
| Registration | 12pm |
| Practice | 1pm – 1:30pm |

FREE TO THE PUBLIC! LEWIS & CLARK PARK STEVENSVILLE, MT

10AM – 6PM

MARCH 30, 2019 BITTERROOT VALLEY HIGHLAND GAMES

- 9:00AM HIGHLAND GAME REGISTRATION
- 10:00AM HIGHLAND GAMES BEGIN
NINE EVENTS MEN & WOMEN
- 10:00AM FOOD & DRINK AVAILABLE
- 12:30PM KIDS HIGHLAND GAME REGISTRATION
- 1:00PM KIDS HIGHLAND GAME PRACTICE (Free)
- 1:30PM GAMES RESUME
- 4:00PM CABER TOSS (LAST EVENT)
- 5:30PM AWARDS



HAMILTON PACKING
INC.

JB
Concrete

3Z
32 Enterprises



Donaldson
Eras.

VICTOR LIQUOR



**MIDDLETON
FABRICATION**

4th Annual Event

Local food and
beverage vendors!

Event benefits the
MONTANA SAAA,
VFW, &
Pantry Partners

CELTIC
INFORMATIONAL &
EDUCATIONAL TENT

FAMILY EVENT
BEAR MOUNTAIN
PLAYGROUND &
SKATE PARK

Lewis & Clark Park
West 2nd St. Stevensville, MT

To compete in the
Highland games:

\$30 Registration Fee
\$20 1st Time Competitor Fee
Register online:
saaa-national.org

By phone:

406-381-0370

On Facebook:

[bitterroothighlandgames](https://www.facebook.com/bitterroothighlandgames)

TOWN OF STEVENSVILLE
ALCOHOL USE REQUEST FORM

Applicant Name Miles B. Wetzel Phone Number 406-381-8544

Group/Organization Name VFW Post 209

Describe Intended Alcohol Use (type, amount, commercial or private, etc.) _____

Highland Games in Stevensville, MT
Beer.

Has an Application to Use/Sell Alcohol been approved by the Montana Department of Revenue? Yes _____ No. If yes, please provide a copy.

Describe the Plan to: 1. Contain the alcohol use to a restricted area. _____

I.D. Check, Wristbands for purchase and
consumption

Describe the Plan to: 2. Prevent the sale or use of alcohol by minors. _____

Tips trained vendor, I.D. check, wristbands
for those over 21.

Describe the Plan to: 3. Provide for the safety and security of event attendants and other citizens. _____

Local law enforcement, Tips trained
vendor.

Approved _____ Date _____ Denied _____ Date _____

Required Deposit: _____

Bitterroot Valley Highland Games Accommodations

Scottish American Athletic Association (SAAA)

2/21/19

To Whom It May Concern:

Date: 3/30/19

Parking: Once the Lewis & Clark parking lot is full, overflow parking will be available at the Stevensville Senior Center

Restrooms: One porta potty will be rented and be placed next to the parks restroom.

Garbage & Disposal: SAAA event organizers will provide trashcans and removal on Saturday. A walk through will be conducted by Corvallis Cub Scout Pack 1976 on Sunday at 1:30pm to clean up any trash left behind as part of their community service requirement.

Food Vendor: A food truck vendor would provide food and non-alcoholic beverages.

Access Road: We will need the gate open by 8:00am to allow event set up. The access road will not be blocked during set up or the event.

Emergency: A certified EMT and first aid kit will be present and available.

Local law enforcement will be present.

Community: The event is free to the public.

Pantry Partners of Stevensville will set up a donation table for nonperishable items.

Attendance: Approximately 100-300 people have attended this event in the past.

On average, 100 people are present throughout the day at any given time.