

**Stevensville Town Council Meeting Minutes
for THURSDAY, JUNE 10, 2021**

1. Call to Order and Roll Call

Mayor Dewey called the meeting to order. Councilmembers Devlin, Ludington, Shourd and Vick were all present.

2. Pledge of Allegiance

Councilmember Vick: I would like to suspend council rules to bring up an issue of urgent matter to the council.

Councilmember Shourd: 2nd to suspend council rules.

Councilmember Vick: in light of recent events, I mean the events that I made a press release on earlier today I believe that at the time those issues were cut and dry I found out later today from Mr. Underwood his services have been requested as no longer needed with the town of Stevensville and discovered that this issue had come up with something that had occurred back in December and the March/April time line that I was led to believe. And in light of this I am going to make a motion to try Mayor Dewey for misuse of public funds.

Mayor Dewey: is there a second, motion dies for lack of a second.

Councilmember Shourd: by making this particular motion is this without an investigation?

Councilmember Vick: I had asked Mr. Owens to perform a full investigation into the claim to find out exactly what had happened, so it is making a motion for trial pending the results of the investigation.

Councilmember Shourd: while I agree that there needs to be an investigation into the issue, I feel like a trial is jumping the gun here, just my opinion. I do feel that there needs to be an investigation into the issue, and everything needs to be brought to light.

Mayor Dewey: I will just offer rather going down the road of an investigation would it be helpful for the council to see the accounting of what happened is that what you are looking for rather than hiring a third party to come in and use funds to look at a situation that the city attorney says nothing illegal has happened he sent you all a letter today did you receive that? I will read the letter

Mayor Dewey: read the letter from city attorney Scott Owens (letter will be part of the minutes)

Councilmember Devlin: you were talked about this in April now it is June.

Councilmember Vick: that is correct.

Councilmember Devlin: than why didn't you do something about this then.

Councilmember Vick: I was informed at the time that is it was a cut a dry situation and I was going to allow Mr. Dewey the issue himself because it involved him completely since he did not that is why I chose to release the information.

Mayor Dewey: what is not cut and dry about it now?

Councilmember Vick: after that letter that you just read from Mr. Owens was released, I received a phone call from Mr. Underwood letting me know that he had been let go as of 5:00 this afternoon and then because he had an agreement with the town until we hired a new finance officer, I discovered that he had been let go.

Mayor Dewey: you are getting into a personal issue.

Councilmember Vick: I am not done, ended up discovering in this whole time back in December that on a day when Mr. Underwood was off from a day of work Mr. Dewey had instructed another town employee to recode in the black mountain software and the money had been repaid which I did ask and I did verify that they money had been paid back, he instructed an employee that was not a finance officer to go in the Black Mountain Accounting system in there and repaid and had been coded incorrectly.

Mayor Dewey: do you have any factual bases for that statement?

Councilmember Vick: I have this information from the former finance officer.

Mayor Dewey: okay, you have it firsthand from an employee that they were involved.

Councilmember Vick: I did not allege any employee I just said that I was informed that an employee was told to do it.

Mayor Dewey: but you didn't verify that with who you should have.

Councilmember Vick: I verified it with whom I should have and the only access to the Black Mountain Accounting software.

Mayor Dewey: you didn't ask me if I asked that employee to do it and you didn't ask that employee if she was asked to do it.

Councilmember Vick: I never verified the gender of the employee.

Mayor Dewey: her gender is irrelevant and there are only two gentleman that work in the office so you can narrow it down.

Councilmember Vick: Mayor did you instruct an employee to code into the system that you repaid the money?

Mayor Dewey: I turned in a claim to the individual that processes the claims for our organization, Laura enters all claims. I turned in a claim with my purchase order and my coding was appropriate and the coding was appropriate for legal services, she processed the claim the claims were run, the claims approval sheet was run and that is an understanding the Mr. Underwood approves the claims approval sheet prior to the meetings and in that case, it was an off cycle claim because of the Christmas holiday, it is also my understanding that Mr. Underwood views that checks prior to signing them, we co-sign checks, he signed the check I signed the check in the same batch of claims and checks were mailed. Following that we in February we realized that we did not run the out of cycles claims back through council and addressed the issue with the city attorney that is when he first became involved, he refers to that in his letter. It took his sometime to know what to do with it and that is where we ended up back in April was with the two options according to Scott, seek indemnification, regardless

that we missed a critical step, or the money was put back from where it belongs. No money transferred from the towns account to my bank account I want to be clear about that. As soon as we were made aware of the issue I wrote a personal check to the town and reimbursed the town for the cost of that lawsuit and did not seek indemnification as far as the city attorney was concerned there was nothing further to the issue, he did not feel that an audit finding would result because the money had been returned and we had memoed the accounting system and through documentation on what had happened, this an account for every step and a justification at every step there is a statement that acknowledges that we did not ratify the claims in December and that we discussed it as an administration and that we would prevent it from happening again. We have put things into place and have documented what had happened there was no attempt for a coverup or any of those types of allegations we paid the bill and later learned that indemnification should have happened, so we backed up.

Councilmember Vick: as far as this moment goes, this moment I am not saying that I am completely satisfied but I am satisfied at the moment for holding off on a trial, but I would like to for Mr. Owens to be given permission to continue the direction that I have pointed him in that I would like to see a full-on investigation including interviews with all staff members involved in this so we can figure out where the break down happened and prevent it from happening again.

Mayor Dewey: I can tell you where the break down happened, Christmas, we didn't bring the claims back after the Christmas holiday.

Councilmember Shourd: I am in favor of clarity and transparency and having the investigation provide the documentation to the council so that we can have it in front of us take a look at it and make a decision from there on an appropriate step.

Councilmember Vick: I will make a motion to allow an investigation utilizing a private investigator that Mr. Owens is able to locate for the town.

Councilmember Shourd: why isn't Mr. Owens doing the investigation?

Councilmember Vick: because Mr. Owens is too close to the facts and he serves as the town attorney he informed me that it should be an outside entity that performs the investigation.

Councilmember Shourd: 2nd

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Mr. Shourd.
Council discussion?

Councilmember Devlin: I guess my concern is the money that is going to be spent when we have the documentation in front of us, we have an opinion from an attorney that we already pay the money was put back no money really exchanged hands (chatter from the audience) could you please not talk while I am talking. Thank you. I don't see, what are we investigating?

Councilmember Vick: the only reason that I am bringing up an investigation for this is simply after Mr. Owens letter came out and more information came out in light, more information about this entire thing had come out I would love to see every single piece of whatever.

Councilmember Devlin: I am a little concerned when you say more information came out, it is here say information that came out.

Councilmember Vick: then we should investigate the here say and determine what is truthful and what is not.

Councilmember Devlin: how do you know that in the investigation that somebody is just saying something.

Councilmember Vick: then let the investigation determine that.

Councilmember Devlin: they don't determine that they go through paperwork and a process they don't determine whether someone is being honest, or it is their opinion, they would look at the documents that we have the process that was followed and decide if basically anything illegal happened.

Councilmember Vick: I would still like to go down this route and look at things that are put in front of us and in layman's terms, I am not very good at reading Black Mountain Accounting software because I was not trained

in how to read it only thing that I know how to read is the claims sheet and that is simply money that is going out so I would like to have an investigator be able to pin point this claim especially because it was \$12000 dollars.

Councilmember Shourd: in my opinion many accusations get thrown around this council against the mayor and other things that happen within town hall, clarity and transparency is extremely important to me and if this is what is necessary to provide clarity to the town council and the public than I think that is what we need to do.

Councilmember Ludington: I will make a brief statement as a public employee myself this has happened to me once, I went to Napa to buy a part for my personal vehicle and it got put on the schools account, I discovered that this is what they had done I went to the school gave them a check signed a statement that said my intention was never to charge the school and it was a mistake and that I signed it and the clerk of the school signed it as well, I think that is basically what we are looking at here. Because as long as we can show the check that was written with a PO and signed by the mayor and the finance officer and there was a check written by the mayor, a personal check written by the mayor, and they rectified that payment that was made to the attorney then I think we are square. I think that if we want to say that it was an attempt by the mayor to try and do something that he should not have done I think that will always be a matter of opinion no matter what. If you want to think that he got caught with his hand in the cookie jar it would be the same for anybody that would kind of put myself in that some sort of situation. Here is a he bought an alternator for his pickup and tried to have the school pay for it, well that is not what happened a mistake was made along the way and I rectified it and signed a statement that said a mistake was made I fixed it so if that is what you would like the mayor to say he probably would say that he decided that it would not be in good faith to do something like that or bring that issue up he resolved it and the only thing that I would be able to say would be there was a return check from the attorney and there was a personal check from Mr. Dewey. And that basically balances the books.

Mayor Dewey: we can provide all that documentation with out an investigation.

Councilmember Shourd: I think that there are necessary steps, provide us the documentation, look through that documentation and then let us make a determination if there is an investigation after that. I think we need to take the appropriate steps to where we need to be. Whether putting in trial or not I don't want to throw away the taxpayer's money into an investigation so I think that is probably the necessary steps, the documentation of what happened of the entire situation everything from Scott and we can move forward from there.

Councilmember Devlin: I guess I am a little flustered did you (mayor) speak to everyone?

Mayor Dewey: everyone but Mr. Vick because he was privy to it from Mr. Owens.

Councilmember Devlin: when this was brought to my attention, I asked for documentation I don't know why none of you asked for it. That is kind of my question two months later, we have a job to do and if there is something in question, we shouldn't be afraid to ask we don't always have to go at someone's throat that is how this town has been for decades and we don't always have to do that. Sometimes it is simple, sometimes it doesn't require thousands of dollars to do prove a point or not. Sometimes it is a conversation and we have gotten away from that I mean my questions were answered by going in and saying let me see this paperwork not let me see what you are hiding not are you hiding anything not did you do anything wrong let me see. With the original claim there are papers attached to it to back up with the examples of times that this has occurred and been okay for when the check was written to begin with. Whether it was found out that it was appropriate to do it or not the funds were back that same day the documentation to show. I am not here to waste anybody's time, but we do it a lot. We waste time and money it is black and white it is simple and that is available to anybody that wants to see it. That is transparency. It doesn't have to be a huge issue everything doesn't have to be a big deal sometimes it is simple, and it just takes a conversation if it

is something that you want to know ask. I did. And it is something that we want to make transparent let's make it transparent. There is nothing preventing that everything is in the public's eye. That is just my concern I don't know why we have to go through this every time.

Councilmember Vick: the only reason or one of the reasons why had brought this before a council meeting and what not and asking about this around the same time I had asked Mr. Dewey about my side walk stuff and the water billing stuff and I was given a "you seem to be spending a lot of time at focusing on something that I announced a month ago" rather than actually providing the documents to let me see whether or not the water billing thing was a contract or not. Which it was determined that it was a purchase agreement and not a contract from my understanding instead of Mr. Dewey and I had a back and forth one day about this and I have yet to see this documentation. So, it seems like any time I ask for documentation I have been pretty much shown the door. I could start going in more and more and say that I would like to see this documentation but instead I would really like to see this documentation and if it does take an investigation to get every single piece of documentation available then that is what we have to do. However, if Mr. Dewey is willing to go and get the documentation for us to allow us to look at the documentation to determine whether or not an investigation is needed, I am satisfied.

Councilmember Devlin: can we take a time for you to go and get that? Is that appropriate.

Mayor Dewey: for everyone's interest in mind I am happy to just, I am not going to go and get it because it is in different places, we have revenues files and expenditure files. So, it is no all-in-one file that says this is the claim it is scattered amongst all of our claims. I am happy to pull the documentation as soon as tomorrow scan it and email it. And if someone wants to see this item on their agenda in July or sooner if you want to call a special meeting, if you want to see it on your next agenda then ask for such, I have no problem with that. I prefer to pull on the documents together and in place, scan them in and let you review them at once.

Councilmember Shourd: at this point I am satisfied with that.

Councilmember Vick: at this point I would be satisfied with that as well.

Mayor Dewey: I don't think that there is any urgency the money is back where it goes it isn't going anywhere. Motion on the floor is to seek an investigation. Is there any further consideration to that motion?

Councilmember Shourd: I rescind my 2nd.

Councilmember Vick: I will rescind the motion and make a motion that you provide us the documentation.

Mayor Dewey: motion on the floor is that the mayor's office provide documentation on the matter discussed this evening. Moved by Mr. Vick and 2nd by Mr. Shourd. Council discussion? Public comment on the motion?

Public Comment

Jim Tadvick: 509 Mission Street, I have a problem with all of this, was there a whistle blower involved? What was the dollar amount, and someone was terminated? I think an investigation is needed as a taxpayer.

Leanna Rodabaugh: I wasn't going to speak this evening; I don't know why three questions were asked and no answer. Ravalli street, so my question would be where did the money come from, what fund did you take it from, the fact that you were just going to pass it by if there is no legal activity in part of the mayor you are involved. I think you need to think seriously about that this is criminal (unclear audio)

Councilmember Vick: I would like to add on to that motion as to why Mr. Underwood's services are no longer needed. I do understand that he filed a resignation letter however as I stated he had an agreement with the town to stay on until a replacement was found.

Mayor Dewey: forgive me are you amending the motion?

Councilmember Vick: correct.

Mayor Dewey: is there a 2nd to the amendment. With the discussion, Mr. Vick I can't provide that documentation to you it is an employment matter. Mr. Underwood was terminated, and I can't discuss it any further than that. He is an employee, and he has a right to privacy, and he has not waived that

right of privacy and it can't be discussed tonight period. I am not sure that I can release those employment documents with any justification to council.

Councilmember Devlin: we had an original motion that we were speaking to and then it got switched in the middle of public comment I don't think that is appropriate.

Mayor Dewey: it is a little cumbersome. There is an amendment on the floor it has been moved and 2nd. To include into the motion the employment matter be provided to the council as well. Council discussion?

Councilmember Devlin: we can't have that motion because it is not something that we can fulfill not to get into my other job, we can't discuss that. It can't be opened it is not something that can be provided. I don't think we can have that attached to the motion. I am wondering if Ms. Tadvick is standing up here ready to speak on the original motion that was on the floor, can we stick to the original motion and make amendments after that. This is disrespectful.

Councilmember Vick: I will rescind the motion. If you rescind the 2nd.

Councilmember Shourd: I will rescind my 2nd.

Leslie Tadvick: public comment, I would like to know where that money came from, I think you have the right as public servants to tell us where that money is and which fund that money came out of. I don't think we should let this drop, the normal person intown isn't going to have that information unless they come into city hall and in the real world outside this council chamber you would have been, bye. I think that is not a good thing Brandon to go and say that I am taking that money and using it. I think that you should resign tonight. Thank you.

Mayor Dewey: any further public comment? Okay with that the motion on the floor is to ask that documentation be provided to council on the mayor most of the questions asked this evening all of the questions asked this evening we be answered through that documentation so we will get that out as soon as we can to you folks. Any further council discussion? We will call for the vote.

Councilmember Vick: I would like for us to make once we get this documentation first July meeting that second Thursday, I would like us to make a determination on whether we need to do an investigation. Allow us to do our investigation first and then we can have an executive session at that meeting to determine if a full investigation is to happen.

Councilmember Ludington: I will sign that agenda.

Mayor Dewey: okay with that we will go ahead and call for the vote, Ms. Berthoud.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: the motion passes unanimously.

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

Vickie Motley: 318 9th street, going back to what Dempsey asked about Robert, I think that you have the right to know, and it can be a closed meeting. I know school board members have the right to know what happens at school with employees and they go into a closed session so that it is not public. So, if it something that you want to know as for that information, but it is in a closed meeting.

4. Approval of Minutes

NONE, Jenelle is pulling double duty as police clerk and town clerk at this time.

5. Approval of Bi-Weekly Claims

a. Claims #16783-#16815

Mayor Dewey: introduced the claims.

Councilmember Vick: I will make a motion.

Councilmember Ludington: 2nd.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Mr. Ludington.
Questions from council?

Councilmember Ludington: 16792 annual for Montana rail link
underground water crossing?

Mayor Dewey: annual fee to Montana rail link so that are water line can go
under the tracks. There are two \$50.00 fees. Any further questions form
council? Public comment? Hearing none, Ms. Berthoud.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: motion passes.

6. Administrative Reports

a. Airport

b. Community Development

c. Finance

d. Fire Department

Chief Motley: gave his report that was provided to the council in their
packet.

e. Parks & Recreation

Bobby Sonsteng: gave his report that was provided to the council in their
packet.

f. Police Department

Chief Sosa: gave his report that was provided to the council in their packet.
Have a couple more blocks to walk, introducing myself to the public. I have
discussions going with the school and the superintendent.

g. Public Works

Report provided to the council in their packet.

7. Guests

NONE

8. Correspondence

Mayor Dewey: introduced the correspondence from Patrick Shourd and Scott Owens.

a. Resignation of Councilmember Patrick Shourd

b. Resignation of Town Attorney Scott Owens

9. Public Hearings

NONE

10. Unfinished Business

NONE

11. New Business

a. Discussion/Decision: 2021 Water System Preliminary Engineering Report

Mayor Dewey: introduced new business item (a).

Craig gave this presentation, was provided in the packet and additional documentation was provided on the website.

Mayor Dewey: any questions from the council?

Councilmember Ludington: the SCADA is a hardware, software system.

Mayor Dewey: that is the sewer system on Park Ave. it does not exist.

Craig: my life has been consumed by American Rescue Plan Act, there are three buckets of money, Craig referred to his slide provided in the packet.

Questions?

Councilmember Ludington: first question is who is scoring the grants?

Craig: there is a committee, DNRC, commerce, Rachel Clark DNRC. A committee that will rank them. The governor's committee that he has set up.

Councilmember Shourd: what are the benefits of the wye vs. the airport vs. the existing?

Craig: there are a couple of things, the benefit of putting some place else then the existing direction from where water can come from. Let's say that you have both out Middle Burnt Fork and that is where all of your storage is. Where can you acquire land? That is always a question. Elevated tank, some people don't like them.

Councilmember Ludington: my biggest question would be that are we looking at an increase in electrical use.

Craig: everything is going to operate on the same grade line. Pressure of the system will not change.

Councilmember Shourd: if we put it at the airport couldn't they just pay for it. (laughing)

Mayor Dewey: that is one consideration outside of the existing system is that it does give you the ability to expand services water services to areas that will eventually have a high demand for them. In 2019 the council asked for an annexation study of the WYE, and that is where that \$2.9 million dollar figure came from and that was the distribution system for that area. The assumption in Craigs chart would assume if you are going to put in water you are going to put in sewer. We look at the growth of the community and where is the best place for that location.

Councilmember Shourd: I think that the first part of that is getting the grant and see how much we get, then we can see where we are at.

Mayor Dewey: we can go that route and then come back with a design for what it looks like.

Craig: the funding agency through the process.

Councilmember Shourd: I think that it is very exciting news after hearing we are losing 96 gallons a minute with our current that is a lot of water.

Councilmember Ludington: where are the water lines on Main Street.

Mayor Dewey: under the asphalt, I think that it is in the driving lane of the parking area.

Councilmember Ludington: 1970's?

Craig: we really haven't gotten into the discussion with the staff about this part. We may be able to look at the fire pull in that area. The point being with the new SCADA system you will have some money left.

Mayor Dewey: the only other wrench that I can throw into this is in the numbers that you see include using all of those treasury funds. The council has not yet engaged in a conversation in how they would like to see those funds budgeted those funds are much more flexible than the funds that Craig mentioned tonight the other two buckets where you can use the treasury funds to offset lost revenue in certain areas you can do some other more creative things for your community let you know that the administration has some ideas with those funds I don't think we have \$500,000 in ideas but I bet we could come up with some. That should be a consideration as well when you talk about prorates how much of that funding are you willing to commit to the project if there are competing priorities if that funding could help in the organization. I don't know if you have to answer that tonight because the application is due July 15th, and we have a council meeting July 8th. If you are with the priorities expressed in the PDR I think we could go ahead and get things drafted up and then we can fine tune it.

Craig: I think that it is a matter of how much money you want to throw in that pot for matching that grant.

Mayor Dewey: I think that we can evaluate the water fund and see how much to allocate. I think tonight we are looking to the council to consent to moving in the direction of what has been defined.

Councilmember Ludington: looking at the agenda I would make a motion that we go ahead and apply for grant funding.

Councilmember Vick: I will 2nd.

Mayor Dewey: it has been moved by Mr. Ludington and 2nd by Mr. Vick, Council discussion? Public comment?

Councilmember Ludington: and I think just for further clarification, and this is kind of taking items (a) and b. Discussion/Decision: American Rescue Plan Act Infrastructure Funding Priorities

and lumping them together because they are so closely related. That is basically the recommendations is that we need to update the system and without the ARPA funds it will be out of way to afford.

Mr. Tadvick: how many gallons a month are we losing now in leaks?

Councilmember Ludington: almost 400,000

Mayor Dewey: more like 14 million.

Councilmember Ludington: it is a lot.

Jim Tadvick: wouldn't it make more sense to fix the leaks?

Councilmember Ludington: if we could find them. The biggest problem that we are having right now from my conversations with Mr. Kruse is identifying where those leaks are and if that is a geological issue because the surface water is so high, if you can put a listening device to the street and can hear where the water is rushing, he puts a device to the street, and it is all rushing. He is trying to find another system that can help us with detecting the leaks instead of going around and digging up spots of where we think it might be. We have done a lot of that already.

Mayor Dewey: we have done a lot of tracking a lot of the leakage is either main replacement or services some services we know leak and some services will get replaced with the street's projects and a lot of those go back on the homeowner to replace they are not a responsibility of the towns, but we lean on those folks some don't even now that they leak. Depends on the time of year, irrigation and we fluctuate through out the

year. Sometimes as high as 80%. We caught a number of pretty serious leaks this spring that we saw production going down the next day. Further public comment?

Leslie Tadvick: 509 Mission Street, is the total for this going to be added onto what we already owe? And how much have we paid on the last water section that we did, I understood that we were just paying interest. Have we paid that bond down at all?

Mayor Dewey: I don't know the specifics on interest and principal, but our bond payment does pay down both interest and principal. Those are relatively new bonds we could find out that information and get that to you. This is not additional debt that the taxpayers or rate payers would take on, we are leveraging cash that we have, or we are getting from the state with additional grant funds there is no debt involved in this project at all, so we are talking a \$3.5 million dollar project with no debt at all.

Craig: I will add to that, they won't let you pay down principal with these funds. You are paying principal and interest you have to have a certain amount set aside all that. And this will not add to your rates.

Mayor Dewey: I would add we pay a bit higher of a rate to put us in this type of financial position so when these types of things come up, we have some cash set aside to leverage those funds, today we pay a little bit extra on their water bill anticipating the money would be set aside to fund a project. Any further public comment?

Chief Motley: we have to go after the loss I get that we also need the storage. If there is zero loss in the storage, we need it for the demand of the community.

Councilmember Vick: Chief Motley I have a question for you, being the fire chief where would you like to see the storage system at?

Chief Motley: well, the redundancy pieces are huge if we throw our eggs in one basket one straw coming into a system from an emergency standpoint it doesn't make sense, we are all about redundancy in light of that if we can have two storage systems one feeding into the other it totally makes sense to me. East side west side one or the other, whatever makes sense fiscally.

There are a lot of things that go into it. To go with the mayors, point if we are going to see growth on the other side of the river it makes a lot of sense to put it over there. We need storage.

Councilmember Vick: correct.

Mayor Dewey: last call for public comment. Motion on the floor is to proceed with grant application as was discussed tonight, we will call for the vote, Ms. Berthoud.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: motion passes. We have addressed both of those issues (a) and (b). we will move on.

c. Discussion/Decision: Special Event and Alcohol Use Permit for Bikers Against Bullies Event

Mayor Dewey: introduced new business item (c)

Councilmember Vick: I will make a motion.

Councilmember Devlin: 2nd

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Devlin. Council discussion? Public comment? Hearing none we will call for the vote, Ms. Berthoud.

Councilmember Devlin: aye

Councilmember Ludington: aye

Councilmember Shourd: aye

Councilmember Vick: aye

Mayor Dewey: thank you.

d. Discussion/Decision: Request a Variance to Town Code to Remove 2 Large Maple Trees Belonging to the Town of Stevensville

Mayor Dewey: introduced new business item (d). outlined in the packet this is pretty much an administrative decision. Install solar panels on the south side of his home.

Councilmember Shourd: I am a big fan of trees, and I am a big fan of solar systems and people being able to utilize solar. I drove past his home today and those are huge trees, and they are too close to his home those root systems if not now will damage his structure and they should be brought down for that reason. Removing two trees and he has agreed to replace it with three trees. Those are giant trees seven feet from his front door. I will make a motion to remove those trees.

Councilmember Vick: 2nd

Mayor Dewey: it has been moved by Mr. Shourd and 2nd by Mr. Vick.
Council discussion?

Councilmember Ludington: Northwest Energy has taken on a program to help people participate in the project on your own to help reduce your electric helping you go out as far as tax incentives and how much you will save, and it is an opportune time to let somebody put some solar panels up on his house.

Councilmember Vick: It is no secret; I love trees too. I do hate to see these older maples trees get taken down and as trees get older and no longer grow, they no longer help with the amount of carbon in the area, if Mr. McCanns replacement of three trees and replacing two possible end of life trees with three fruit baring trees will also help with his carbon footprint in using solar panels it will also help out the town as well.

Mayor Dewey: any further council discussion? Public comment?

Public comment

Vicki Motley: at who's cost to remove the trees.

Mayor Dewey: it would be solely his. Any further public comment? Hearing none we will call for the vote. Ms. Berthoud.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: motion passes.

12. Executive Report

Mayor Dewey: we will provide some supplemental documentation to the issue discussed previously in the meeting. City attorney position we did not receive any so we will readvertise that we advertised in three newspapers previously. If we get to July 12th and don't have a solution, then we will start a conversation with Scott to see if we can limp along with him for month to month. I think that pretty much covers anything in the executive report.

13. Town Council Comments

Councilmember Vick: maybe two to three short things. Why I went to the extreme that I did when I asked for a trial. So that we could come to a happy medium. Instead of saying we go all the way or do nothing. The only reason that I came out today, honestly, I do believe that nothing happened, but the public still needed to know that it had happened. I should have come out a month ago when it came to my attention. I am done with that until we review it. The other thing is that the town logo being changed to a rainbow, I love each and every one of those guys. I propose that we put up a sign in an area where everyone can put up stickers or whatever they want to. Last thing I have to say is the reason why I am not going to be here at the June 24th meeting. I am not angry at anybody for asking these questions. I recently discovered that the man that I thought was my father was not my father. I am going to meet my biological father. Forth thing is I am going to miss working alongside this man, Mr. Shourd.

Councilmember Shourd: what prompted my resignation was short notice to leave the council. Family comes first and always will. Appreciate all that you do, thank you for allowing me the opportunity when things are resolved with my family I will be back. Thank you.

Councilmember Ludington: I will add to what Dempsey said, we will miss you and best of luck to you and we will keep you in our prayers.

Councilmember Devlin: I am looking to get some clarification it has been brought to my attention that the Farmers Market is being charged an extra \$10.00 for garbage, my understanding that they have not in the past. They clean the street up at the end of each Saturday they clean up after themselves. And this year it is something new so can we get clarification on why this is happening.

Mayor Dewey: the council adopted a \$10.00 per day garbage fee for special events in 2019, 2020 would have been the first year we charged for it. When the Farmers Market permit came forward in 2020, we waived that fee for COVID-19 purposes we wanted to encourage activity and we knew that there was an economic strain in the community. There was an approach to that as to why that was waived, this year we did not take that approach. It was a request from the public works department. In the summer public works get a extra waste reciprocal for all the garbage that we have up and down main street and in the parks. All events typically bring in dozens of there own trash cans but there is a residual trash use from that activity that fills our trash reciprocals from those. With the activity from Farmers Market on Saturdays we have to dump first thing on Monday morning at least the can at the corner yes, they have their trash receptacles, if you walk through Farmers Market it is caused by the event the \$10.00 per day fee is charged to all of those events. Western Heritage Days, Creamery Picnic they pay that fee. If the council wants to reassess those fees, they can at the budget talks.

Councilmember Devlin: let's make that a topic of discussion please, I am at a crossroads in my mind, a wonderful event took place this last weekend, we are getting into that part of the season. Everyone gets along there is no division there is no hatred and there are no nasty grams on social media.


And I think that it is wonderful. We would not have this hatred division if we did this all the time. Not only do I make my living bringing people together, but I also volunteer my time to bring people together in our town. Please don't ask me to choose a side I am asked to choose hate, don't ask me to do that it is not my job, it is not something that I believe in. I have lost people in the community because I haven't chosen hate. Ask yourself if what you are doing is building our town up or putting us down. Lastly, I am really going to miss you, you are so patient and so kind you have brought such a peace to this place I have high, high respect for you and your family.

14. Board Reports

NONE

15. Adjournment

APPROVED:



Brandon E. Dewey, Mayor

ATTEST:



Jenelle S. Berthoud, Town Clerk

Hon. Brandon E. Dewey
Mayor of Stevensville

Scott Owens
City Attorney



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June 10, 2021

Mayor Brandon Dewey
Council President Dempsey Vick
Councilmember Jaime Devlin

Councilmember Patrick Shourd
Councilmember Paul Ludington

VIA: Email to: brandon@townofstevensville.com
dempsey@townofstevensville.com
jaime@townofstevensville.com
patrick@townofstevensville.com
paul@townofstevensville.com

Re: Statement of Legal Inquiry - Indemnification

Mayor / Councilmembers:

Today, June 10, 2021, I was notified of a statement that was released regarding a claim that was submitted on behalf of the Mayor's Office. This statement is provided to clarify/correct the information that was disseminated.

As I understand, a claim was submitted for indemnification of the costs incurred through litigation in the recall matter, *Dewey v. Rodabaugh*. This claim was processed out of cycle. Immediately, the Town Finance Officer and the Mayor reported this expenditure to my office and requested an opinion. The recent statement uses the term "whistleblower" to describe how this information came to my office. This is inaccurate.

Whether this claim qualifies for indemnification is a matter of debate. Sparing the legal analysis on this issue, public policy and statutory law (Title 2 and Title 9) form the basis for this debate. Looking at other jurisdictions, it is apparent that there is no clear answer. In 2020, a recall election was spurred in Helena where the City Attorney's Office provided a full defense for the officers subject to recall. Additionally, there is ongoing litigation regarding indemnification in Jefferson County that may provide further clarification on this issue in the future. At this point, it is my opinion that the Mayor could submit this claim for indemnification. However, decision to indemnify would have to obtain Council approval or become an issue of litigation.

On or about April 19, 2021, advice from my office was given to repay the money, resubmit the claim, and present the issue of indemnification to the Council for determination. As part of my obligation, this information surrounding this issue was discussed with the Council President, Dempsey Vick.

Shortly after delivering my opinion and consulting with the Council President, I was informed that the money had been repaid and that the Mayor was no longer interested in seeking indemnification.

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "S. B. Owens", written over a horizontal line.

Scott B. Owens
Town Attorney