



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

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Approval of Minutes
 - [a.](#) January 10, 2019 Council Meeting Minutes
 - [b.](#) January 24, 2019 Council Meeting Minutes
4. Approval of Bi-Weekly Claims
5. Administrative Reports
 - [a.](#) Finance Report
 - [b.](#) Public Works Report
 - [c.](#) Airport Report
6. Guests
7. Correspondence
 - [a.](#) Clarification from Town Clerk, Audree Tribbensee dated January 28, 2019
8. Public Comments
9. Unfinished Business
 - [a.](#) Discussion/Decision to rescind Resolution 11, to abolish the Park Board
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
 - [b.](#) Discussion/decision to update Ordinance #156 for Special Event Permits
 - [c.](#) Discussion/Decision to rescind Resolution 363
 - [d.](#) Discussion/Decision to Rescind Resolution 281a
 - [e.](#) Discussion/Decision on updating the Town of Stevensville Purchasing Policy
 - [f.](#) Discussion/Decision Council Reconsideration of the approval of the Mayor's Employee Reorganization plan
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.

Stevensville Town Council Meeting
Thursday, January 10, 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.**

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

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

2. **The Council and all present rose, faced the flag and recited the Pledge of Allegiance**

3. **Approval of Town Council Meeting Minutes:**

November 29, 2018

December 6, 2018

December 10, 2018

Councilmember Holcomb moved to approve the Town Council November 29, 2018 and December 6, 2018 and December 10, 2018. Seconded by Councilmember Michalson. The vote was called and all voted “aye”. Motion passes 4-0.

4. **Approval of Bi-Weekly Claims**

Councilmember Holcomb moved that we approve the bi-weekly claims. Councilmember Barker 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 Officer

- Report presented by Finance Officer, April VanTassel

b. Police

- Report presented by Police Chief James Marble

c. Public Works

- Report presented by Public Works Supervisor George Thomas

6. **Guests**

Tim Peterson, Bitterroot Task Force on Homelessness and Housing presented an overview of his organization and related statistics.

7. **Correspondence**

Mayor Dewey read thank you letters from the following recipients of funding for the Grants to Others program:

- Pantry Partners Food Bank
- Historic St. Mary's Mission, Inc.
- Clothes Closet
- Stevensville Playhouse

8. Public Comments

Carolyn Mickens, 211 Buck, resolution 436, spoke in regards to her petition to vacate the alleyway. Ms. Mickens commented that when she wrote out the petition, it stated "to vacate the alleyway", which is the two hundred block of Buck, right across the street. Ms. Mickens stated that she did not have the knowledge that she was supposed to vacate the alley with an easement. When it came to the October 22nd meeting, they had a public hearing, that she was late due to a family emergency. She was never given a hard copy of the resolution so that she would know the steps, 1, 2, 3 and 4. There were not any hard copies back there. When it came time to vote the resolution says that they are voting on, the Councilmembers, vacating the alley and so when the Councilmembers voted, they may have been under the understanding that they were voting about vacating the alley and Mr. West the lawyer said, when you vote, make sure that you vote and that there are utility easements because that is important. Ms. Mickens commented that she feels that they misunderstood what they were voting on. Ms. Mickens also stated that she thought that she had done the petition wrong, so she re-wrote the petition and it stated "to vacate the alley, leaving utility easements." Out of the 15 lots, she has 100% of the signatures. She visited with the Mayor about getting it on the agenda, and again, she was turned down because the Council had already voted on it and it would be wasting their time, obviously if you revote something that you already voted on.

Ms. Mickens commented that she was also told to bring it to her Board members which are, Mrs. Holcomb and Mrs. Barker, which she did. They stated that they felt it would be well worth her time to have them put it on the agenda. We worked together, and wrote it out to decide, discussion and revote this issue. Both Mrs. Holcomb and Mrs. Barker signed off on this request to have it done. Ms. Mickens stated that she was under the understanding that if two Councilmembers sign off on a request for something to be put on an agenda, that the Mayor would put it through. Guess what, Ms. Mickens is greatly disappointed in Mr. Dewey because he denied her request. Ms. Mickens asked at this time, 1 – what can she do to get it back on an agenda and get it settled and, 2 – why was their request denied.

Mayor Dewey responded that public comment period is not an opportunity for dialogue. Mayor Dewey offered to discuss the issue with Ms. Mickens after the meeting. Ms. Mickens responded that she will make an appointment so we can do that.

9. Unfinished Business

- a. **Standing Agenda Item: Discussion/decision regarding the Response and Recommendation Report regarding complaint filed by Town Clerk Audree Tribbensee**

Mayor Dewey provided a status update on the item.

- b. **Discussion/decision regarding an interlocal agreement between the Town of Stevensville Fire Department and the Stevensville Rural Fire District**

Mayor Dewey provided an update on the interlocal agreement, including new documents submitted by the Rural Fire District and indicated that this item will be considered at a later date once the Mayor and Fire Chief have an opportunity to review them.

10. New Business

- a. **Discussion on Resolution #444, a Resolution of the Town of Stevensville, Town Council Establishing Code of Conduct for Elected and Appointed Officials**

Councilmember Jerry Phillips presented an overview of the item.

Council expressed concern about the committee who reviewed and provided comments on the draft document and concern with some of the provisions included such as limiting contact with staff and the Town's Attorney.

Mayor Dewey provided a response to the concerns about the committee.

Council shared some of their individual research on a code of conduct and questioned the need for such a document if Montana State code already provides provisions for code of conduct.

Council agreed that the draft document should be brought forward in a Committee of the Whole meeting.

Mayor Dewey indicated that he will work with the Clerk to find a date that will work to schedule the Committee of the Whole meeting.

b. Discussion/decision to establish a three-member Ethic Panel to review complaints of alleged violations of Public Trust – Public Duty as authorized by §2-2-144 (5) MCA (Michalson/Barker)

Councilmember Michalson indicated that this item was the result of the Mayor's recommendation to form an ethics committee.

Mayor Dewey responded that no he did not have a recommendation to form an ethics committee.

Councilmember Michalson commented that yes it was and explained that he was concerned about finding people to serve on the panel. Mr. Michalson asked four people and he has one, maybe. Mr. Michalson indicated that he is all for it, but getting people on board to be part of the committee will be real hard.

Mayor Dewey explained that State law provides a very narrow scope of issues that can be considered by an Ethic Panel. Mayor Dewey doesn't know if this Panel is authorized to consider things included in the Town's Code of Conduct.

Brian West, Town Attorney added that the only complaints that an Ethics Panel can consider are those listed in the code, section 2-2-144. This Panel could not take up any items that may be included in the Code of Conduct.

No action taken.

c. Discussion/decision to approve an engagement letter between the Town of Stevensville and Ross Miller, Water Rights Attorney

Ross Miller provided an overview of the scope of services and engagement letter.

Councilmember Holcomb moved that we approve of the engagement letter between the Town of Stevensville and Ross Miller, water rights attorney. Councilmember Barker seconded the motion.

Council asked a few questions of Mr. Miller.

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

d. Discussion/decision to consent to the Mayor's Town Employee Reorganization Plan

Mayor Dewey introduced the item.

Councilmember Barker expressed concerns regarding the Town Clerk/Court Clerk; the building official is not in the Clerk's job. Councilmember Barker feels that it's not the Clerk's job to do that. There was also concern expressed about changing the Utility Billing Clerk and General Services Clerk to a Deputy Clerk. There is concern that the Clerks are not bonded as Council has not seen any certificates. This is something that the Council needs to be aware of.

Councilmember Barker commented that the General Services Clerk was brought in as a 20-hour part-time position, we put that workload on them for more hours, where are we getting these funds? Councilmember Barker indicated that they looked at the moving of the wages and proposed savings, but it appears that you are just moving one thing to another and we are not really saving. The Municipal Handbook states that the Clerk is designated as a Clerk and Councilmember Barker stated that she doesn't know why we are trying to change these things when we have laws to follow.

Mayor Dewey explained the reasons behind the proposed reorganization plan, existing issues and how the plan addresses those issues.

Finance Officer, April Van Tassel provided an overview of the financial component of the proposed reorganization plan.

Police Chief Marble provided his support for the proposed plan and the possibility of hiring an additional officer this budget year.

Councilmember Michalson asked if the Mayor is seeking a raise too.

Mayor Dewey indicated that this plan would allow the Mayor to focus on broader initiatives and not supervise the staff.

Councilmember Barker commented that the Clerk should not be the building official and zoning as the Town has people who would be willing, if the Town put it out there again. Councilmember Barker commented that she was concerned that there is a big workload on the Clerk who doesn't need any more added to it. If the Council is taking the Court Clerk away from her, she needs to concentrate on the job that she has as Clerk and helping out with the financials and whatever else is up front. This is not her job.

Mayor Dewey asked to clarify if Councilmember Barker is suggesting making the Town Clerk full-time so that all of her work is Town Clerk work, no other work and keeping a building official on board.

Councilmember Barker stated that building and zoning needs to be someone else, it's not her job. Same thing as the General Services Clerk, as a Deputy Clerk.

Mayor Dewey responded, that is just a title, she functions as a Deputy Clerk.

Councilmember Barker commented that you can't change her title because that is the way we drew it up and this is the way it was and how it is stated in the job description. She is not a Deputy Clerk.

Mayor Dewey clarified that he is asking to change the job description.

Councilmember Barker responded, no, as she thinks it needs to stay as the General Services Clerk, she doesn't need to be in that position.

Mayor Dewey responded that she functions as a Deputy Clerk and she is doing the job, why wouldn't we call her that.

Councilmember Barker asked is she bonded? Why is she collecting funds if she is not bonded?

Mayor Dewey answered that she is bonded and further responded that he was bonded as the General Services Clerk.

Councilmember Michalson asked who fills in when April is gone, is it part of the Clerk's duties.

Mayor Dewey responded no, when she is gone for any period of time, she puts in processes, such as payroll so that they are scheduled in advance. Denise has some training in that area and the Mayor is also able to perform those functions.

Chief Marble asked Councilmember Barker if her concern was whether or not she is qualified to serve in that capacity.

Councilmember Barker responded, correct.

Chief Marble asked if the Town Clerk could provide a better understanding of her qualifications.

Town Clerk Tribbensee explained her years of municipal experience and qualifications including building safety and zoning and provided an overview of the current workload and deadline issues related to performing Town Clerk and Court Clerk job functions.

Councilmember Holcomb asked Town Attorney Brian West his opinion on whether the Town can or cannot assign those duties without having her fill out an application, because this was open to the public.

Town Attorney, Brian West responded you can reallocate your job positions if it doesn't affect a pre-existing position.

Councilmember Holcomb asked if the work load is currently heavy, how will it be different being the Town Clerk and the Building Official and Zoning?

Town Clerk Tribbensee responded that it will be significantly different because taking out the weekly court responsibilities, which are significant. As an example, this week Tuesday, Wednesday and until 2:00 pm Thursday, all focus was on court matters, leaving little time to get ready for tonight's meeting. If that 16 hours on average dedicated to the court, removed, because those items are time sensitive. I have to get the warrants, I have to get the attorneys whatever documents took place, I have to prepare for the court all documents, before court and after the hearings. That would significantly free up time to do the zoning and building official functions which takes a lot less time, time sensitive time, allowing more time to manage time.

Councilmember Barker asked when you are saying bring in a court clerk, which would be part time, when you say you are going to be saying significantly, how significantly are you talking? What would that starting wage be?

Mayor Dewey responded \$13 per hour, or \$5 an hour decrease. The court clerk would come forward with a wage adoption and the job description.

Councilmember Barker commented that she doesn't want to see the Town Clerk take on more work, when she already has a big workload and then you are taking something out that is 16 hours. Who is to say that this couldn't, they have 20 something homes that they are proposing, there is another piece of property bringing in some homes. There is different things she is looking at as a future, and doesn't want the Clerk to be overloaded where you are already work, overloaded.

Town Clerk Tribbensee thanked Councilmember Barker, this proposal really reduces the stress and the amount of work load because the amount associated with supervising as a Building Official, interpreting building codes is significantly less. Being the zoning administrator removes the conflict associated with the Mayor and the Board of Adjustment. Those are my areas of expertise. I can read codes left and right, backwards and forward, I know how to do that, so there won't be a learning code and it won't be time intensive, I am not preparing documents for court, warrants, or whatever other documents. The building official is a higher level.

Councilmember Barker asked if that takes the Mayor out of the zoning administrator role.

Mayor Dewey responded yes, which would be appreciated. It is something the Mayor has to spend time on that is more technical, and he would rather his time be spent at a higher level. The other issue is if he makes a determination as the zoning administrator and someone appeals that determination, that comes to the Board of Adjustment. As the Mayor, he has a vote on that Board, it's a conflict.

Councilmember Michalson stated that it is a conflict of interest.

Mayor Dewey indicated that MLCT that general counsel, Kelly Lynch said that is not a good practice to do that. Because its appealing a decision to the same person who made that decision and that is not fair.

Chief Marble commented that we need to evolve, be proactive to address issues and move forward with this proposal. We are where we are at because we haven't planned for the future.

Councilmember Barker responded that is something that she spoke with James about a couple of weeks ago about how we want all these things right now, we need to take it step by step. The toys are nice to have, a fire truck needs to be replaced in three years, we set a little aside but we aren't looking at the bigger picture. This is where we are getting ourselves in trouble. When we do have these issues that come aboard, reconfiguring wages, when it is here, we have crunched the numbers but we weren't really planning for it. We need to start looking more ahead.

Chief Marble stated that we are going to experience growing pains as we evolve, but we need to change things as it makes sense. This proposal, if it makes sense to you, we should move forward. If there are things that don't make sense, or weren't explained well, then ask for clarification. We need to move forward with this thing.

Council expressed concern about having enough manpower to perform public works functions.

Councilmember Holcomb commented that we have already discussed this at length before making a motion.

Mayor Dewey responded that it is okay to discuss an item before making a motion. Hopefully now you know what motion to make after the discussion.

Councilmember Holcomb moved to consent to the Mayor's Employee Reorganization Plan. Councilmember Phillips seconded the motion.

Penny Howe, expressed concerned about filing a position based on internal staff qualifications and asked what if she gets hit by a bus. Does not think you should set positions based on current qualifications. Court

Jeff Motley asked about finances down the road and the financial sustainability of the plan.

Mayor Dewey explained the financial expectations and future projections, including available building funds. Mayor Dewey concluded that he believes that this is a sustainable plan.

Council asked for a Police Department inventory list.

The vote was called and Councilmembers Phillips, Michalson and Holcomb voted “aye”. Councilmember Barker voted “nay”. Motion passes 3-1.

e. Discussion/decision to consent to Mayor’s appointment of Don Lorenzen to the Town of Stevensville Airport Board

Mayor Dewey introduced the item.

Councilmember Holcomb moved to consent to the Mayor’s appointment of Don Lorenzen to the Town of Stevensville Airport Board. Councilmember Barker seconded the motion. The vote was called and all voted “aye”. Motion passes 4-0.

f. Discussion/decision to appoint a Councilmember to serve on the Airport Board in accordance with Stevensville Municipal Code §3-33

Town Clerk Tribbensee introduced the item.

Councilmember Holcomb moved to appoint Councilmember Michalson to serve on the Airport Board in accordance with Stevensville Municipal Code §3-33. Councilmember Phillips seconded the motion. The vote was called and Councilmembers Holcomb, Barker and Phillips voted “aye”. Councilmember Michalson abstained. Motion passes 3-0.

g. Discussion/decision to appoint a Councilmember to serve on the TIFID/TEDD Board in accordance with Stevensville Municipal Code §2-330

Town Clerk Tribbensee introduced the item.

Councilmember Barker moved to appoint Councilmember Holcomb to serve on the TIFID/TEDD Board in accordance with Stevensville Municipal Code §2-330. Councilmember Michalson seconded the motion. The vote was called and Councilmembers Michalson, Phillips, and Barker voted “aye”. Councilmember Holcomb abstained. Motion passes 3-0

h. Discussion/decision regarding the Mayor’s appointment of a Councilmember to serve on the Park Board

Mayor Dewey introduced the item.

Councilmember Michalson moved to appoint Councilmember Barker to serve on the Park Board. Councilmember Phillips seconded the motion. The vote was called and Councilmembers Michalson, Holcomb and Phillips voted “aye”. Councilmember Barker abstained. Motion passes 3-0.

- i. Discussion/decision consent to the Mayor’s appointment of Loey Knapp to the Town of Stevensville Park Board**

Mayor Dewey introduced the item.

Councilmember Barker moved to consent the Mayor’s appointment of Loey Knapp to the Town of Stevensville Park Board. Councilmember Michalson seconded the motion.

Council expressed concern about the Board, lack of meetings, participation of members and the need to have a better understanding of the roles and responsibilities of the Board.

Vicki Motley, 318 9th Street and Park Board member commented that she believes it would help to have guidance from the Council regarding the Park Board because right now it very frustrating because we do not have any direction.

The vote was called and Councilmembers Phillips, Barker and Michalson voted “aye”. Councilmember Holcomb voted “nay”. Motion passes 3-1.

- j. Discussion/decision to Nominate and Elect a Council President for 2019**

Mayor Dewey introduced the item.

Councilmember Holcomb moved to nominate Councilmember Michalson to serve as the Council’s 2019 Council President. Councilmember Phillips seconded the motion.

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

Councilmember Holcomb moved to elect Councilmember Michalson to serve as the Council’s 2019 Council President. Councilmember Barker seconded the motion. The vote was called and Councilmembers Phillips, Barker and Holcomb voted “aye”. Councilmember Michalson abstained. Motion passes 3-0.

- k. Discussion/decision regarding a lease agreement between the Town of Stevensville Fire Department and the Stevensville Rural Fire District**

Mayor Dewey explained that a new document has been submitted by the Rural Fire District after the distribution of Council's packet and as a result, this item will be placed on a future meeting agenda.

DISCUSSION REGARDING COUNCIL APPOINTMEN TO THE PLANNING AND ZONING BOARD, ITEM NOT ON AGENDA:

Councilmember Holcomb asked if we forgot the appoint someone to the Planning and Zoning Board?

Mayor Dewey responded that no one was due.

Councilmember Phillips responded that he was appointed.

Mayor Dewey responded that their term coincides with their term on Council. So Councilmember Phillips can be on that Board as long as he is a Councilmember.

Councilmember Michalson stated that he also serves on that Board.

Councilmember Michalson stated that he called MMIA it can be done but it should not be done because you have two Councilmembers sitting on the planning and zoning board and that could act as a vote of favoritism when it comes to a vote because we are both voting members.

Mayor Dewey responded that when Mr. Phillips was appointed to the Council representative seat on the Board, we failed to reappoint you to another seat. So, as the roster stands now, Mr. Michalson does not serve on the planning and zoning board, so we are okay, there are not two members on the Board. Since Mr. Phillips took your seat, your seat was vacated, we didn't reappoint you to another seat on the Board. This came to our attention when we reviewed the rosters. When we appointed him to your seat on the Board...

Councilmember Michalson asked who appointed?

Mayor Dewey responded, the Council.

Councilmember Michalson stated, no we never.

Mayor Dewey responded, yes you did.

Councilmember Barker stated no, he was still to sit on that Board and the Airport Board at the time.

Mayor Dewey responded if you review past minutes and agendas, Council consented to the appointment of Jerry Phillips to the Planning and Zoning Board as the Council representative. Mr. Phillips was appointed to the Council representative seat on that Board and by doing so, you vacated, or you removed Mr. Michalson from the Board because his seat was refilled by Mr. Phillips.

Councilmember Phillips stated at that time we had a discussion, due to the number of people on the Board it was decided that we keep Mr. Michalson on that Board as well.

Mayor Dewey responded that we talked about that, but we didn't take formal action to reappoint him to the Board in another seat. There needed to be an agenda item and a motion appointing Bob Michalson to a seat on the Planning and Zoning Board and that never happened.

Councilmember Michalson commented that it would be wise maybe two because we are having a hard time coming up with a quorum. Meghan hardly makes it.

Mayor Dewey responded that is a conversation we can have down the road, its not something that is on tonight's agenda.

I. Discussion/decision to approve a new land lease for Lot #1, Block #6 of the Stevensville Airport

Mayor Dewey introduce the item.

Councilmember Holcomb moved to approve a new land lease for Airport Lot #1, Block #6 at the Stevensville Airport. Councilmember Barker seconded the motion. The vote was called and all voted “aye”. Motion passes 4-0.

m. Discussion/decision to consent to Mayor’s appointment of Dustin Wood to the Town of Stevensville Airport Board

Mayor Dewey introduced the item.

Councilmember Holcomb moved to consent to the Mayor’s appointment of Dustin Wood to the Town of Stevensville Airport Board. Councilmember Phillips seconded the motion. The vote was called and all voted “aye”. Motion passes 4-0.

11. Executive Report

- Update on the installation of the surveillance cameras – delayed on the part of Moore Technology
- Snow removal code compliance update, a few commercial properties are not clearing their sidewalks

12. Town Council Comments

None

13. Board Report

14. Adjournment

Councilmember Holcomb moved to adjourn the meeting. Councilmember Barker seconded and all voted “aye”. Motion carried 4-0.

The meeting was adjourned at approximately 9:25 p.m.

APPROVE:

ATTEST:

Brandon Dewey, Mayor

Audree Tribbensee, Town Clerk

Stevensville Town Council Meeting
Thursday, January 24, 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.**

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

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

2. **The Council and all present rose, faced the flag and recited the Pledge of Allegiance**

3. **Approval of Minutes:** None

4. **Approval of Bi-Weekly Claims**
Councilmember Holcomb moved to approve Claims (#14933 – 14958).
Councilmember Michalson seconded the motion. Council asked questions about the claims.

Fire Chief Motley asked questions about reviewing the claims in advance of the meeting.

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

5. **Administrative Reports**

- a. **Fire**

Fire Chief Jeff Motley presented the Fire Report
Council asked questions about fire engine numbering

- b. **Building**

- c. **Airport**

6. **Guests**

None

7. **Correspondence**

- Mayor Dewey read a letter to the Mayor and Council from Sheryl Olson, 304 10th Street
- Mayor Dewey read a letter to Mayor and Council from:
Dr. Amy Berglund, Owner Active Care Family Chiropractic
Renee Christensen, Office Manager, Active Care Family Chiropractic
Andrea Buchanan, Owner, Cedar and Sage Herbal Medicine
James Fix, Owner, Your Energy Fix
Shirley Holmes, Owner, Sama Massage

8. Public Comments

Joe Moore 514 Central, reminder, from the Town of Stevensville webpage, and your pictures, Councilmembers, are all on there. Mr. Moore read the write up "the Town of Stevensville from the Montana Genesis" this ends with the Town's charm has remained unchanged.

Town Clerk Audree Tribbensee addressed Councilmembers Michalson, Holcomb and Barker regarding her concerns with Councilmembers agenda items 9 c, 10 d, 10 e, and 10 f as they directly and indirectly affect and relate to her.

Rich Marcus, 109 Winslet, a resident for 34 years, has a few comments he would like to make and wants to avoid someone from saying, that he is not from here. He is a tax-paying citizen and owns a business in town and properties. The agenda item about the website prompted Mr. Marcus to do some research and called the Montana State Library and asked if the state has records of any cities and towns that do or do not have websites to disseminate public information. He was directed to Wikipedia who has a list of cities and towns. He found a list of 129 cities and towns in Montana according to the 2010 census. 81 of the 129 have links to websites, 63%, 48 do not have links, equaling 37%. The average population of the 48 towns who do not have websites, is 503. 2010 Census gives Stevensville a population of 1809, more than 3 times the average size of the towns who doesn't have a website. The Montana Law Library dissemination of public information, MCA 2017 2-6-10 public access to information, safety and secured exemptions, Montana historic exemptions. There are two exemptions, basically if you have an on-going police investigation and the Montana Historical Society has a list of private donors that do not have to be made public. Mr. Marcus read from MCA 2-6-1003, access to public information, exemptions provided, every person has the right to examine, obtain a copy of any public information in this state. We all have access to public information. Having it recorded with audio visual equipment captures much more of the nuances and tones in voices, whereas a stenographer writing on something down is never going to be able to capture if someone says sarcastically or empathetically in some way, and certainly audio-visual equipment to record these meetings would seem to be less expensive way to provide public information as the state laws says we are required to do. Members living in town or not, has lived here for 34 years, but he did live in a big city, Chicago, and that was an issue there. The simple way they resolved it was that not essential members, like staffing members, were exempt and could live anywhere they want as long as they got to work on time. Essential members like police and fire, needed to live within X minutes from headquarters. Maybe this is a simple way to resolve this issue.

Anne Marie McCormick, 1005 College Street, commented that she is not new to some of Council as she had thrown her hat in for Council consideration, but is kind of glad she didn't get it after a couple of these meetings. To be honest, she is appalled. The courage and the ability to articulate the ideas and opinions, she was

proud of the Clerk for speaking. As her Council representatives, she is asking Council to vote against 10 c, d, e, f and g. Ms. McCormick indicated that she is representing a number of people.

Michael Sharkey, 203 St. Mary's Drive, suggest that the issue of social media and video the meeting on the internet, is a big advantage for those who are handicapped who may not be able to attend meetings. Watching it on the internet may be their only opportunity to participate. This could apply to other people with children. Or the weather is so bad they cannot make the meeting. Here is an opportunity to spread the word to all the constituents rather than just a handful who have the ability to show up. Mr. Sharkey encourages Council to think about the practical aspects of communicating with your constituents via social media.

Jan Perrin, 503 Charlos, looking at your 8 agenda items, and after listening to our clerk, and after coming to meetings and being told that it is very intimidating by Stacie for her and Bill to come to the Council meetings, we decided to stay home and watch them on the internet, so as not to be intimidating to Council or be accused of bullying, so then we sit home watch your meetings and then you make a comment, "well where are they all now". Well, they met your request and they stayed home. Ms. Perrin commented that she would like to challenge Council to spend as much time representing the good people in our community as you do disrupt what you were voted to do. It appears that you are more concerned about being disruptive as to doing good things for our community. One more thing, the abolishing of our Park Board, if you look around our community, all of things and wonderful improvements that have happened in our community, the Park, the skateboard park, the baseball diamonds, the soccer fields, all were done by your community members, for no money, as volunteers, and you want to abolish the Park Board. Requesting your community members to no longer serve our community and improve it? I am sorry I don't know where your heads are, you need to think about our community and the people in it. There are a lot of good people here.

9. Unfinished Business

a. Discussion/decision regarding the Visitor Kiosk to be located at Veteran's Park

Mayor Dewey introduced the item and provided an overview of the issues to fulfill the Town's support of this project.

Councilmember Phillips discussed his knowledge of Job Corp and feels that this would be a good place to start, but if worse came to worse, he has the tools and experience to help with the work if necessary.

No action taken.

b. Discussion/decision to consider possible Town Council meeting format options

Mayor Dewey introduced the item.

Council discussed the number of meetings, scheduling too many meetings, and the potential for burn out. Council agrees to keep the system as it exists today and schedule COW meetings as needed.

No action taken.

c. Discussion/decision to revote on Resolution of the Town of Stevensville, MT to vacate the 40 ft alley running through block 17, Lots 3-18 of the Original Townsite of Stevensville leaving a utility easement.

Mayor Dewey introduced the item and turned it over Councilmember Holcomb.

Council indicated that it may be best to table this item until a public hearing is scheduled and held.

Mayor Dewey read the Town Attorney's email regarding this item.

Councilmember Michalson indicated that he spoke with the Town's Attorney, Brian who felt everything was good and the only thing missing was a map and easement.

Council asked questions about the petition and the process.

Carolyn Mickens asked questions about the process, steps and what specifically is needed for consideration.

No action taken.

10. New Business

a. Presentation/Discussion regarding Stevensville Police Department Crime Watch Program

Police Clerk Jenelle Berthoud presented a PowerPoint highlighting the department's new Crime Watch Program

Joe Moore asked about areas with cul-de-sacs, is it something where you can identify a street with a sign that says 'no outlet'?

Mayor Dewey responded that is something the Town can do.

Police Clerk Berthoud explained that Crime Watch signs will be installed in the neighborhoods.

Vicki Motley asked if people who sign up as volunteers for the program will be required to go through a background check.

Michael Sharkey commented that a lot of streets do not have sidewalks, and so some streets have lower speed limits which need to be enforced. Will this be part of the program?

Trevor Motley commented that the River Park is included but not the Airport. Will the Airport be included?

b. Discussion/decision to hold a Committee of the Whole (COW) meeting to discuss a draft Code of Conduct

Mayor Dewey introduced the item.

Councilmember Phillips moved to hold a Committee of the Whole meeting on Thursday, February 7, 2019 at 6:30 pm. Seconded by Councilmember Holcomb. The vote was called and all voted “aye”. Motion passes 4-0

c. Discussion/decision to Rescind Resolution 11, to abolish the Park Board

Mayor Dewey turned the item over to Councilmember Barker.

Councilmember Holcomb indicated that she wanted to submit this item but wasn't able to get it in on in time. Councilmember Holcomb explained the reason behind her request to abolish the Park Board and felt that Council did pretty well during the six years when the Town did not have a Park Board. Last year, there were a couple of people on the Park Board and all they wanted to do was argue.

Councilmember Michalson commented that he has heard time and time again, about how people have come to the podium and have asked the Council for guidance and direction. Where Park is an advisory board and they are the ones that should be out there looking for things and doing things and bringing them to Council. Councilmember Michalson believes that it is kind of backwards. Council has to do their work too, but we just don't have the people, and those that are on the Board, aren't showing up. All boards fall under the purview of the Mayor. If there are problems with boards not getting to meetings on time, or boards not going to their meetings in a timely fashion, he believes that the Mayor needs to step up his game and make sure they do that because the Mayor is the one that runs the boards, not the Council.

Mayor Dewey commented that specifically, the Park Board sought direction from Council due to a situation where they went out and sought an idea, they wanted to develop a master plan for parks and site plans to help the Town plan where priorities should fall for spending in the parks. They did that, and found grant funding. Council then shot it down. Their concern, as he understands, not speaking for the board, is the Park Board is frustrated because they went out, with Jim Crews administration's support, and then when they brought this back to Council, Council shot it down. Mayor Dewey believes they are seeking direction from Council because, if that is not a project Council wants us to work on, what is Council willing to let the Park Board work on.

Councilmember Michalson stated that he can think of a few examples we sent to the Park Board, like the bathroom at Lewis & Clark Park. It's going on its fourth year now, it came through the Park Board to get that fixed. It was approved through the Council, budgeted by the Council, but not done. There is a fence at Ravalli Park that we have asked to get done, that never went nowhere and on and on. These are some of the examples that came before Council that have never have been done.

Mayor Dewey responded that it's not a Park Board failure; the administration is failing to implement.

Councilmember Phillip commented that the Park Board needs the Council's and administrations support. Councilmember Phillips provided an example of a time when the Planning and Zoning Board vetted a project, but when it was brought to Council, Council said no, we aren't going to listen to the Board and Council voted the way they wanted. The Park Board is an asset, we have citizens in Town and outside the city limits, we need to support them and give them the tools they need. Councilmember Phillips commented that he does not support abolishing the Park Board.

Councilmember Michalson commented that what if the Council only met twice a year, where would we be. The Park Board is not meeting but twice a year.

Mayor Dewey responded that if our snow plow breaks, do we stop plowing the streets or do we fix the snow plow. This applies to the Park Board.

Councilmember Phillips commented that the Planning and Zoning Board is required to meet so many times a year. With the Park Board we can write in that they meet so many times per year, which might draw some interest.

Councilmember Barker commented that maybe we keep it, but if they don't meet the expectations in a year, it goes away.

Mayor Dewey explained that it is the administration's intent to bring forward an ordinance governing their functions.

Councilmember Barker indicated that would benefit the Park Board.

Mayor Dewey summarized that we move forward with the Park Board and develop an ordinance.

Council discussed the Town's boards whether they are advisory or can be allowed to have limited decision-making abilities.

d. Discussion/decision: Town Council direction to the Mayor to establish an Office for the Town Council and a Council Reference Library within 30 days

Mayor Dewey turned the item over to Councilmember Michalson.

Councilmember Michalson stated that due to the recent chain of events that started this last fall with the complaints and everything, it got to the point where he did not feel comfortable coming alone to Town Hall. Councilmember Michalson stated that he cannot do a lot of the research that he wants to do, resolutions, ordinances, agendas, and the reason he put that out there was so that he can reign it back in. Councilmember Michalson stated that he does not have a problem coming in here, having his own office, and doesn't need to be somewhere secluded without cameras, etc. Councilmember Michalson commented that he wants to have access to the office and documents, like it used to be. There used to be a desk right across from Denise where we could sit down in front of everybody, Councilmember Michalson stated that he was not going to steal anything and he is not going to take anything, staff can watch him on everything. Councilmember Michalson stated that he just wants to look at his research and then ask staff to make a copy of the documents. Right now, he can't get in there to get anything.

Mayor Dewey commented that he is unaware of any time that any staff member denied him access to the office.

Councilmember Michalson responded that he has never really asked for it, except for one time, back in the heated time, when the Mayor said he didn't even want Councilmember Michalson in his office or that office. We had to have permission first, set up an appointment to see the Mayor. Also once when he wanted to get records from Audree to get an ordinance, she said that he could come in, but today was not a good day and he understood that but Councilmember Michalson thought if you give me a desk, in the corner, he doesn't need a phone, or a computer, just give him a desk where he has access to the documents, where he can do his research during working hours. He wants this not just for himself, but for the other Councilmembers as well.

Mayor Dewey commented the policy on office access, which remains unchanged, once the lock went on, if you were invited into the office or you requested access and was authorized by one of the clerks, there would be no problem. To date, the Mayor is not aware of any circumstance where Council has requested access to the office and were told no, you can't come in.

Councilmember Michalson clarified that the Mayor was the only one that told him that. If you can let me in the office, put me in a corner to do my research, to look at Council minutes, agendas and ordinances, he doesn't have a problem with anything else.

Councilmember Holcomb commented that she called 4 or 5 cities; no other place has a lock on their door that won't allow their Council to walk in. She asked if they had to get permission or make an appointment to get something, no. As soon as someone asked for it, they went and got it. We are being locked out.

Town Clerk Tribbensee responded that she has contacted the Ravalli County Clerk Recorder who indicated that the biggest problem with Stevensville is that the Town documents are not in their offices. All of our documents should be stored in their office. Then we have copies here where it won't matter if something happens to the documents because everything is backed up. Nobody should have access to those documents. The advice received was to protect the documents until we can get backups. In regards to Councilmember Michalson's request for information, the issue was he was not sure what he wanted. Clerk Tribbensee told Councilmember Michalson that she was happy to help him, even offering to do the research for him. But, Clerk Tribbensee happened to be in court that day and 20 minutes later, court proceedings started, so she could not do anything. Councilmember Michalson has never been denied access to information, and that she will gladly provide copies of any documents upon request.

Mayor Dewey explained that all of the information will be eventually placed on line, to assist the Council and the public in doing their research.

Councilmember Michalson commented that the governing body, Council makes the laws, there has to be a level of trust. The way to gain the trust is meet in the middle. Last year was a disaster.

No action taken.

e. Discussion Responsibilities of the Mayor to enforce Council Rules during Council meetings

Mayor Dewey turned the item over to Councilmember Michalson.

Councilmember Michalson stated that this item was not meant for Mayor Dewey but was meant for all of us in a lot of ways. Councilmember Michalson stated that he thinks the Council needs to tighten up our ship and gave an example where at the Nov 8th meeting, members of the public directed their comments towards Councilmembers Barker and Holcomb. Those comments should have went through the Mayor as the governing Mayor, when it got out of hand, you should have said point of order and stopped it, which you didn't. For Audree to say that they were very respectful and everything, if they were so respectful, how come both Councilmembers were crying at the end of the meeting? Going forward the Mayor needs to take into consideration that the Council gets beats to death quit a bit, rightfully so, Council isn't perfect.

Councilmember Michalson asked the Mayor not to laugh, it's not funny. Councilmember Michalson stated that they are the governing body and they have just as much rights to be here as the Mayor. To sit there and smirk at him when he is trying to tell the Mayor how to do his meetings in a better fashion is wrong. Council is getting tired of times where the Mayor interrupts the Council and the public. Councilmember Michalson suggested that the Mayor work on this. Councilmember Michalson stated that the Mayor has allowed the public to address Councilmembers directly during a Council meeting when their comments should be directed to you, that's Roberts Rules of Order. On a good point, the Mayor has been here a year and since the very beginning Mayor Dewey you have come along ways. For the first six or seven months you were all over the place. Councilmember Michalson sees the Mayor is gaining confidence and is getting better at what he is doing. There is always room for improvement, not just with the Mayor but all of Council.

Councilmember Michalson stated that the main reason he put this item on the agenda is because he does not want this year to start out like last year. If we are going to go down this road like we did last year, then we might as well a turn in our badges. Because we put a smear on the Town, it puts a smear on us, everyone has had sleepless nights. Poor Audree got dumped in the middle of the fray. Right in the middle of a fire she was warned, and with her complaint, she had many sleepless nights. None of us deserve that. It's all of our fault.

Mayor Dewey responded that to address the alleged smirk, he has a hard time hearing Councilmember Michalson say that it is not fair that the Council gets beat up. For the last 11 months, 13 months, he, as the Mayor has been beat up at this table, by three of the Councilmembers. That is not fair.

Councilmember Holcomb commented but its fair that you to make comments and allegations in the paper?

Mayor Dewey responded that he is happy to enforce the rules as they are written, which will include any exchange between you and who stands at that

podium, it will come through the Mayor. He will enforce the rules on the public and on Council. He would much rather that Council go through the meeting calmly and get through things in an ordinary fashion. But if we need to be a stickler by the rules, and he needs to be a jerk about it, he can do that. He doesn't like to, but he can, if that is Council's direction. Mayor Dewey commented that it is interesting to him that you say, this isn't directed at you Mayor, but you, Councilmember Michalson recited essentially a report card on his performance over the past 12 months. That is not fair either. As the Mayor he is not necessarily accountable to Council; he is accountable to the public. That is who elects him. There is a separation of powers and it needs to be made very clear that Council is not the Mayor's boss.

Councilmember Holcomb responded, yes, we are.

Mayor Dewey responded that Council is elected by the people.

Councilmember Holcomb stated, we are your boss.

Mayor Dewey, no. Council sets policy for the organization, which he implements. Mayor Dewey commented that he has a memorandum from the Town Attorney if Council would like to read it.

No action taken.

f. Discussion/Decision Council direction to the Mayor to abolish all Town Social Media Websites and cease video recording and broadcasting of Town Council Meetings

Mayor Dewey turned the item over to Councilmember Michalson.

Councilmember Michalson indicated that this is not his agenda item.

Councilmember Barker stated that they are not trying to get rid of everything. The problem that she has is that the freedom of speech is being taken away. Not only as was stated in the Stevensville Star, that a spouse discrepancy; no it's not a spouses discrepancy for one. Councilmember Barker stated that she has gone through after meetings and seen other comments that were made by other people, and those comments were taken out. Prime example, Councilmember Barker went in to see the who had made comments for the new public works position. She believes that the Mayor's mother-in-law commented that this might be something for Brandon, its 8 times more than what you are making now. And your comment was, no it makes 10 times mores than what I make now, I don't do it for the pay. Councilmember Barker's spouse commented on it, and boom! Yours was gone. Councilmember Barker stated to the Mayor, tell her that these aren't getting deleted by somebody, whether by you as an administrator. All of her spouses' comments were deleted and there

was no derogatory, there was nothing in there, and they were gone again too. If we are going to have public meetings, the filter needs to be shut off or comments need to be shut off and we don't see any of them. That camera should be just for the meeting itself, no comments. That may stop part of this. What has been going on, on that site has been great, its very informational, but how we are monitoring, as she looked at other websites to see how they monitor theirs, a lot of the different places have policies. Maybe we need to put a policy in place for social media.

Mayor Dewey responded that any comments he makes personally, he reserves the right to delete those personally, and so does her mother-in-law.

Councilmember Michalson commented not if it is a government run website, which this is. Not if its on a municipal page. You do not have that right.

Mayor Dewey responded that absolutely he does. If someone makes a comment and then wants to retract the comment, the Mayor can't stop them doing that.

Councilmember Michalson responded that is why we need a policy, like the email policy. We need to have a social media policy.

Mayor Dewey responded that we don't have the physical ability to stop someone from deleting their comments.

Councilmember Michalson read into the record a Montana social media records act, MCA Title 2, Chapter 6 and he stated that a personal Facebook page is one thing, but if a comment is on a Town page, we have to draw a strict policy to ensure all records are maintained. If we want to do this right, we have to go by guidelines. Councilmember Michalson volunteered to draft a good solid social media policy.

Mayor Dewey responded that he is confused, if it is the Council's desire to have a policy in place, why wasn't that the item that was submitted. You have a community all worked up about abolishing when really you were just seeking a policy to govern.

Councilmember Barker commented that she doesn't think it would have been worked up if you had not posted that we were getting rid of the Police Department, the Fire Department, all these different departments on that page.

Mayor Dewey responded that Council's submittal said that you were intending to abolish all Town social media websites and cease video recording. All Town social media websites include the Fire Department, the Police Department, the swimming pool.

Councilmember Michalson responded that is correct and the reason Council put that in there is because it would cover all bases when you are at Council. You start with the big end because if you leave something out, you can't add it on to the agenda. We kept a broad scope and then reigned it in. We never intended to do anything with the Police Department or the Fire Department. The only two sites we looked at was the live streaming and the municipal government because when you posted the last agenda item on there, and you highlighted the Fire Department and the Police Department, by law you can't do that. Because that is a government page.

Mayor Dewey responded that it is not highlighted, its tagged.

Councilmember Michalson whatever, it was still on the agenda item.

Mayor Dewey responded that the post was just a synopsis of what is on the agenda.

Councilmember Michalson replied it is still a government page. You are using government page, it isn't a social page for like, at home.

Mayor Dewey commented that the item is whether or not you are going to abolish all Town social media web sites and cease video recording. The item is not a decision to move forward with a social media policy.

Councilmember Michalson made a motion that we abolish all Town media websites, not all but, the live streaming and the municipal government web site until we have a policy in place.

Mayor Dewey asked Councilmember Michalson to restate his motion.

Councilmember Michalson stated I make a motion that we abolish the live streaming site and the municipal government site until we have a policy in place that adheres to all sections of this.

Motion failed due to a lack of a second.

- g. Discussion/Decision to modify the Stevensville Municipal Code to require the Chief of Police, Chief of the Fire Department, the Town Clerk, all Deputy Clerks and the Finance Officer/Treasurer to be residents of the Town of Stevensville**

Mayor Dewey turned the item over to Councilmember Michalson.

Councilmember Michalson indicated that he did research and called other towns. This town has never had a policy in place as to what, who is in town, who is out of town as far as working. Councilmember Michalson read into the

record information provided by the Town Attorney regarding this item and the ability of the Town to adopt explicit residency requirements for officers in a rationale relationship to legitimate government purposes. The Town Attorney provided that his sole caution is that the application of the requirements should only apply to new hires and could not affect someone who has already been appointed and is currently holding an officer's position.

Councilmember Michalson recommends that we need to draw up an ordinance, as to how far out. He understands that it is hard to get good working people. No one in the office lives in the town limits. We have to have a boundary, like a mile limit, 10 minutes, 10 miles, 15 miles out. Councilmember Michalson stated that he has been told we have to have a boundary.

Mayor Dewey responded that we don't have to have a boundary. We are completely legal in the system we have now.

Councilmember Michalson replied, we are, but a lot of towns do it for insurance purposes, litigation purposes.

Mayor Dewey asked Councilmember Michalson what the advantages of ligation or insurance, having somebody live within a 10-mile radius of city hall?

Councilmember Michalson replied time to get there if something were to happen to them.

Councilmember Michalson made a motion that we modify the Stevensville Municipal Code to have the Officers of the Town, we can set a guideline to where the boundaries of where they have to live. Of course, it would not apply to the Chief or Fire Chief, they have to be here, am I right Jeff?

Fire Chief Jeff Motley responded it is up to Council to set the guidelines.

Mayor Dewey informed Councilmember Michalson that his motion has gone by the wayside, it became a very long motion and asked him to restate his motion. Mayor Dewey stated that we are scratching Councilmember Michalson's first motion as we can't have a conversation for a motion.

Councilmember Michalson made a motion to modify the Stevensville Municipal Code to require the Town Clerk, all Deputy Clerks, the Finance Officer and Treasurer to be residents of or around the Town of Stevensville to be determined by the Council. Seconded by Councilmember Barker.

Councilmember Phillips commented that he is concerned about limiting the residency, we have good quality people, but to get good people, we may need to look a little farther. To get the best qualified people we have to expand it out

not just a few miles, maybe even to Missoula. He is aware of Deputy Sheriffs who live in town and commute to Missoula. In a bigger city, yes, you have a bigger pool of qualified people, but for Stevensville Councilmember Phillips recommends that we determine what those boundaries are at a COW meeting if we really do need that.

Joe Moore 514 Central, reminded that according to Town Code, under Article IV Officers and Employees, Section 2-117, vacancy of office, it states "This subsection does not apply to an appointed municipal officer who resides outside the town limits with the approval of council and within a distance of town approved by the municipal council." It's already in the code. He reminds Council that there are two outstanding job descriptions online and the general job description, for the part-time clerk and the building official, there are no references for where you live. It doesn't have anything in there about where you live, how far out you live, what town you live in. It sounds like from the code you have already accepted and you are living by, that it is approved within a distance of the Town, and something you would have as a discussion with somebody during an interview provided it is not for a critical need like the fire department, but you already have that in the Town Code. Agrees with Mr. Phillips that it is very difficult to put a time and distance together to have someone come in and get a job.

Jan Perrin, 503 Charlos, commented that one of the most important things that our community wants is good service, good people to serve our community. A perfect example is our school. A very high percentage of our teachers in this town are not from Stevensville, they come from Missoula, the south. If this was such a great idea, why wouldn't schools be putting these limitations on them. You need to think about that when you address this. You are just looking for good quality people, why do you need to dictate where they live?

John Monk, when he moved here, applied for a job, it was required that he live in town and he worked for the school. That was a requirement for years and years. He commented that he was talking to a young teacher the other day, he teaches in Stevensville. He hunted for two years to find reasonable housing in Stevensville, because they were pushing him to live in town. He found a place that fit his budget, his pay scale, and he went and told them about it. That is acceptable, but there is still a push to live in town even though many don't because prices here are pretty high.

Michael Sharkey, 203 St. Mary's Drive, suggested that one thing that you haven't brought up tonight is if you are hiring for a position within the town, an applicant that lives in Kalispell, sees the help wanted ad, are you going to let them apply for the job or are you going to require that they move here first. Maybe you should include that in your considerations. While we are at it, why don't we insist that people work in town and insist that their children attend school in Stevensville. Perhaps they should have to be property tax payers in

Town. This is silly. Tonight's agenda was a total waste of his time. Unfortunately, this has become typical and hopes Council can come to some kind of resolution and get on to the Town's business. You are wasting time, when you should be talking about something important, like taking care of sidewalks.

Rich Marcus, procedural question; if you had 2 applicants for a posted job and one lived in Missoula and one in Stevensville and the one in Missoula being very qualified and the one living in Stevensville marginally qualified, and you told the Missoula applicant they weren't going to be considered. Would that be discrimination? I am not considered for a job I am qualified for and I am willing to show up on time, because I live 25 miles away instead of in the Town limits.

Vicki Motley, 318 9th Street, stated that she does not want to see Council vote this through as you limit your options. There are a lot of good people who live outside the Town's limits, they might live in Hamilton and they would be excellent people to work in our Town. Maybe that would encourage them, once they are working for the Town, to move down here. To automatically limit that is not in the best interest of the Town.

Jeff Motley, 318 9th Street, it seems like the motion on the table is exactly what we already have. The motion on the table is they live within the Town, or a distance around town, that is workable. Isn't this already what we are doing. He doesn't understand the motion.

Councilmember Michalson responded that Jeff is right, but he left out the to be determined as far as the radius. Councilmember Michalson stated that the City of Hamilton specifically states that their employees have to live in the City limits.

Councilmember Barker disagrees with Councilmember Michalson statement about Hamilton.

Mayor Dewey responded that Hamilton is larger than Stevensville and has a much larger population to pull from.

The vote was called and Councilmembers Phillips, Barker and Holcomb voted "nay" Councilmember Michalson voted "aye". The motion fails 3-1

11. Executive Report

- Surveillance camera installed and fully operational
- Moving forward with the reorganization of staff roles and responsibilities, some modifications have been made. Positions are being recruited now.
- Update on the land purchase related and moving forward with an appraisal.

12. Town Council Comments

Councilmember Barker thank Dean Whitesitt for being the Town's sexton for many years. Councilmember Barker stated that she doesn't feel that the way this was handled was very good, and could have been handled in a more tactful way. Dean has done a lot, he has cleaned up some records that were a mess, and she hopes that now it is in the Town's hands, in the office, that these people can hold up to what Dean did before. Greetings those families on Memorial Day when somebody needed help finding a plot, with a grieving family, she hopes staff can hold up to what Dean did. She appreciates what Dean did.

Councilmember Holcomb concurs with Councilmember Barker and appreciates what Dean has done for many years with the cemetery. Councilmember Holcomb wants Council to review the purchasing policy, the events permits and resolution 281a. The Town's Attorney has brought it up many times that he would like Council to revisit the resolution. Also, Councilmember Holcomb would like Council to discuss a social media policy. We keep talking about moving forward. Councilmember Holcomb clarified that her spouse has never been on Facebook and doesn't even have a Facebook page, that was very disappointing to have the Clerk say that. And for you to make comments like this about your Council, this is an embarrassment. You talk about Council always bashing you, but you are bashing us constantly in the paper. Before we can move forward, we need to stop this for one. It was brought to Councilmember Holcomb's attention that when the Mayor did the press release for the Police Department, on what happened at the school, you put it out there before the school could even contact any of the parents. Personally, she thinks that the press releases need to be done by the Fire Department and the Police Department. Unless they ask for your help, help in getting it out there. The school is not very happy right now, that is what she was told. The press releases need to be done by the Fire and Police Department.

13. Board Reports - none

14. Adjournment

Mayor Dewey adjourned the meeting.

The meeting was adjourned at approximately 9:25 p.m.

APPROVE:

ATTEST:

Brandon Dewey, Mayor

Audree Tribbensee, Town Clerk

Finance Officer's Report to Council

TO: Stevensville Town Council

From: April VanTassel, Finance Officer

Re: Finance Officer's Report to Council

Date: February 14, 2019

1. Utility Billing

Utility Billing Aging Report			
Time Frame	Amount Owing as of 12/31/2018	Time Frame	Amount Owing as of 01/31/2018
Current	(\$6,882.50)	Current	(\$7,230.05)
30 Days Past Due	\$19,374.13	30 Days Past Due	\$19,015.14
60 Days Past Due	\$5,210.62	60 Days Past Due	\$5,114.86
90 Days Past Due	\$2,423.58	90 Days Past Due	\$3,116.58
120 Days Past Due	\$6,597.81	120 Days Past Due	\$6,404.81
Total Due	\$26,723.64	Total Due	\$26,421.34

2. Stevensville City Court fines

January 2019 court fines and fees totaling \$199.35 were received February 6, 2019.

January 28, 2019

Dear Mayor Dewey, Town Council and Stevensville Citizens,

At Council's January 24, 2019 meeting, I spoke during public comment about several items on Council's agenda as they related directly and indirectly to me. I would like to clarify that any comments I made about Council spouses in reference to their comments on the Town's social media sites, were direct only to Councilmembers Michalson and Barker's spouses.

Additionally, after the January 24th meeting, several people reached out to me indicating that they contacted the City of Hamilton and were told that Hamilton does not have any residency requirements for employee's contrary to what was stated by Councilmember Michalson at the January 24, 2019 meeting.

Sincerely,

Audree Tribbensee, Town Clerk

RECEIVED
2/6/19 8:45 am

AGENDA ITEM 9a

X Unfinished New Business

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

2-6-19

Submission Date Time: _____

Person Submitting the Agenda Item Mayor Yes No

Council Member Submitting the Agenda Item Request? Name: Ronin Helmond Initial RH

2nd Council Member Submitting the Agenda Item Request? Name: Ron M Initial RM

If you are a Citizen is Submitting the Agenda Item Request please print your Name

Name: _____

Citizen's Contact Phone Number _____

Citizen's email address: _____

Requested Council Meeting Date for Item:

Agenda Topic: Discussion / Decision to rescind Resolution 11, to abolish The Park Board

Backup Documents Attached X Yes No

If no, why not? _____

Approved/Disapproved, If Approved, Meeting Date for Consideration

Mayor Signature _____ Date - -

Requestor Contacted Date - - Time _____ by Whom _____

If this request is disapproved, please list the date it will be placed before the council. Date - - If the request is not valid, please annotate the reason it is not a valid item for consideration.

The Park Board does not appear to be a necessary board for the Town of Stevensville.

The board met twice in 2018, and has not followed thru on any of their issues from 2017 or 2018.

The board has repeatedly asked the Council for guidance and direction. The board is an advisory board to the Town Council but has be unable to function as a board.

The Park Board also is not a recommended or necessary board per the Town Ordinances, reference the Stevensville Municipal Code Article VII.

Suggested motion: I move to rescind Resolution 11 and abolish the Park Board.

RESOLUTION NO. 11

A RESOLUTION OF THE STEVENSVILLE TOWN COUNCIL FOR THE CREATION OF A PARK ADVISORY BOARD, AND FOR THE DESIGNATION OF THE POWERS AND DUTIES OF THE PARK ADVISORY BOARD AND THE TERMS OF THE MEMBERS.

WHEREAS, the Town Council of the Town of Stevensville are the Trustees of the Stevensville Community Park, and have jurisdiction over others parks within the Town of Stevensville; and

WHEREAS, to more fully acquaint the Stevensville Town Council with the recreation needs of the community and assist in the management of the Park System under the jurisdiction of the Town, it is to the interest of the citizens of the Community that a Board of interested citizens be created to advise the Stevensville Town Council as to the needs of the community for recreation facilities and for the management thereof;

BE IT THEREFORE RESOLVED that a Board of citizens, consisting of seven (7) persons be, and the same is hereby created to advise the Stevensville Town Council as to the needs of the Community for recreation facilities and proper public use of the parks under the jurisdiction of the said Council, and to assist in the management of the same under the authority of the Stevensville Town Council.

BE IT FURTHER RESOLVED THAT The Board shall consist of (7) seven members, six (6) of whom shall be appointed by the Mayor with the approval of the Council, and the Mayor shall appoint a member of the Council to the Board. Each member shall be appointed for a term of three (3) years, excepting only that two (2) members of the initial board shall be appointed for one(1) year only and two (2) members shall be appointed for two years (2) only, and thereafter all appointments shall be for a three (3) year term. All members of the Board must be at least eighteen (18) years of age, and reside within fifteen (15) miles of the Town of Stevensville. The Board shall elect a Chairman, Vice Chairman and Secretary from their members, each year.

BE IT FURTHER RESOLVED THAT the Advisory Board shall have no policy making powers, the same being reserved to the Stevensville Town Council, but shall be empowered to investigate and make recommendations of policy to the said Council. The Stevensville Town Council shall, from time to time provide in writing, guidelines to the Park Advisory Board, setting forth the powers and duties of the Board and providing the procedure under which the Board shall operate.

APPROVED this 20th day of January 1975.

Robert F. Dickerson
MAYOR

ATTEST:

Audrey Ebel
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:	Mayor Brandon E. Dewey
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	2/14/2019
Agenda Topic:	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
Backup Documents Attached?	Yes
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	2/14/2019
Notes:	



TOWN COUNCIL
Council Communication

Regular Meeting
February 14, 2019

Agenda Item: 10a, New Business
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

Other Council Meetings January 10, 2019
Exhibits A. Resolution 435a

This agenda item provides Council with the ability to approve a resolution amending wages and compensation as part of implementing the Mayor's Employee Reorganization plan.

Background:

On January 10, 2019 Council consented to the Mayor's Employee Reorganization plan. As part of the implementation of the Plan, a Resolution amending the existing 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 is necessary.

The amendments to the Wages and Compensation schedule include a new classification for the Court Clerk with an hourly wage of \$13.00 per hour and changing the General Services Clerk's title to "Administrative Assistant". This title change was made to address concerns raised by Council at the January 10, 2019 meeting in regard to the Deputy Clerk title as noted in the original reorganization plan.

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

Alternative(s): Do not approve the Resolution 435a

MOTION

I move 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

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.

WHEREAS, Section 7-4-4201, Montana Code Annotated, mandates the establishment of wages and compensation of elected and appointed Town officers and all Town employees by ordinance or resolution, and

WHEREAS, the Town Council of the Town of Stevensville established by Resolution No. 435 the wages and compensation of elected and appointed Town officers and all Town employees, and

WHEREAS, the Town Council of the Town of Stevensville is desirous of amending the wages and compensation of elected and appointed Town officers and all Town employees for Fiscal Year 2018-2019, and

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Stevensville, Montana:

- Section 1. That all resolutions of any portion thereof in conflict here within are hereby revoked.
- Section 2. That the wages and compensation for the elected and appointed Town officers and all Town employees, for Fiscal Year 2018 – 2019, are hereby established as set forth in Schedule A attached hereto and by this reference made a part hereof.
- Section 3. That the wages and compensation shall be effective as of July 1st unless otherwise noted.

Passed and adopted by the Town Council of the Town of Stevensville, Montana, this 14th day of February 2019.

Approve:

Attest:

Brandon E. Dewey, Mayor

Audree Tribbensee, Town Clerk

Resolution No. 435 Schedule A

Town of Stevensville FY 18-19 Salary Overview

Employee	Hourly Rate	Monthly Rate
Airport Manager Honorarium		\$ 100.00
Assistant Fire Chief Honorarium		\$ 200.00
Building Official (P/T)	\$ 24.36	
Cemetery Sexton Honorarium		\$ 200.00
Court Clerk (P/T)	\$ 13.00	
Councilperson #1 Honorarium		\$ 200.00
Councilperson #2 Honorarium		\$ 200.00
Councilperson #3 Honorarium		\$ 200.00
Councilperson #4 Honorarium		\$ 200.00
Fire Chief Honorarium		\$ 200.00
Finance Officer/HR (F/T)	\$ 22.07	
Administrative Assistant (F/T)	\$ 14.03	
Mayor Salary		\$ 833.33
Parks Maintenance (Seasonal)	\$ 12.00	
Police Chief (F/T)	\$ 28.82	
Police Clerk (F/T)	\$ 15.00	
Police Officer #2/SRO (F/T)	\$ 18.00	
Police Officer #3 (F/T)	\$ 18.00	
Pool Guards (seasonal)**		
Public Works Assistant #1 (F/T)	\$ 18.80	
Public Works Assistant #3 (F/T)	\$ 15.00	
Public Works Assistant #2 (F/T)	\$ 16.85	
Public Works Supervisor (F/T)	\$ 26.28	
Town Clerk/Court Clerk (F/T)	\$ 18.00	
Deputy Clerk (F/T)	\$ 18.55	

** Pool Hourly Rate	
Head Lifeguard	\$ 10.00
1st year Lifeguards	\$ 8.50
2nd year Lifeguards	\$ 8.65
3rd year Lifeguards	\$ 8.80
Aerobics Instructor	\$ 12.00

AGENDA ITEM 10b

 Unfinished X New Business

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

2-6-19

Submission Date Time: _____

Person Submitting the Agenda Item Mayor Yes No

Council Member Submitting the Agenda Item Request? Name: Ron Holman Initial

2nd Council Member Submitting the Agenda Item Request? Name: Ron Initial RM

If you are a Citizen is Submitting the Agenda Item Request please print your Name

Name: _____

Citizen's Contact Phone Number _____

Citizen's email address: _____

Requested Council Meeting Date for Item:

Agenda Topic: Discussion / Decision to update Ordinance #156 for Special Event Permits

Backup Documents Attached X Yes No

If no, why not? _____

Approved/Disapproved, If Approved, Meeting Date for Consideration

Mayor Signature _____ Date - -

Requestor Contacted Date - - Time by Whom

If this request is disapproved, please list the date it will be placed before the council. Date - - If the request is not valid, please annotate the reason it is not a valid item for consideration.

ORDINANCE NO. 156

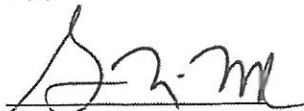
AN ORDINANCE AMENDING
CHAPTER 22, ARTICLE IX OF THE
STEVENSVILLE, MONTANA MUNICIPAL CODE

SECTION 1. Section 22-315(a) shall be amended to read in full as follows:

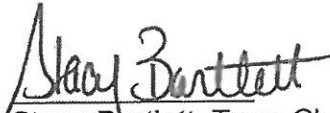
- (a) A special event permit shall be obtained from, and issued by, the town clerk with respect to any public land owned or controlled by the town, including, but not limited to, public sidewalks, streets, rights-of-way and parks. It is unlawful to conduct a special event regulated by this article without a permit. The entity or person organizing, sponsoring or conducting the special event shall be responsible for obtaining any required liability insurance policy coverage as well as for applying for a special event permit. An application for a special event permit must be submitted at least 14 days prior the date the special event is intended to occur. The town clerk shall seek the input of the fire, police and public works department. If the special event application is approved by all departments and the event involves less than 1000 participants, it may be forwarded to Mayor for final approval. The Mayor shall make a report to the Town Council regarding any special event issues. If the special event involves more than 1000 participants, it shall be forwarded to the Town Council for consideration and approval.

Passed on First Reading by the Stevensville Town Council this 12th day of February, 2015.

Approved:


Gene Mim Mack, Mayor

Attest:

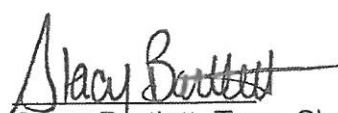

Stacy Bartlett, Town Clerk

Passed and Adopted on Second Reading by the Stevensville Town Council this 26th day of February, 2015.

Approved:


Gene Mim Mack, Mayor

Attest:


Stacy Bartlett, Town Clerk

RECEIVED
2/6/19
8:45 am

AGENDA ITEM 10c

 Unfinished X New Business

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

2-6-19

Submission Date Time: _____

Person Submitting the Agenda Item Mayor Yes No

Council Member Submitting the Agenda Item Request? Name: Robert Holcomb Initial RH

2nd Council Member Submitting the Agenda Item Request? Name: Pat N Initial PN

If you are a Citizen is Submitting the Agenda Item Request please print your Name

Name: _____

Citizen's Contact Phone Number _____

Citizen's email address: _____

Requested Council Meeting Date for Item:

Agenda Topic: Discussion / Decision to rescind Resolution 363

Backup Documents Attached X Yes No

If no, why not? _____

Approved/Disapproved, If Approved, Meeting Date for Consideration

Mayor Signature _____ Date - -

Requestor Contacted Date - - Time by Whom _____

If this request is disapproved, please list the date it will be placed before the council. Date - - If the request is not valid, please annotate the reason it is not a valid item for consideration.

RESOLUTION NO. 363

**A RESOLUTION PROVIDING ANNUAL FUNDING TO THE
STEVENSVILLE MAIN STREET ASSOCIATION**

WHEREAS, The Stevensville Main Street Association was founded in October 2001, and has achieved State of Montana and National Main Street Association accreditation. One of only two programs to achieve this status in the State; and

WHEREAS, The Stevensville Main Street Association thru the four committees, Design, Promotion, Economic Restructuring and Membership, promotes and supports the development of the economic health and vitality of the Town of Stevensville's commercial and historic tax base; and

WHEREAS, Maintaining and expanding the commercial tax base of the Town is vital to providing the general fund revenue to support all of the services wanted by town residents, police, fire, parks, streets and administrative functions, and

WHEREAS, The Town does not have an office or staff to provide for the necessary promotion and development of the historic and commercial assets vital to expanding the tax base; and

WHEREAS, The Town of Stevensville has provided grant funds to the Association every year from 2000-2013 except for one year, and the funding level ranged from \$2500-10,000 depending on the year; and

WHEREAS, The Town Council thru this commitment has recognized that the financial support of the Association returns economic leverage of many times the value of the money granted each year; and

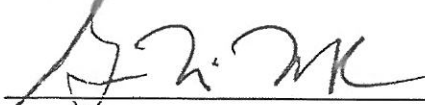
WHEREAS, The Town Council has provided in Fiscal Yr. 2013-2014 budget \$ 5,500 for the purpose supporting the Association in meeting the goals of the Town Council listed above and the value to the Town meets the "public purpose" requirement of MCA 7-1-4124(9) in granting funds; and

NOW THEREFORE BE IT RESOLVED, The Town Council of the Town of Stevensville does hereby grant to the Stevensville Main Street Association \$5,500 to meet the goals of the Town in supporting the historic preservation of and expansion of the commercial tax base and thru the four committees the needs of the public to maintain the vitality of the Town of Stevensville; and

BE IT FURTHER RESOLVED, The Association shall agree to sign the attached Grant Agreement before the release of funds.

Passed and adopted by the Town Council of the Town of Stevensville, Montana, this 8th day of JANUARY, 2015.

Approved:



Gene Mim Mack, Mayor

Attest:



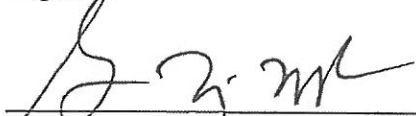
Stacy Bartlett, Town Clerk

Grant Agreement
between the Town of Stevensville
and the Stevensville Main Street Association

The Association agrees that in consideration of the granting of funds the Association shall;

1. Maintain its current accreditation with the State and National Main Street Associations
2. Maintain proper budget controls to account for the use of funds granted.
3. Report to the Town Council quarterly the progress made in support of Resolution No. 363
4. Provide a final report showing the full year results.

Signed:



Gene Mim Mack
Mayor, Town of Stevensville

1-9-2015

Date



Stevensville Main Street Association
Dan Ritter, Board President

1/20/15

Date

RECEIVED
2/6/19 8:45am

AGENDA ITEM 10d

 Unfinished X New Business

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

2-6-19

Submission Date Time: _____

Person Submitting the Agenda Item Mayor Yes X No

Council Member Submitting the Agenda Item Request? Name: Robin Helcom Initial RH

2nd Council Member Submitting the Agenda Item Request? Name: Re W Initial RW

If you are a Citizen is Submitting the Agenda Item Request please print your Name

Name: _____

Citizen's Contact Phone Number _____

Citizen's email address: _____

Requested Council Meeting Date for Item:

Agenda Topic: Discussion/Decision to Rescind Resolution 281a

Backup Documents Attached X Yes No

If no, why not? _____

Approved/Disapproved, If Approved, Meeting Date for Consideration

Mayor Signature _____ Date - -

Requestor Contacted Date - - Time by Whom _____

If this request is disapproved, please list the date it will be placed before the council. Date - - If the request is not valid, please annotate the reason it is not a valid item for consideration.

RESOLUTION NO. 281A

**A RESOLUTION AMENDING PROTOCOL FOR THE
TOWN OF STEVENSVILLE USE OF LEGAL COUNSEL**

WHEREAS, the Council for the Town of Stevensville adopted protocol for the use of legal counsel by resolution on the 9th day of February, 2012;

WHEREAS, the Council recognized the need to amend the protocol for the use of legal counsel;

THEREFORE, BE IT RESOLVED by the Stevensville Town Council that the protocol for the Town's use of legal counsel be amended to include:

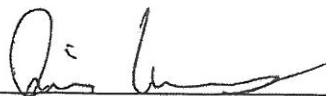
The Town Council may request access to the Town's legal counsel as a normal course of business as needed by the Town Council by;

1. Addressing questions to the Town Council President individually for consideration.
2. The Town Council President will consult with the Mayor regarding pre-existing answers to any question submitted to the Town Council president. Any question that has not been previously submitted to the Town Attorney will then be submitted by the Town Council President to the Town Attorney for consideration.
3. All correspondence between the Town Attorney, the Mayor and Town Council President shall readily be supplied in full to the Council regarding any business before the Council.

NOW, THEREFORE BE IS RESOLVED that the Town Council of Stevensville, Montana accepts and adopts the amendments to the protocol for the Town of Stevensville use of legal counsel.

Passed and adopted by the Town Council of the Town of Stevensville, Montana, this 12th day of May, 2016.

APPROVAL:



Jim Crews, Acting Mayor

ATTEST:



Stacy Bartlett, Town Clerk

MCA Contents / TITLE 7 / CHAPTER 4 / Part 46 / 7-4-4604 Duties

Montana Code Annotated 2017

TITLE 7. LOCAL GOVERNMENT
CHAPTER 4. OFFICERS AND EMPLOYEES
Part 46. Office of City Attorney

Duties

7-4-4604. Duties. The city attorney shall:

- (1) appear before the city court and other courts and prosecute on behalf of the city;
- (2) serve upon the attorney general within 10 days of the filing or receipt a copy of any notice of appeal that the city attorney files or receives in a criminal proceeding;
- (3) when required, draft for the city council contracts and ordinances for the government of the city;
- (4) when required, give to the mayor or city council written opinions on questions pertaining to the duties and the rights, liabilities, and powers of the city; and
- (5) perform other duties that pertain to the functions of the city council or that the city council prescribes by resolution.

History: En. Sec. 6, p. 64, Ex. L. 1887; amd. Sec. 9, p. 182, L. 1889; amd. Sec. 4787, Pol. C. 1895; re-en. Sec. 3256, Rev. C. 1907; re-en. Sec. 5038, R.C.M. 1921; Cal. Pol. C. Sec. 4391; re-en. Sec. 5038, R.C.M. 1935; R.C.M. 1947, 11-811(part); amd. Sec. 3, Ch. 428, L. 1979; amd. Sec. 1, Ch. 154, L. 2005.

Created by **LAWSON**

RECEIVED
2/6/19 8:45am

AGENDA ITEM 10e

 Unfinished X New Business

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

Submission Date 2-6-19 Time: _____

Person Submitting the Agenda Item Mayor Yes No

Council Member Submitting the Agenda Item Request? Name: Louis Holcomb Initial LA

2nd Council Member Submitting the Agenda Item Request? Name: Pat M Initial PM

If you are a Citizen is Submitting the Agenda Item Request please print your Name:
Name: _____

Citizen's Contact Phone Number _____

Citizen's email address: _____

Requested Council Meeting Date for Item:

Agenda Topic: Discussion/Decision on updating the Town of Stevensville Purchasing Policy

Backup Documents Attached X Yes No

If no, why not? _____

Approved/Disapproved, If Approved, Meeting Date for Consideration

Mayor Signature _____ Date ____ - ____ - ____

Requestor Contacted Date ____ - ____ - ____ Time _____ by Whom _____

If this request is disapproved, please list the date it will be placed before the council. Date ____ - ____ - ____ If the request is not valid, please annotate the reason it is not a valid item for consideration.



Town of Stevensville Purchasing Policy

Purpose: The Town of Stevensville takes care to ensure that we comply with federal and state laws and Town ordinances for all expenditures. The public can rely on us to make fair, competitive, and open purchasing decisions that are in the best interest of the Town.

Policy:

1. General Provisions:

- a) No employee will personally benefit from a contract or purchase entered into by the Town of Stevensville.
- b) No employee will use Town funds for personal purchases of any nature.
 - i) Authorized personal use of Town-provided cell phone, data devices, and internet usage is allowed in certain cases, according to the Town's phone and internet usage policy.
- c) No employee will receive a commission, profit, gratuity, or gift as a result of any contract or purchase made by the Town.
- d) Itemized receipts and invoices are required for all purchases. Details must be shown to ensure the public can determine EXACTLY what is being paid for, including individual units purchased and/or hours of service and the associated rate for each.
- e) All boards, committees, or other recognized entities of the Town of Stevensville wherein a Town employee is the authorized approver of the board's purchases must comply with this purchasing policy.



Town of Stevensville Purchasing Policy

2. Transaction with employees and related parties:

- a) The Town does not contract with or purchase goods or services from employees or employee-owned businesses.
- b) The Town does not contract with or purchase goods or services from a business owned by an employee's spouse, ex-spouse, mother, father, sister, brother, child, step-child, or adopted child.
- c) Waiver of these employee and related-party restrictions can only be granted by the Town Council BEFORE the purchase or contract has been entered into. Such a waiver requires a publicly advertised hearing for that specific purpose, along with consideration of the circumstances and factors outlined in MCA 7-5-4109.
- d) Provisions for annual review and disclosure of employee-vendor relationships will be developed by the Treasurer, with disclosures on file in the Town Clerk's office.

3. Credit Card transactions: Use of credit card accounts can be advantageous to the Town. We seek to take advantage of the convenience of these accounts.

- a) Items charged to credit card accounts are subject to all existing purchasing and approval requirements.
- b) Cash advances are prohibited.

4. Meal and food purchases: Meal and food purchases are subject to all existing purchasing and approval requirements.

- a) All meal and food purchases must have receipts.
- b) Town of Stevensville Per Diem amounts follow the established State of Montana rates.
- c) The purchase of alcohol and tobacco with Town funds is prohibited.



Town of Stevensville Purchasing Policy

5. Information technology software and hardware purchases: Computers, servers, telephones, cell phones, personal data devices, printers, etc. All technology-related purchases, both hardware and software, must be approved by the Mayor prior to purchase.

6. Prevailing wage requirements: Certain “public works construction contracts and other Town non-construction contracts over \$25,000 must pay Montana’s prevailing wage. Refer to Section 18-2-401 MCA for definitions of these services.

7. Documentation and selection of vendors:

a) Purchasing goods: i.e. supplies, materials, equipment, or other assets. The Town seeks the lowest life-cycle costs when comparing like goods. Estimated useful life and maintenance costs must be documented whenever they are factored into purchasing decisions.

i) Purchases up to \$500 per Department. The department may purchase at the Department Supervisor’s authorized signatory’s discretion.

ii) \$501 - \$1,500 per Department. The department may purchase at the Department Supervisor’s authorized signatory discretion. For new vendors, the Department Supervisor will get a minimum of two phone quotes (or other documentation, i.e. catalog price lists, online price listings, etc.) for the item. For existing vendors, the Department Supervisor will do an annual review of vendor pricing vs. their competition. Documentation must accompany the claim submitted for approval.

iii) \$1,501 - \$25,000 per Department. A minimum of two written quotes (on vendor’s stationary) is required. Documentation must accompany the claim submitted for approval. For existing vendors, the Department Supervisor will do an annual review of vendor pricing vs. their competition.

For purchases contained in the Department’s current fiscal year budget or the Town’s current Capital Improvement budget, Department Supervisor’s need only get approval by the Mayor prior to purchasing.



Town of Stevensville Purchasing Policy

For purchases not contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's must obtain prior purchase approval from the Mayor and the Town Council.

iv) \$25,001 - \$79,999. A minimum of three written quotes on vendor's stationary is required. Documentation must accompany the claim submitted for approval.

For purchases contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's need only get approval by the Mayor prior to purchasing.

For purchases not contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's must obtain prior purchase approval from the Mayor and the Town Council.

v) \$80,000 and up. All items in this range must follow the formal advertisement process as outlined in MT MCA 7-5-4302. All purchases in this category must receive prior Town Council approval.

b) Purchasing services: Contracts for services are awarded to the lowest most-responsible vendor or bidder. When determining which vendor or bidder is the lowest most responsible you may take into consideration generally available information regarding their skill, ability, their integrity to do faithful, conscientious work, and promptly, fulfill the contract according to its letter and spirit. (Including: qualifications, available Staff, references, delivery date, inspection, testing, quality and workmanship, etc.). All contracts for services must be approved by the Town Council.

i) For all Architectural, Engineering, and Land-Surveying services: Advertised Requests for Proposals or Requests for Qualifications must be made for services costing over \$20,000. Refer to Section 18-8-201 MCA for the procedures required for selection of these vendors.



Town of Stevensville Purchasing Policy

ii) **Other Professional Services:** as per the Town's policy, any contract must be approved in advance by the Town Council. In regards to contracting for other professional services, including non-construction services as defined in Section 18-2-401 (9) MCA:

- Professional services totaling up to \$1,500 per agreement
 - The department may purchase at the Department Supervisor's authorized signatory's discretion
- Professional Services totaling between \$1,501 - \$25,000 per agreement:
 - At least three written quotes must be accumulated, with the lowest most-responsible vendor selected

For purchases contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's need only get confirmation by the Mayor prior to purchasing.

For purchases not contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's must obtain prior purchase approval from the Mayor and the Town Council.

- Professional Services totaling \$25,001 or more per agreement:
 - A published Request for Proposals must be made, with the lowest most-responsible vendor selected

For purchases contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's need only get confirmation by the Mayor prior to purchasing.

For purchases not contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's must obtain prior purchase approval from the Mayor and the Town Council.

ii)



Town of Stevensville Purchasing Policy

ii) **Government Services (GSA, WSCA, etc.) Procurement:** Supplies, equipment, and other professional services may be purchased from another government entity (including government purchasing programs) without bids or advertisements when done so at a substantial savings to the Town.

- It should be noted that these purchasing arrangements are often, but not always the lowest price available.
- Requirements for prevailing wages must still be met for public works construction contracts and non-construction contracts over \$25,000. Refer to Section 17-2-401 MCA for definitions of these services.

iii) **Special Cases for Sole Source Purchases:** In the case of some of the Town's information technology, building mechanical, public works utility, and other infrastructure, it is in the best interest of the Town to maintain a compatible and reliable system provided by a single vendor. For cases where:

- There is only one source for the supply or service item, or
- Only one source is acceptable or suitable for the supply or service item, or service item.

Refer to specific dollar amount purchasing authority guidelines to determine Department Supervisor purchasing authority limits.

8. Approval of purchases: Payment for any goods or service purchased by the Town must be approved by the Town Council as part of the bi-weekly claims process. The following must appear on each claim submitted to the Treasurer:

- Authorizing signature: must be the Department Supervisor.
- To verify receipts of goods, packing slip and/or other shipping documents must be submitted to the Treasurer.

9. Emergency purchasing provisions: In the case of an emergency or disaster declared under Section 10-3-401 MCA, these purchasing rules may be temporarily suspended.

10. Violations of this policy: Violations of this policy are subject to disciplinary action in accordance with the Personnel Policy.

AGENDA ITEM 10f

 Unfinished X New Business

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

Submission Date 2-6-19 Time: _____

Person Submitting the Agenda Item Mayor Yes X No

Council Member Submitting the Agenda Item Request? Name Holcomb *Robert Holcomb* Initial RH

2nd Council Member Submitting the Agenda Item Request? Name Michalson *Bob Michalson* Initial BM

If you are a Citizen is Submitting the Agenda Item Request please print your Name
Name _____

Citizen's Contact Phone Number _____ Citizen's email address _____

Requested Council Meeting Date for Item: 2-14-19 X

Agenda Topic: Discussion/Decision Council Reconsideration of the approval of the Mayor's Employee Reorganization plan.

Backup Documents Attached X Yes No

If no, why not? _____

Approved/Disapproved, If Approved, Meeting Date for Consideration 2-14-19

Mayor Signature _____ Date - -

Requestor Contacted Date - - Time _____ by Whom _____

If this request is disapproved, please list the date it will be placed before the council. Date - -

If the request is not valid, please annotate the reason it is not a valid item for consideration.

Council Discussion/Decision

The Mayor's Employee Reorganization Plan upon subsequent review appears to be lacking in several areas.

The Mayor's Reorganization Plan eliminated the Current Building Official and assigned these duties to the Clerk without a complete review of the Clerk's Resume and qualifications that would normally occur during a hiring process. No supporting documentation was submitted by the Mayor or the Clerk to justify assigning these duties to the Clerk nor was this decision previously discussed with the Planning Department Head, Dennis Monroe, nor were the potential changes discussed with the Town Attorney or the Council prior to the council meeting of 1-10-19.

The Stevensville Municipal Code 6-20 states the following:

The town shall employ a certified Building Official (BO). The mayor shall appoint and supervise the building official in the same manner as all other department heads and in conformance with the town's personnel manual.

The Clerk then as the BO becomes a Department Head, supervising the Building Inspector and 3 clerks. The Clerk has made it clear that she cannot keep up with the work of the Clerk and Court Clerk, how will she deal with being a Building Official which often requires a significant amount of time reviewing plans and calculating fees, in addition to that it requires field work which there seems not to be any qualifications to do that work. Having the Clerk be both BO and the Zoning Administrator (ZA) concentrates too much authority in one person. The ZA has many duties including plan review of all building permits, but must also review all business licenses. The plan would circumvent the checks and balances of the BO and ZA being two different individuals. The Mayor only serves as the ZA while there is not a ZA just as the Mayor is the Airport Manager when there is no airport manager. It was never intended that the Clerk hold a position of supervision or that of Department Head. The Clerk has many essential duties that require the Clerk's attention.

The Mayor's Employee Reorganization Plan also appears to have eliminated the Cemetery Sexton. This plan does not appear to have taken into account the needs of the Cemetery Sexton and all of the work that the Sexton actually does including maintenance of the town's records, assistance with grave Markers, plot locations, etc.

Additional budget requirements need to be discussed regarding the training and certification of the Deputy Clerk positions that have been created under the reorganization plan. Nor has a timeline been established for the certification of these employees under the plan.

It is presumed that the Deputy Clerk will fill in for the Clerk, which means the Deputy Clerk needs to enter into the 3-year certification program. The reorganization will require the Clerk who is not presently certified in Montana, the Deputy Clerk who is not certified in Montana and the Court Clerk all to attend the various certification programs.

Suggested motion: I move that the approval of the Mayor's Employee Reorganization Plan be rescinded.