

**Stevensville Town Council Meeting Minutes
for THURSDAY, AUGUST 12, 2021, 7:00 PM**

1. Call to Order and Roll Call

Mayor Dewey called the meeting to order, councilmembers Allen, Devlin, Ludington and Wandler were all present.

2. Pledge of Allegiance

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

Bob Michalson: (condensed) 222 Turner Street, gave public comment on \$49,986 for computer services with First Call. Mr. Michalson quoted dollar amounts that the town has spent on computer services and computer programs. Mr. Michalson read from a posting/texting/email.

Leanna Rodabaugh: (condensed) Cin Tay supposedly doesn't like me. 204 Ravalli Street. Quoted from (unclear what Ms. Rodabaugh stated she was reading from) gave public comment on her opinion of the mayor and his actions. Stated that town employees have harassed her.

Carolyn Mickens: (condensed) 211 Buck Street gave public comment on the French drains on Buck Street I would appreciate that the French drain be cleaned out so that it doesn't flood my house.

4. Approval of Minutes

a. 5/13/2021 Meeting Minutes

b. 5/27/2021 Meeting Minutes

c. 6/10/2021 Meeting Minutes

Mayor Dewey: introduced the meeting minutes.

Councilmember Devlin: make a motion.

Councilmember Wandler: 2nd

Mayor Dewey: it has been moved by Ms. Devlin and 2nd by Ms. Wandler. Is there any council discussion?

Councilmember Ludington: corrections on May 13th meeting minutes, references to fiscal that is misspelled.

Mayor Dewey: any further council discussion? Public comment?

PUBLIC COMMENT

Jim Crews: (condensed) 318 9th Street, gave public comment regarding the minutes just a general comment. I made a point in reading and listening to the minutes.

Mayor Dewey: any further public comments? Hearing none, Ms. Berthoud will you call for the vote.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: okay.

5. Approval of Bi-Weekly Claims

a. Claims #16913-#16969

Mayor Dewey: introduced the bi-weekly claims. HDR just notified us that DEQ needs a check, claim #16970 \$477.00 to the claims list. The claims list in front of you and include a correction and that is a reduction to our inspector contract. When we audited the inspections that he had listed there was a miscalculation in fees, so we reduced that bill and the correct amount is listed in the packet for you, I don't recall which claim it is though. 16964, thanks Wendi, the correct amount is \$11,105.75.

Councilmember Ludington: I will move to approve claims as presented.

Councilmember Devlin: 2nd

Mayor Dewey: it has been moved Mr. Ludington and 2nd by Ms. Devlin. Council discussion?

Councilmember Ludington: claim #16942 there is a solid waste \$25.74.

Mayor Dewey: building code fund, garbage bill.

Councilmember Wandler: claim #16924 I don't understand, the seller paid before (unclear audio)?

Mayor Dewey: what happens is when a property sells in Stevensville those title companies will contact the town to get a closing balance for their water and sewer bill, we provide that, and they put that in the closing charges when they close property for sale. Occasionally what happens is some property owners receive a water bill from the town after closing and that is the case here and they pay it, but their closing already paid the water bill, so we have to give them their money back and that is that whole process.

Councilmember Devlin: Claim 16969, liability insurance. That is really high in comparison to last year. There is quite an increase.

Mayor Dewey: yeah, so what our liability was last year, a year ago was about \$23,000 it has gone up a 130% we contacted MMIA to kind of do some research and verify that that was the correct amount. Our mod went from 1.4-2.4 this year. That way that works is the last five years of losses stay on a record for a mod factor which is how your liability insurance is calculated. The last five years of claims to our liability program resulted in a total paid of \$288,000.

Councilmember Devlin: over five years?

Mayor Dewey: yes, over five years a good share of those are sewer backups that occurred primarily in 2017 and the public works department has done a really good job at curbing that and making sure that sewer backups are less frequent. Because they are costly so a big share of that is sewer backups, however what is more a share is the recent Tribbensee lawsuits that MMIA covered one lawsuit was covered against the town of Stevensville one lawsuit was covered for Bob Michalson.

Councilmember Devlin: do we have a number?

Mayor Dewey: those amounts add up to six figures, I don't have them specifically but it is six figures worth of losses.

Councilmember Devlin: from two losses from the town and then one directly against Mr. Michalson is that correct?

Mayor Dewey: a single lawsuit against the town and a single lawsuit against Mr. Michalson. The insurance company covered both lawsuits combined they add up to six figures of losses. And those losses will stay on our mod factor for five years. The way you see the allocations done on the claim sheet is that we calculated what our insurance, what our liability insurance should be based on a mod factor of zero which is sometimes hard to obtain, that means you really don't have any liability claims so we calculated that at zero and then we allocated that based on the amount of payroll we pay in each department. Then what we did is whichever department is responsible for the losses, of that \$288,000 whatever percentage, for example the sewer department contributed to losses we allocated that to the sewer fund and like so through the rest of the departments as you see there. Obviously, that resulted in a very significant hit to the general fund budget.

Councilmember Devlin: do you know the previous years (unclear audio) what kind of claims where on that do you know? It is 2017, the sewer backups, that was already figured into last years mod and last year's premiums.

Mayor Dewey: there wasn't any claims in 2016 we didn't have any liability claims in 16. Prior to that the next claim was in 2015.

Councilmember Devlin: we had zero (unclear audio) that added to the six-figure digit.

Mayor Dewey: correct.

Councilmember Wandler: so, the increase was as result of the liability to the council (unclear audio)

Councilmember Ludington: town hall.

Mayor Dewey: administration. So those are each of the lines in the budget that each of the departments contribute a portion to the total invoice so you will see those departments that have the lower dollar amounts either didn't have losses or their losses were very low, for example there was I think a parks and recreation claim for the incident at the swimming pool very low loss, but we covered it, the insurance company did. So, you will see parks does have,

rather the pool does have a higher share of that bill and those departments that have a higher liability loss because of previous claims carry more of the bill. Ordinarily what we would have done is we would have allocated the entire bill based on payroll that would have been upwards of a \$20,000 hit to the police departments budget because they are the greatest share of payroll. That isn't fair to the police department to penalize their budget or inflate their budget for a liability invoice that they have no control over because there are no claims allocated to the police department in this mod, from a liability perspective which I think speaks a lot to our police department and their ability to limit liability to the town of Stevensville because a lot of other cities have a hard time with liability in police departments we don't have that problem so it is fair to say that they have a smaller share of that bill. It is designed to incentivize departments to limit their liability so by doing this we have incentivized the sewer department to cease in letting things backup. And they have already taken pro active steps in recent years to ensure backups are less and less frequent.

Councilmember Devlin: I know from the line of work that I am in that insurance companies will, there are negotiations that can happen, programs that they have that you can go through to lower your liabilities, steps you can take in your organization, and they give you percentages off from your insurance is that offered at all?

Mayor Dewey: what MMIA does offer is risk management, education with the organization, so they will come in and do as much risk management training that we ask them to do, and they do that at no charge to us. The caveat to that is that it is to prevent future losses not necessarily forgive you from past losses. MMIA is not like a typical insurance company, they are not an insurance company at all, they are an insurance pool with the rest of the municipalities within the state, so whatever losses they pay on our behalf the pool is going to expect us to pay them back. We saw an increase in property insurance this year typically for vehicles and we didn't necessarily see any vehicle losses in Stevensville in the last fiscal year however there were some high dollar losses in other cities in the state which resulted in all of seeing a higher property rate. Billings lost a fire engine and that was a heavy loss and there were a few other crashes across the state with vehicles and apparatus so, we all, 126 of us across the state cities and towns have some share in the pool and so there is not really a rebate program unless your liability comes down really low and you pay more into the pool then you paid out in losses. It will take us a while to get there, it is an unfortunate situation because there, it is an incredible increase in insurance for us in something that is preventable.

Councilmember Allen: so, to clarify it says liability PD, so if our officers were found responsible to hurt somebody these damages would come out of this. So, our police department is charged \$509.00 which is insignificant so is our fire and our council is at \$30,000?

Mayor Dewey: correct.

Councilmember Allen: so, our town hall \$13,000.00?

Mayor Dewey: correct.

Councilmember Allen: so, our council and town hall are more likely to hurt somebody than our police officers.

Mayor Dewey: that is correct. Based on the invoice yes. And these numbers don't reflect losses necessarily like money paid out in claims it just reflects what we owe the insurance pool. It is relative to the risk of that department, that is a good way to put it. And one other note, last year we had a similar conversation when insurance premiums increased for the liability program \$10,000. So, now we have seen a \$10,000 increase and now we are experiencing a much larger increase to the tune of 130% any further questions from council on the claims, public comment.

Bob Michalson: (condensed) 222 Turner Street, gave public comment on the BD phone also for Sage hill plumbing. Sewer line at 3rd and Park. Can I ask what that is Brandon?

Mayor Dewey: does the council object to answering? The building department phone we do not supply the building department with a phone, but we do have a phone line under contract, and we are waiting for that expire. The camera bill for east 3rd street was to camera a main that was too small for our camera, and we had to call in a specialist to bring in their camera that was smaller and could navigate the line easier.

Bob Michalson: (condensed) public comment on the claim for Construct Montana LLC. Can I ask what that is about?

Mayor Dewey: that is for quarterly inspections that is paid to the contractor that inspects our inspections that is for building code. Any further comment on the claims? Hearing none we will call for the vote, Ms. Berthoud.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: that motion passes.

6. Administrative Reports

a. Airport

Tim Smead: (condensed) gave a report to the council about the airport activity. Choice Aviation out of Hamilton, we had an agreement with them and have tracked them down. Past three days we have had some sealing and striping done on the ramps. Good crew and made it out quick. Gate project, FAA will fund the entire project. Ultra-light flying is looking for a place to fly, electric planes landing on a grass runway. Late October event coming up.

Councilmember Devlin: I have a statement; I really appreciate the correspondence that you are having with us through email. It is really nice to see you.

Councilmember Allen: I have also appreciated that correspondence. It has been cool to see the airplanes and helicopters at the airport.

b. Community Development

Report provided in their packet. Supplemented report for the council at their table tonight. Planning and zoning we do have a request from Mr. Croci the development that he has proposed I think that it is 36 lots adjacent to Creekside, they have just asked us this afternoon for a pre-application meeting so we are coordinating with department heads to get something scheduled there once that pre-application meeting occurs with in a couple of weeks of that they will probably have an application for preliminary plat submitted to the town with the appropriate fees then the plat process for that subdivision. Outside the building department the zoning activity is relatively low the calls go on about property for sale and what they can do with it.

c. Finance

Wendi Planty: (condensed) I am in my third week here and want to give you a brief overview of what I have been up to, updating personal records, auditors will be here August 30, once we get 2020 done. Speaking of audits our town is currently behind on audits so when we get 2020 done then we will audit for our 2021 audit once the bank reconciliations are done. Once we get the audits done you will see a monthly report. Currently working on our preliminary budget and the mayor will address this in is executive report.

Councilmember Devlin: why are we behind?

Wendi Planty: your bank reconciliations were never completed I believe they are completed through 6/30/2020.

Councilmember Devlin: through 6/30/2020?

Councilmember Wandler: (unclear audio) reconciling.

Councilmember Allen: you do these a month at a time, if we were caught up today then we would be working on them.

Wendi Planty: that is correct, a finance person is a month behind because you are waiting for your bank statements, but they should be monthly.

Councilmember Allen: how long do you think it takes to do a standard month?

Wendi Planty: I guess I don't know here I haven't done one, ours would take a couple of days.

Councilmember Allen: where you ever behind previously?

Wendi Planty: no, like we might miss a month if we went on vacation so we would extend our financial report but not necessarily be behind in reconciling.

Councilmember Allen: but not a year behind?

Wendi Planty: no.

Mayor Dewey: any further questions from council?

Councilmember Devlin: you are doing HR as well, correct? I guess there was an issue with W-4's.

Wendi Planty: there are a few issues with many of the HR records, yes.

Councilmember Devlin: what are you doing to get that fixed?

Wendi Planty: I went through all of the records, and I have a list of everything that we are missing, and I don't know if it is necessarily missing or if it was taken out and put into storage, I would just like to get them up to date and current with what I am doing.

Councilmember Devlin: so, it is not something that recently happened? This is something that happened in the past.

Wendi Planty: yes, I me they are just not, like a lot of them were missing your I-9 or your Montana W-4 when they changed the W-4 Montana has the W-4 now.

Councilmember Devlin: right, but that was changed in 2020.

Wendi Planty: correct.

Councilmember Devlin: and we are in 2021.

Wendi Planty: correct a lot of them don't have that 2020 information in them so I would like to get them caught up before the auditors come because they usually audit your personal records too.

Mayor Dewey: we found that a number of our seasonal staff returned but their files were moved to inactive and what happened before Wendi showed up is we purged the inactive drawers and moved those into the archives and we think a number of those seasonal employees were moved to the archives and shouldn't have been before we purged it so they were moved over prior to Mr. Underwood's departure and the seasonal came back and we noticed the files were in the archives so that is part of the reason that we missing a number of things.

Councilmember Devlin: you don't perceive that as being a compliance issue?

Wendi Planty: if we can get them all corrected no. and if they are in the computer correct, they should be okay. The are working on 2020 the audit so they would more likely be looking at 2020 records than 2021. The audit that they are coming to do is for 2020.

Councilmember Devlin: right, I guess I am confused, Montana W-4's came out in 2020 so you are saying that they were not handed out to employees for 2021?

Wendi Planty: I guess I don't know; I wasn't here so I believe Montana W-4 came out in 2020.

Councilmember Devlin: I am sorry, you had just said that they were missing so I am just trying to figure out is it for 2020 that they are missing or 2021 that they are missing?

Wendi Planty: so, I guess, like the seasonal's they were employed in 2020 so I think their records were put away so all we have this year is an application currently, so we need all of the information for them to be up to date.

Mayor Dewey: any further questions for Ms. Planty?

d. Fire Department

Chief Motley: gave his report to the council. Report was provided to the council in their packet. We are trying to bolster our ranks; things are changing in the medical services. Ambulance requests are going up. Fill the Boot \$6500.00 collected, the most ever. Question, do we have internet access to the airport for Forest Service? I think that is a great deal. Repair is underway for 2011.

Councilmember Allen: how do we recruit volunteers? Because I think so often, we have young people that want to volunteer, and they don't know quiet how. How do we recruit people to the fire department?

Chief Motley: (condensed) that is a great point, all volunteer, about a 300 hour a year commitment. We recruit via our website, different events, word of mouth generally is our best recruitment tool. Our banner on Main Street worked great but consequently what happens is "great we want to have you we don't have any equipment to issue you to put you in the field" About \$3600 to outfit a volunteer. We can't keep things on hand not knowing what size to order or that volunteer, then when we get them, we have to wait 3-4 months to get the turnout gear in. it is hard to put them into a training without the equipment. You will see coming up in the budget that there is an amount for turn out gear. Florence Fire Department had a grant and that is something that they put together in a grant

Councilmember Allen: can you be a volunteer and drive an ambulance if that is where we are short? I can't totally understand that we can have 40 people walk in and say they want to be a volunteer fire fighter and it is \$3500 a pop and they don't quiet understand the commitment. Can we recruit ambulance drivers?

Chief Motley: everyone is volunteer the whole county is volunteer except for Marcus Daly Ambulance which are employees. Yes, I can have a fireman be the driver of the ambulance, however if we are transporting, we have to have a legal crew which is two EMT qualified personal so if I take the non-qualified personal and put them in the seat that is great, I still have to have two in the back.

Councilmember Ludington: obviously you must be involved with Marcus Daly and trying to figure out how they can better staff their ambulance do they have a plan in place are they working on something that you know.

Chief Motley: the communication between them and other fire department up and down the valley is pretty tight lipped. They just rotate different crews from other areas and try to fill and yeah, I mean last night we waited for Hamilton to show up we didn't deem it as emergent as we have to go right now, we felt that it was as case that we could wait, we are fine 15 minutes before they get here not that critical. Now if it is a critical situation no hesitation, we are going to make the call we are going to load and we are going to go we are not going to hesitate and wait if it is that critical. So, the communication piece, no it is not that prevalent when we get our information is when the crew from Hamilton shows up and says you guys understand that there are no paramedic ambulance or buses in the county for now and there wont be for a couple of hours, that is our communication with them and then we know when the page goes off in the next couple of hours the responding ambulance from where ever is going to be delayed and we take that into account when we get there and yes this person needs to go now and we are

loading and going. The communication is on the operations level not so much from management at the hospital. Couple with staff shortages and COVID. Something to keep in the back of our minds, we can transport, and we can bill for that transport.

Councilmember Wandler: two things that I would like to address, do you think when Kootenai Health comes in Marcus Daly will provide for us?

Chief Motley: I am not sure of all of the services that they will offer out of that clinic, but I have my doubts it will be any emergent. I doubt any emergent at all. Community medical center we respond to their emergent calls, they don't do anything it is all done through the ambulance. I have my doubts that we will see anything from the emergent care from the clinic.

Councilmember Wandler: do you have EMT and paramedics on the fire department?

Chief Motley: we do not we are at EMT basic service currently, we used to have a couple, but they have moved on we have a few people that are able to some skills above what the basics can do so we do have a few of those guys, but again we are volunteer we are not a scheduled staff ambulance crew. We don't know who is coming on any given call.

e. Parks Department

Bobby Sonsteng: gave his report to the council. Report was provided to the council in their packet. Thanked all town staff for helping with Creamery Picnic. Father Ravalli Park play structure. Pool has had a good season, no more swim lessons in August, short staff. Free Swim at Creamery Picnic was a big hit we had 103 patrons.

f. Police Department

Chief Sosa: gave his report to the council. Report was provided to the council in their packet. Creamery Picnic went well with zero arrests. Sex Crime numbers are lower than what was thought when I came in.

g. Public Works

Steve Kruse: gave his report to the council. Report was provided to the council in their packet. July was busy and I thank the public works crew stepping up. For 10 days, mid-month, we had no ditch water at Riverside.

Councilmember Wandler: any plans for removal of branches and yard debris?

Steve Kruse: we will have a fall cleanup same as spring cleanup. Can bring it to the park and those that can't there are resources at town hall to help with that.

Councilmember Devlin: I think people are wondering if that is going to happen in the fall and an outline to when and what that is going to look like.

Steve Kruse: it is going to happen it will look the same as in the spring and I don't have a date on that this will be my first fall cleanup.

Mayor Dewey: generally, that has happened in October. We have it open for a month and I think October is typically when that happens. If there are concerns from citizens direct them to the office and we will address that with property owners.

7. Guests

NONE

8. Correspondence

NONE

9. Public Hearings

NONE

10. Unfinished Business

NONE

11. New Business

a. Discussion/Decision: to nominate and elect a Councilmember to serve Council President in accordance with Town Council Rules Part XII

Mayor Dewey: introduced new business item (a) last meeting you we down a member so you appointed Mr. Ludington to serve at interim president and then when you had a full council you asked to reappoint a permanent council president, and this is your opportunity to do so.

Councilmember Devlin: I will nominate Paul Ludington to that role.

Councilmember Allen: 2nd

Mayor Dewey: Ms. Devlin nominated Mr. Ludington and it was 2nd by Ms. Allen. Council discussion? Public comment? Hearing none, Ms. Berthoud would you call for the vote.

Councilmember Allen: aye

Councilmember Devlin: aye

Councilmember Ludington: abstained.

Councilmember Wandler: aye.

Mayor Dewey: motion passes 3 with 1 abstained.

b. Discussion/Decision: Appointment of Councilperson to serve on Planning & Zoning Board in accordance with Stevensville municipal Code §2-313

Mayor Dewey: introduced new business item (b) currently Mr. Ludington serves on that board.

Councilmember Devlin: I would like to appoint Paul.

Councilmember Wandler: 2nd.

Mayor Dewey: Ms. Devlin has nominated Mr. Ludington and Ms. Wandler has 2nd. Council comments? Public comment? Hearing none, Ms. Berthoud would you call for the vote.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes.

c. Discussion/Decision: Appointment of Councilperson to serve on TIFID/TEDD Board in accordance with Stevensville Municipal Code §2-330

Mayor Dewey: introduced new business item (c) currently Ms. Devlin serves on that board.

Councilmember Ludington: I will nominate Jaime Devlin.

Councilmember Wandler: 2nd

Mayor Dewey: Mr. Ludington nominated Jaime Devlin and Ms. Wandler 2nd. Council comments? Public comment? Hearing none, Ms. Berthoud call for the vote.

Councilmember Allen: can we talk about what that board does?

Mayor Dewey: that is a great question we welcome participation. The TIFID/TEDD board advises administration and town council on initiatives that utilize tax money we have districts; one is the north district that encompasses our north industrial zone and then we have a target economic development at the airport both are tax increments it captures funding from improvements on those properties through taxes and directs those to the town and we are able to make improvements to those districts in terms of infrastructure and road improvements. So, the TIFID/TEDD board should meet quarterly to advise the administration on it and council on how to allocate those funds.

Councilmember Devlin: a good example of that is what they are doing around the mall.

Mayor Dewey: correct, a lot of tax finance money is being invested into the mall as well as south crossing in Missoula. MRA's board helps with that. South crossing and Southgate mall is a great example. They have been able to finance those projects at a competitive price and the city gets that money back. We don't really have that yet. Anything further from council? Public comment? Hearing none, Ms. Berthoud call for the vote.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes.

d. Discussion/Decision: Appointment of Councilperson to serve on Park Board

Mayor Dewey: introduced new business item (d)

Councilmember Devlin: nominate Ms. Allen

Councilmember Wandler: 2nd

Mayor Dewey: Ms. Devlin nominated Ms. Allen and Ms. Wandler 2nd. Council comments? Public comment? Hearing none, Ms. Berthoud call for the vote.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler:

Mayor Dewey:

e. Discussion/Decision: Appointment of Councilperson to serve on the Airport Board in accordance with Stevensville Municipal Code §3-33

Mayor Dewey: introduced new business item (e)

Councilmember Ludington: nominate Ms. Wandler.

Councilmember Devlin: 2nd.

Mayor Dewey: Mr. Ludington has nominated Ms. Wandler and it has been 2nd by Ms. Devlin. Council discussion? Public comment? Hearing none, Ms. Berthoud would you call for the vote.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: abstained.

Mayor Dewey: that motion passes 3 with 1 abstained.

f. Discussion/Decision: Appointment of Councilperson to serve on the Climate Action Ad. Board

Mayor Dewey: introduced new business item (f) we have no members.

Councilmember Allen: I will nominate myself.

Councilmember Ludington: 2nd.

Mayor Dewey: Ms. Allen has nominated herself and it has been 2nd by Mr. Ludington. Council comments? Public Comment? Hearing none, Ms. Berthoud would you call for the vote.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes.

g. Discussion/Decision: Declaration of Emergency Termination

Mayor Dewey: introduced new business item (g) Mr. Crews would you like to step to the podium and present the item to the council.

Jim Crews: (condensed) this is a multiple part agenda item. Mr. Crews read from town and Montana code. Ordinance 166. I am confused by the declaration. (Pages 114 and 115 from the agenda packet will be part of the record at the end of the council minutes for this meeting)

Councilmember Allen: I am looking at item 1 your suggested motion is that we request the mayor to rescind the Stevensville Disaster. That is assuming that we are not in a state of emergency. I just listened to the chief of fire that there are not ambulance shifts being covered because of COVID beds. I was just told that I will be masking with my third-grade students when I come back. So, this would assume that we are not still a state of emergency I feel like this is opinionated and does not require (unclear audio) I understand that many community members feel that we have surpassed the state of emergency but what I just heard from the fire chief it feels like I am stepping on somebody else's toes making this decision. There is a reason that the council did not call a state of emergency, I understand that I have the power that is the executive branch, that is a governor that is a president, and this is assuming that we are no longer in a state of emergency, and I can't sit here and say that.

Jim Crews: re-read, June 30th governor terminated the emergency for the state of Montana. If there is another emergency out there, then another declaration must be made this is regarding the COVID-19 emergency.

Councilmember Devlin: and I think that to play the devil's advocate, the state of emergency has been canceled and the question would be, why are we still in a state of emergency if our governor has said we are no longer in a state of emergency we are not following suit by what was originated to cause us to follow that suit. Am I paraphrasing that?

Jim Crews: that is correct, part of this declaration, or in this case the mayors' terms of disaster emergency he assumed a lot of powers in that declaration. The mayor can't sign a contract without council consent the mayor can't change the budget without councils consent the mayor can't change job duties for employees with out council consent that is your job, he can't change the salary that is you job. The mayor is the supervisor of the town, and he implements the directives that the council issues. This declaration of disaster emergency is assumed a lot of powers of the council and the council did not sign this declaration of emergency or declaration of disaster emergency he did not do this by resolution he did this by emergency ordinance, and it expired 90 days after he put it in place. At that point he would have had to revisit and reinstate it and that did not happen and this disaster emergency you can't assign powers from the council to the mayor that are not issued to the mayor by the legislature. Your duties and

obligations are the same and so are his. You can't suspend the law, what I am asking you to do is to ask the mayor to terminate the declaration. (condensed) Why is this meeting right here why is it not at town hall? Understand your council rules. These meeting have been going on unregulated for 3 years. You need to take control. You are responsible for the expenditures. You need to get the people back on track. It is your job to say yes or no. I am not an old grouchy guy I am a rules guy. Ms. Devlin you had a nice house over there and I know you made some money on that; I got a pretty good house ad that is a life investment for us and if we don't run this town properly, we are all going to lose everything. That is why it is so important to take action.

Councilmember Allen: I guess that I struggle with flexibility, we are arguing on where to hold a meeting. Flexibility is one of my core values when things go awry, we change things to make it work and this is a very appropriate place to have a meeting during a pandemic.

Jim Crews: with all due respect I do apologize for cutting you off, if you want to change your meeting place you need to suspend council rules to move the meeting and you do it in advance or you change council rules those resolutions are just as effective as laws, they are law, council makes those rules. You just can't close your eyes and say we are going to hold a meeting here this week, you can't do it you have to suspend council rules move the meeting or you change the resolution and the rules, it is kind of like this. Stop sign down the road I am going to run the stop sign and ask the council next week if it is okay. That is not right.

Councilmember Devlin: why would we want to still be running our government under a state of emergency?

Mayor Dewey: we are still responding to the COVID-19 pandemic. One example is we are still having challenges getting into some residents to change water meters due to COVID-19 concerns especially with the increase in cases in the community that is just one example we do have some concerns with the staff exposure still that we are trying to be flexible with. And we are also closing monitoring the situation because we are seeing an uptick. While the state of Montana and the governor have stated that the emergency doesn't exist across the state it doesn't necessarily mean that it is the same locally. Mayor Dewey quoted the declaration. It was less about COVID and more about funding, FEMA requires this declaration merely verbatim to insure that the town is eligible for the FEMA funding aside from the other responses that we are still engaged in with COVID-19 if a funding opportunity became available and the town could take advantage of the funds to respond to the pandemic further then we would like to have that flexibility to do so rather than waiting two weeks for a council meeting to see if it is okay if we seek this money from another source to help the community and insure the health and safety and their wellbeing. And that is why these things exist, I have no problem with rules and some rules are impractical when you are trying to respond to an emergency the meeting situation when you go back to when this emergency was declared frankly our government kind of grinded to a halt because we have councilmembers that were adamantly opposed to attending a meeting virtually and I had staff members that would not attend a meeting in person because of the safety concerns. We needed flexibility and even with the flexibility we still had obstruction to actually participate. We finally came around when we found a space that was suitable and could fulfill the needs of the community and even with the crowd that we have this evening we would have a hard time fitting into city hall. There is just not enough seating in that room to

adequately distance people that wish to be distanced and accommodate everyone with live streaming and communications there are other things we are still seeing an increase or high attendance in live streaming and we had live streaming before the pandemic and it is a more robust system than it was we are still adjusting, if for whatever reason COVID -19 got really bad, we would be putting this exact declaration back into place, I did not write this declaration I took out city A and put in Stevensville this was provided by the Montana League of Cities and Towns general council reviewed it, the city attorney reviewed it and had no issue with it what so ever. I understand when there are normal procedures and when things work, but when we have to adapt and respond to something that most of us have not lived through in a pandemic, we need the flexibility we need to be innovative frankly this is not giving me free will to ignore the purchasing policy it says in response to the emergency. So, I am not just buying crackers for everyone because it is fun and I can do it because of the purchasing policy is suspended, we are making purchase to respond to the pandemic. Some dollar figures were thrown out in regard to computers and most and all of the expenditures related to the computers were entirely funded with funding from other agencies because we had these things in place, and we could quickly respond to them we could quickly put things in place and take advantage of it and respond accordingly. We had a pandemic to deal with we needed to separate officers out of a communal office and try to distant our staff members we had outbreaks running through the office and it made it very difficult so we purchased the equipment to keep the town running we could keep people say we could keep everything going we could make sure that our water flowed because we were one brick away from not having a water and sewer operator, if that person doesn't show up for work people get very upset with us. Your toilets don't work.

Councilmember Devlin: what about the expiration in June?

Mayor Dewey: the ordinance? So, the, I think the emergency ordinance was council action and that was done before the emergency declaration we waited as long as we could to declare a state of local emergency until FEMA kind of forced our hand on it, if you want to be available for FEMA funding you need to have this in place. Because it was quickly falling into a political issue, and we were facing a lot of scrutiny. There was scrutiny when we had snow and I did not do it. The ordinance serves a different purpose than what the declaration did, the ordinance put a lot more things into place and into play there was a lot of conversation around that I think that you were on council when that was adopted and that was legislative action the legislature of Montana gave the authority to adopt several ordinances. They have given me the authority to declare an emergency when I see that it is fit for our community.

Jim Crews: may I make a comment real quick, you stated other cities, those cities were probably strong mayoral cities a local emergency or disaster has to be declared in accordance with the (unclear audio) government this is a weak mayoral and that means that our other laws are still in effect, nothing that I could find in title 10 (recited title 10) I can't find anything that the mayor can have that authority. I will be happy to admit it (unclear audio).

Mayor Dewey: out of 129 municipalities 114 have the same form of government that we do.

Jim Crews: are they strong or weak?

Mayor Dewey: they are the same form of government.

Councilmember Devlin: so that again.

Mayor Dewey: there are 129 municipalities in Montana, 114 have the same government that we do and use the same declaration.

Councilmember Devlin: (unclear audio)

Mayor Dewey: I don't.

Councilmember Ludington: you keep referring to the town of Stevensville disaster emergency declaration I haven't been able to find that.

Jim Crews: if you go to the town website and look under resources look under news. (Recited the posting on the website)

Councilmember Devlin: as I shared with you there is sometimes some grey area, and it can get a little bit fuzzy so can we clarify something really quick. So, you are saying that we can ask to have this done and you are saying that we don't have the power to have this done are we talking about the same thing, I am sorry I am getting two different requests, but you don't have to agree, correct?

Mayor Dewey: it is very specific that the termination is when the principal executive determines the emergency no longer exists.

Jim Crews: that is why I suggested that "we the town council body".

Mayor Dewey: just to go back to the question that you asked Ordinance 166, I indicated 166 for immediate measures where into play we would not have had the authority to even do it with the declaration, even things like the council suspended late fees on water accounts we would not have sonde that under the declaration we would not have that ability and when the emergency , excuse me when the ordinance 166 did expire we did come back to council and said would you please renew the waiver of late fees. You approved emergency leave for employees that couldn't work because they were sick the emergency declaration gave us the ability to send people home and work from home but if they were sick, we did not have leave for them outside of their regular sick leave a lot of our employees did not because they are so new. It authorized us to pay claims out of cycle for a period of time because there were meetings that you went ahead and suspended until we figured out what this looked like then the declaration came into place, and we had a path forward.

Councilmember Devlin: this has been a topic that has been on the table for about 6 weeks, when do we have our meetings back at town hall everyone is screaming to have this back to normal, right? For the sake of the people, I would like to see it go back to how it was and be able to put into place a policy if needed. Which personally goes against a lot of my personal views I wasn't elected for my personal views a lot of people want this. If we are doing it for funding what is the alternative under a declaration of emergency to get that funding or can we have special meetings.

Mayor Dewey: FEMA yes, you have to have the declaration.

Councilmember Allen: my concern is, and I think that we could redeclare a state of emergency is that correct? With the DELTA Variant that is my concern. We are getting to a point where we can move forward but I don't know if I can make that statement in two weeks. I don't know.

Mayor Dewey: if we are really hell bent on wanting to have the meetings back in the closet at city hall just ask. The declaration doesn't prohibit us from holding them wherever we want to I mean the declaration is really administrative mechanism to make sure that we can adequately and quickly respond to the emergency when it is warranted but when it comes to holding a meeting at town hall versus the library fine just all I need is the council to say look, as a collective body we would like to start holding our meetings at town hall. Conveniently this space was available for us for the distancing but prior to the pandemic even starting the administration had been considering/proposing this space anyways for meetings because there wasn't enough room at town hall for the people that show up for the meetings there just wasn't enough space we are capped out at like twelve chairs so if any fashion of the community shows up in masks we are liking at moving the meeting for any controversial subject that we seem to carry a lot of those.

Councilmember Delvin: I think that this space is the physical piece that people can have ownership of, so I think that is easy to say that, but I think there is a lot behind that, or would it be the meeting space (unclear audio) I have had conversation. Meeting space is where we start and then we go back, because they don't have control over this, but they do have control over where they sit. I think it is more than that.

Mayor Dewey: I guess my point is if it is an issue of where the meetings are and getting back to normal, I think we can get back to normal without rescinding an emergency so if we have to take baby steps back to where we were we do that instead of prematurely be at normal and rescind the emergency instead of working towards normal and rescinding the emergency that is how I would determine to lead the community. I will use a firefighting reference; I would rather put the fire out before I turn the water off than start turning the water off before the fire and then have the fire flair up because the water was turned off to early. You are not hurting anything leaving this in place if we put a COVID recovery plan into place this is how we expect the administration to act in getting us back to normal and we get to hit that goal we are back to normal and we rescind the emergency. I have no objection to that whatsoever.

Councilmember Devlin: I think the hard part of that was at the last council meeting when we saw those claims that were paid out of cycle that is the hard pill to swallow in the grand scheme of things. I just think that is what is upsetting some people is why, that is not the piece that they can touch they just see it after the fact. Where we have our meetings is the place that they can touch. That coming up at our last meeting speaks to a lot of this it is not, it is the little pieces that are easy to have an answer to but the bigger picture we are having to answer to (unclear audio) this request.

Mayor Dewey: sure and so as stewards of the government I would just ask that you try to separate those issues and the fact that a substantial claim came back to you seven months after the fact was more of an administrative failure on staff parts than it is in response to the emergency meaning the emergency response was what prompted the purchase in the first place, the delay in getting it to council had nothing to do with the emergency it had nothing to

do with bringing it back to you and we have acknowledged that. Under normal circumstances if we would have brought the claim in January that entire sent of claims in January would have been scheduled to come back the conversation would have been entirely different.

Councilmember Devlin: I am not denying that (unclear audio)

Mayor Dewey: sure, that is why you are in the positions that you are in so that you can analyze and separate those issues and treat them respectively.

Jim Crews: there is no motion on the floor.

Councilmember Devlin: I am just saying (unclear audio)

Jim Crews: you hit the nail on the head, with the claims coming back after seven months that is a sore spot in the community there are not that many people here tonight it is the same back row people that are still seating it out trying to get things to run the way that they are supposed to and sometimes we are little more abrupt that we should be my nick name was 60 grit, that is me and I am not going to hide it. The problem is a lot of people don't want to come to council meetings any more I remember our council meetings were sometimes packed because people were very interested in what was going on people respond to the way that they are treated and the way that they feel. So if they don't feel welcome, if they don't think that they are going to be heard they wont say anything, there are a lot of people that want to be heard who need to be heard and they need to see some positive reinforcement coming from the council to let them know that you are looking out for their interests and the declaration of emergency you know these things come and go if you want to put out a COVID recovery plan fine, then make an emergency for a COVID recovery plan but make sure that you do it with accordance with the law in the town resolutions of the town and with the state, (unclear audio) item eight her this is what people are looking at, (read item eight). If you look at this declaration, I don't see a council signature on their anywhere. I don't remember this coming up for a vote before council.

Mayor Dewey: Mr. Crews would you like to finish that paragraph.

Jim Crews: I will, the second paragraph (read the second paragraph). That is an irrelevant sentence in my opinion. I could do this with out your permission, you have to approve all purchases. (condensed) set up a budget I don't remember seeing a budget amendment for any of this COVID money coming in. so what is the deal, are we just taking money from the government. It was given to the town and the town is expecting it to be spent properly. Part two, three and four are in line with part one. You need to have a paper trail I think with your approval I will sit down. This is not a refection on the mayor this is not picking on the mayor.

Mayor Dewey: would the council like to make a motion on the floor or would like to make the discussion on the floor be reflected on the record and move on.

Councilmember Ludington: I am not sure how to proceed here so I am going to say a few things. In my opinion I really can't disagree with anything that Mr. Crews has said I realize that there may be some serious concerns involving the citizens and the financial status of the town I personally have more concern about the financial status of the country than I do of the town. We have only control over our budget that is the only control we have we don't have control

over how much money we get we don't have any control of who says how much money we get we don't have any control over how many mills we have or how much those mills are worth. That is all told to us, all that we have control over is if they say we have and how we can relocate that or delegate that in a budget when I look at the claims what I want to see is that they are not outside their budgetary allotment I think departments within a small town like Stevensville need to be able to have some authority to say that I have "x" number of dollars in my budget and I am going to spend them on these kinds of things it doesn't always happen. It does happen in police departments and administration not so much in public works and fire department as different things happen, public works have to respond to things that are kind of out of the ordinary and sometimes they have to buy a really expensive valve that they did not budget for or maybe they did put some money in their budget for something like that it doesn't mean that we cant buy that valve and install it before the bill is paid that is how you stay in good credit standing with your vendors if they are outside of their budget I want to know why every single time and like I said at the last public meeting, as long as I am on this council I will never allow us to pay claims out of cycle again ever period. I don't care if we are in a state of emergency or not. Somebody needs to be able to say "I saw this I want to make sure that somebody else knows in the citizenry what it was and that money was paid out" it is unacceptable to me for that to happen again I am continued to be shocked to what was contained in that, granted this is unprecedented territory for everybody in this room we have never been here before and god help us that we are ever again I don't want to be shut up at my house for six months and not be able to go out and touch and talk to the people that I know I don't want to do that. We need to try to do what we can to respect the issues of those around us yeah I would love to go back to town hall I think that would be a great idea I don't think that I will say this and will say it publicly and might as well I have known Brandon since he was in high school I don't know of another person in this town that is more dedicated to the town of Stevensville than Brandon is I am not sure why people assume that he is out to screw us I don't understand that I have been in towns and been part of towns where there was somebody in charge that did not like anybody or specially the town. When I lived in Minnesota, I lived in a small town there nobody could stand the mayor and he did not like anybody and he kind of did what he wanted. That is not the case here, if that was the case we would be in a lot more trouble than what we are now, to believe that he would do something specifically to harm the town, put residence in danger is beyond me the same with everybody that is sitting up here and the same for you folks that are sitting out there you are concerned about the people in this town and I don't blame you I would be concerned too. But we are doing what we can in our small little bit and you know what not everything runs smoothly but I don't think that we are in a financial risk and to me that is the only detriment that we have right now in this town we have a great public works department an unbelievable opportunity with the police chief that we have so, the safety and the health of the town is in a pretty good spot right now we have water we went through extremely hot temperatures with as much water that we have had recently we (unclear audio) disaster. I moved to this town in 1992 and there were water restrictions then we will always have water restrictions always, the problem that we had was that people got to water as much as they wanted, we don't get to do that anymore because we have that much water going down the drain, so we are working on that. We have an opportunity with some of the funds from the recovery to try to fix a bunch of that stuff so that we are in a better position than we were

before, if it wasn't for dedicated individuals this town would not be here. (unclear audio) do I think that we can do things better, yep I won't argue that point at all but as a bunch of amateurs sitting up here am I going to make sure that we follow procedure to the letter every single time, I will do the best that I can that is all that you can ask of these people up here (unclear audio) I guess that is all.

Councilmember Devlin: could we terminate this and rewrite a new one? With (unclear audio) dumb this down take this out.

Mayor Dewey: I am not apposed to that, here is the thing you can do whatever you want. Yes, there are rules and there are side boards that you have to operate in, you are the governing body who sets the laws so if there is a problem with the rules or the laws you are the people that fix it. So, I mean the point has been sent home we all get it don't spend any money and being the claim back seven months later that point is made it is set in stone we get that. We are not about spending money before council gets to approve it, we do that every day you guys, you are approving claims as a formality a checks and balances to what the branch is doing. Everything in the claims packet is sitting on a charge account or a credit card and a lot of those good are rendered services it is done. So, I think if there, I guess what I would like to see as the executive would be that the legislative branch takes an interest in how this community comes out of the pandemic and that you put a plan together that says how we are going to come back from this and here is the policy in which we are going to do it in. Great, I don't for see, I am not going to come into work tomorrow morning and say I am responding to the pandemic today and I am going to blow \$15 grand. Yes, I could rescind the emergency and put a new one into place and there is a process that go with that and think we have already waisted enough time frankly I think that this is an important conversation for our community I don't think that this is the way to go about it. I would rather have this conversation around recovery instead of do and not do. That is where my interests would lay. Instead of leaving it up to Brandon at city hall why don't we take some initiative, not being derogatory of this board but why don't we take some initiative and help him out because first three or four months of this pandemic I pretty much flew solo for the town not much help from the council they did not support me. Now I finally have a group of people in front of me that can guide the organization from a policy level and here is how we want you to respond to this pandemic today and we want you to guide our recovery for this community, that is your role to help guide that, not leave it that is where we all get into trouble at this table, it is left up to us we make a decision and everyone hates us for it rather than, (to the audience please stop), we all represent, I am not hearing the public comment on a day to day basis saying this emergency declaration needs to go or anything like that people as far as we are concerned they are not concerned about it we don't hear about it at the front counter we still see people come in with masks on it is a mix, like all things COVID no matter what we do we will probably offend the other half of the people, half of the population we upset with whatever direction we chose rather than brining this conversation down to a, lack of a better term micromanaging, why don't we talk about recovery and how do we get to how this can get rescinded, how do we get there. I think that you guys are key (audience, we will call for public comment when we are ready to call for public comment Ms. Raudabaugh you know the routine you have been to enough meetings) you are that body that hears from your constituents and can guide the recovery so we know what to do and we can open the book and

see that council wanted this, this is their initiative how do we implement that, let's do it, that is our role. We have been left up to the book and then implement it. I would rather not write the book that is your job.

Councilmember Devlin: one more question, but what are we gaining from this?

Mayor Dewey: what are you losing?

Councilmember Devlin: (unclear audio) what are we gaining from what we have in place.

Mayor Dewey: we have it in place because the town is still responding to the pandemic actively, it is not the same level as it was in March of 2020 and it is not the same level as it was in November of 2020 we are still responding to the pandemic and we do not have any other plan to respond with so tonight the motion that I would entertain is that the council convene and develop a recovery plan for the rest of the pandemic put that in place and then release the emergency have a plan. If you rescind the emergency or you ask me to rescind the emergency to do that, we don't have a plan to do so and we still have things to do we are still dealing with stuff. So, I would really encourage tonight's motion should be let's put a plan in place so we can move this off the record and be done with it.

Councilmember Allen: could part of this plan look like rewriting this?

Mayor Dewey: for step one we are going to scale back the town's response to what COVID -19 looks like.

Councilmember Allen: many community members agree that there are parts of this that can be changed appropriately so but I think that the other half, I think that if we do rewrite it and adjust things, we will kind of appeal to everybody.

Mayor Dewey: absolutely, I think that you could write the plan with the elements of this that you like and the elements of what you don't like you can discard. There doesn't need to be a declaration even being rewritten you could just write a three-page paper, here it is.

Councilmember Devlin: I want to make a motion to schedule a COW meeting ASAP, sit down and finalize this declaration. See if we need more of an emergency if we do what does it look like, if we don't what does it look like. We need to do it now; we were supposed to have a COW meeting to go over the purchasing policy and we never scheduled it.

Mayor Dewey: I wrote COW meeting, COVID recovery plan, is that what is stated? Is there a second to that. Ms. Wandler?

Councilmember Wandler: what would be (unclear audio) until it was rewritten?

Councilmember Devlin: it would stay as it is until we decide, or we rewrite it or terminate it whatever.

Mayor Dewey: is that a 2nd? It has been moved by Ms. Devlin and 2nd by Ms. Wandler to schedule a COW meeting asap to discuss a COVID recovery plan. Council discussion? Public Comment?

PUBLIC COMMENT

Leanna Rodabaugh: (condensed) everyone must have their ear plugs in. the point Mr. Crews made is that after it is 90 days it is dead. Mr. Dewey sits there and says he will make a decision, it is not his decision it is yours. Spoke about meeting minutes, spoke about Homebase and Mayor Dewey watching the employees.

Stacie Barker: 104 Winslet. (condensed) I have been listening to Mr. Crews and listening to you. I think that the meetings need to go back to town hall.

Mayor Dewey: any further public comment? Ms. Wandler did you have a remark?

Councilmember Wandler: is the FEMA money (unclear audio)

Mayor Dewey: it is still open that is part of the reason.

Councilmember Wandler: that is why we have kept this, if we have the agreement than it is there (unclear audio)

Mayor Dewey: I remember receiving the email from FEMA and the funding is available through the public assistance program, before CARES came out. I went ahead and gathered the paperwork that they requested from local governments to get funding the gal that manages it in Helena emailed me and said I need a declaration to complete the file and we will have you rostered, I remembered calling her and saying do I have to do a declaration, and she said you have to have one done. Because I knew putting this into place would cause some feelings, but we had to do it in order to qualify for the funding that we received.

Councilmember Devlin: is this expired?

Mayor Dewey: no, it is not. The declaration does not expire until the local emergency is terminated. Ms. Rodabaugh mentioned ordinance 166 and that has ended. With that if there is no further comment from council, we will call for the vote with the motion to hold a COW meeting. Ms. Berthoud call for the vote.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes unanimously.

h. Discussion/Decision: Approval of Contract for the Stevensville Airport Gate Project

Mayor Dewey: introduced new business item (h). I don't have the contract price in this document, let me see if we have it. It is Pavlik, the dollar amount that you opened at the last meeting, bid amount. \$117,200.00.

Councilmember Devlin: make a motion to approve.

Councilmember Ludington: 2nd.

Mayor Dewey: it has been moved by Ms. Devlin and 2nd by Mr. Ludington.

Councilmember Ludington: 100% covered by FAA funds?

Mayor Dewey: that is correct.

Councilmember Ludington: ordinarily that would be 90/10.

Mayor Dewey: that is correct, due to COVID.

Councilmember Ludington: also, because we had an accident with a deer and an airplane.

Mayor Dewey: the accident prompted us up to the top of the list and COVID gave us the other 10%.

Councilmember Ludington: the amount that is going to be written into this contract is \$117,200.00.

Mayor Dewey: any further council discussion on the contract. Public comment? Hearing none we will call for the vote, Ms. Berthoud.

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes unanimously.

I. Discussion/Decision: First Addendum to Attorney Contract with City Attorney Scott Owens

Mayor Dewey(condensed) introduced new business item (i) we have advertised for four or five months now. We have been advertising for a city attorney and have had no response, we have been flexible in the advertising, do you want prosecution or the civil work, pick one maybe try to find two attorneys. We have been trying to be creative in advertising it. The town would have a hard time not having an attorney especially in the court. It really bogs down the criminal justice system if we don't have a prosecuting attorney. Mr. Owens has agreed to a month-to-month basis to stay on staff and hold on to that position until another attorney comes on, but he does have some stipulations with his contract mainly, when the contract was originally written he was commuting from Missoula and now he has moved to Helena and so we would reimburse mileage to and from Helena on the new contract. The administration is taking steps during this phase to limit mileage, all of the civil work he has not had to come, so as the town attorney he has not had to come or charge any mileage for a long time. Where it gets pricy in the prosecution the judge is less apt to allow telephonic appearances so I am gearing to having a conversation with her on how we can be more flexible and allow the city attorney because now there is a cost to have him come over here from Helena. It will add up over time so we are going to encourage telephonic appearances as much as can. We are kind of in a rock and a hard place

and we don't have many options and we are gracious that Mr. Owens will stay on as long as we modify that term.

Councilmember Devlin: he is only willing to stay on for two months?

Mayor Dewey: I think we are taking baby steps. The clock is ticking, by the end of the year we will be out of time.

Councilmember Devlin: make a motion to approve.

Councilmember Allen: 2nd.

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

Councilmember Allen: aye.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Wandler: aye.

Mayor Dewey: motion passes.

12. Executive Report

Mayor Dewey: (condensed) 3rd Street is wrapping up. We do have some citizens concerned about holes and repairs in yards and we will be addressing those concerns. The company has been wonderful in working with the town. Received word today from Mr. Owens that the investigation into the claims is wrapping up and he is anticipating a response tomorrow if not Monday. I would like to set dates for budget workshops, (council members discussed among themselves dates and times) August 18, 2021, at 5:00 pm for a budget workshop. August 25, 2021, at 5:00 pm for a budget workshop. August 26, 2021, (comment from Jeff Motley in the audience about having a COW meeting) at 7:00 pm for a COW meeting and the council meeting to follow. Creamery Picnic went well thank you staff members that came in to help out with everything. At your next council meeting I hope that your admin reports are more interactive with mysidewalk. Gave a response to the comment made about Homebase from a citizen. Other comment Mr. Ludington made about there is room for improvement; this is the most pleasant experience I have had. I also want to, without rehashing, I have made decisions and taken actions that have caused a lot of stir amongst a group in the community and it has made your experience in this room and on council less than desirable and for that you do have my apology it was not my intent when I took those actions to drag you all through something that was unpleasant it was not my intent to drag our citizens through something that was unpleasant and not for the staff either. I apologize for the way that those things unfolded. I did not learn how to this job in another city, in fact one of the people that I learned how to do this job from is sitting across the table from me. And I appreciate that mentorship that he offers. I do what I do because of my experiences here at town hall. There is always room for improvements.

13. Town Council Comments

Councilmember Wandler: something that I don't think people realize is how much more expensive things become, I thought about it when you were talking about the fire department, my husband was on the fire department 50 years ago they showed up with their clothes on and fought a fire, now insurance requires equipment people don't realize that laws change and time change, I don't think that the community understands that the costs go up because of the changing times.

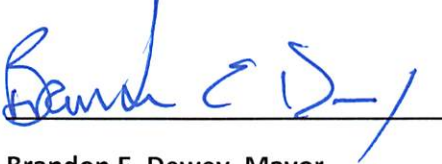
Councilmember Delvin: Creamery Picnic was outstanding, thank you to everyone.

14. Board Reports

Councilmember Ludington: P&Z had a meeting that we are looking at the board of commerce subdivision regulations blanket policy that they put out for towns to edit. Had one member of the community there and it was a pretty productive meeting. I think we got through some things that are in there that we may or may not like some things. We are hoping again to visit that at the end of the month I think that is the 25th. Anybody that is interested please join. Received an email for Paul O'Bagy so I forwarded it to Tim.

15. Adjournment

APPROVE:

A handwritten signature in blue ink, appearing to read "Brandon E Dewey", written over a horizontal line.

Brandon E. Dewey, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Jenelle S Berthoud", written over a horizontal line.

Jenelle S. Berthoud, Town Clerk

The Mayor of the Town of Stevensville has declared a State of Local Disaster Emergency. Reference the Proclamation Dated 3-31-2020.

The Mayor of the Town of Stevensville declared a State of Local Disaster Emergency on the 31st Day of March, 2020 and made the declaration retroactive to the 12th of March 2020. This by itself could become a legal issue regardless of the actions of the State of Montana

In the Declaration, item 4, page 2 of the declaration, the Mayor committed to implement all directives provided by the Governor of the State of Montana.

As the Governor has lifted the State of Emergency for the State of Montana effective June 30th, 2021 it seems to me that the Mayor should have complied and immediately lifted the Town's Declaration of a Local Disaster Emergency.

This Citizen is confused by the Declaration as the Governor(s) of the State of Montana did not declare a disaster, but declared a state of emergency and the President of the United States did not declare a disaster but a state of emergency. **The Mayor declared a Disaster Emergency.**

Item 1 of this Agenda Request

The Mayor should issue and order immediately to terminate his declared Disaster Emergency as none exists.

As it is the mayor that makes the determination that a Disaster or Emergency exists, the Council cannot direct the mayor to terminate the declaration. However, Emergency Ordinance 166 expired on June 17, 2020 and was not reviewed by either the executive branch or the legislative branch, thus the ordinance is a dead ordinance. .

Suggested Motion-I move that We, the Body of this Town Council, hereby request the Mayor to rescind the Town of Stevensville Disaster Emergency Declaration immediately, restore the Town of Stevensville to its constitutional form of government, resume normal meeting schedules and locations.

Item 2 of this Agenda Request

A comprehensive list of all agreements, contracts and purchases made between March 12, 2020 and the date the Declaration of Disaster Emergency termination needs to be compiled and brought forward so that the public can see what has transpired.

- This is a routine form of transparency that has not been demonstrated by the current administration.

Suggested Motion-I move that the Mayor and Finance Officer shall assemble a list of all agreements, contracts and purchases made between March 12, 2020 and the date the Declaration of Disaster Emergency has been terminated, so that this information can be brought forward for the Council and the Public may readily access and peruse the information as they see fit and that each purchase shall provide a justification for failure to comply with the provisions of the Town of Stevensville Purchasing Policy.

Item 3 of this Agenda Request

The Council should direct and implement a review of all contracts and expenditures consummated by the Mayor of the Town of Stevensville from March 12, 2020 until the date the Declaration of Disaster Emergency is terminated.

- This is necessary in order to determine the validity of all agreements, contracts and purchases made in order to verify compliance with items 7 and 8 of the Declaration of Disaster Emergency.
- The review is necessary as the current administration has shown a propensity to procrastinate bringing claims before the council. This has been shown to be the case as indicated during the council

of July 22, 2021 approximately \$92,000 worth of claims for computer purchases were presented approximately 7 months after the purchases. **This was noted by Council Member Allen, who did not, nor the remaining members of the Council, take formal action to stop this sort of activity by the current administration.**

- This is necessary to restore and validate the Checks and Balances between the Executive and Legislative Branches of our local government.
- The Declaration of Disaster Emergency did not include this provision in order to protect the Citizens of the Town of Stevensville and their assets and best interest.

Suggested Motion-I move that the Council shall schedule Council of the Whole meetings (COW Meeting) in order to review and determine the validity of all agreements, contracts and purchases made during the Disaster Emergency Declaration.

Item 4 of this Agenda Request

The Town of Stevensville Purchasing Policy, Section 9, states that the Purchasing Rules under the purchasing policy may be suspended during an emergency or disaster declared under § 10-3-401 MCA.

I believe a formal decision by the council is needed to direct the Mayor to comply with the Town of Stevensville Purchasing Policy.

- This Citizens does not believe that the Town of Stevensville Town Council formally suspended the purchasing policy, nor is it mentioned in the Disaster Emergency Declaration.
- The Council gave the Mayor powers that are reserved and assigned to the Town Council, which I believe is not legal as the Council cannot assign powers to a Mayor that are not assigned by the state legislature.

Suggested Motion-I move that the Mayor of the Town of Stevensville shall be required to comply with all provisions of the Town of Stevensville Purchasing Policy and recognize that the Town Council has not suspended the Purchasing Policy in regard to the Declaration of Disaster Emergency.