



**Stevensville Town Council Meeting
Agenda for
THURSDAY, JANUARY 14, 2021
7:00 PM**

The Town of Stevensville live streams Town Council and board meetings on our website at <http://www.townofstevensville.com/meetings>

A webform for real-time public comment submission is available here: [PUBLIC COMMENT](#)

Telephone Login Information: Dial (253) 215-8782
Meeting ID: 884 2327 5469
Passcode: 116685
Press *9 to raise your hand

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Public Comments (Public comment from citizens on items that are not on the agenda)
4. Approval of Minutes
 - a. September 24, 2020 Meeting Minutes
 - b. October 8, 2020 Meeting Minutes
 - c. December 10, 2020 Meeting Minutes
5. Approval of Bi-Weekly Claims
 - a. Claims #16456-16495
6. Administrative Reports
 - a. Airport
 - b. [Building](#) Department
 - c. Finance
 - d. [Fire](#) Department
 - e. [Parks](#) & Recreation
 - f. [Police](#) Department
 - g. [Public](#) Works
7. Guests
8. Correspondence
 - a. [Letter](#) from the Ravalli County Sheriff & County Attorney
9. Public Hearings
10. Unfinished Business
 - a. [Discussion/Decision](#): Resolution No. 466, A Resolution Amending the Personnel Policy Manual for the Town of Stevensville
11. New Business
 - a. [Discussion/Decision](#): Confirmation of Officer John Ellington
 - b. [Discussion/Decision](#): Airport Project Financial Update
 - c. [Discussion/Decision](#): Emergency Paid Sick Leave
 - d. [Discussion/Decision](#): Police Department Staffing
 - e. [Discussion/Decision](#): Contract for Building Inspections Services with Construct Montana, LLC

12. Executive Report
13. Town Council Comments
14. Board Reports
15. Adjournment

Welcome to Stevensville Town Council Chambers

We consider it a privilege to present, and listen to, diverse views.

It is essential that we treat each other with respect.

We expect that participants will:

- ✓ Engage in active listening
- ✓ Make concise statements
- ✓ Observe any applicable time limit

We further expect that participants will refrain from disrespectful displays:

- ✗ Profanity
- ✗ Personal Attacks
- ✗ Signs
- ✗ Heckling and applause

Guidelines for Public Comment

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

During any council meeting you have two opportunities to comment:

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

Comment made outside of these times may not be allowed.

Citizens wishing to speak during any public comment period should come forward to the podium and state their name and address for the record. Comment may be time limited, as determined by the chair, to allow as many people as possible to comment. Comment prior to a decision-making vote must remain on the motion before the council.

Thank you for observing these guidelines.

File Attachments for Item:

- a. September 24, 2020 Meeting Minutes
- b. October 8, 2020 Meeting Minutes
- c. December 10, 2020 Meeting Minutes

Stevensville Town Council Meeting Minutes

THURSDAY, OCTOBER 08, 2020

1. Call to Order and Roll Call

Mayor Dewey called the meeting to order. Councilmembers Devlin, Michalson and Vick were present. Councilmember Holcomb had an excused absence this meeting.

2. Pledge of Allegiance

3. Public Comments

No public comment.

4. Approval of Minutes

No approval of minutes, Ms. Berthoud currently into July meetings and August meetings.

5. Approval of Bi-Weekly Claims

a. Claims #16229-16270

Update to the claims, #16283.

Councilmember Michalson: made a motion to approve claims 16229-16283.

Councilmember Vick: 2nd the motion.

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

Councilmember Michalson: Robert, claim on 16260 HDR engineering misc. service contract for Burnt Fork Estates, what is that for? Is that a staff report?

Mayor Dewey: I can answer that, yes that is correct zoning administration services correct so that is the running bill for evaluation of the proposal of complete on the towns behalf and working with staff to compile the staff report, so it is multi-faceted. As we move through that project there will be additional expenses from HDR.

Councilmember Michalson: with HDR is this the contract that we approved in June or July? For \$61,000.00

Mayor Dewey: it is part of the master services agreement. I believe that was for the 3rd Street improvements, this isn't under necessarily a task order more of an on demand need from the administration to take care of that project for us it is under the master services agreement.

Councilmember Michalson: what is the 3rd street for \$8999?

Mayor Dewey: that is for the 3rd Street improvements and the design.

Councilmember Michalson: so that has nothing to do with the \$61,000?

Mayor Dewey: yes, it is part of the \$61,000. You will see the water system report there that is the contract that you awarded for that project.

Councilmember Michalson: okay, above that, #16259 Verizon wireless is that for the second building official?

Mayor Dewey: yes, it takes a while to pull up a line or a ball park bill, the next bill will look less.

Councilmember Michalson: I thought when we signed the contract with First Call it was supposed to take a lot of that away.

Mayor Dewey: We haven't implemented the phone system either, we just did that two weeks ago. It will take a minute to get phones installed. Any further comments on the claims? Any public comment on the claims? Hearing none I will call for the vote, Ms. Berthoud.

Councilmember Devlin: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: motion passes unanimously.

6. Administrative Reports

a. Airport

Robert gave an airport report. Knife River is completing the project.

Mayor Dewey: any questions on the airport?

b. Building Department

Report is in the packet.

c. Finance

Robert gave a report on the CARES funding, got to fill it out and turn it in on the 25th. We are asking for reimbursement of police department wages and health care. Also, some reimbursement for cleaning. Looking at a better sound system for the court, computers for the cop cars.

Mayor Dewey: any questions for Robert on the finance report? Thank you, Robert.

d. Fire Department

Chief Motley: in your packet are the stats. Chief Motley gave his report from the information provided in the packet.

e. Parks & Recreation

Bobby: gave his report from the information provided in the packet.

f. Police Department

Chief Marble: we are still going through the hiring process hopefully by the end of October.

Chief Marble gave his report from the information provided in the packet.

Councilmember Michalson: you were asking a week or so ago in the Ravalli newspaper for some help on a stolen vehicle. Two young people were chased by law enforcement.

Chief Marble: it is not the vehicles were stolen from Stevensville. We did have a number of vehicle trespasses. The suspects are at large.

Mayor Dewey; any other questions? Okay thanks Chief.

g. Public Works

Report is in the packet.

7. Guests

a. Brian Osowski, AMKO Advisors - RE: Water/Sewer Bond Re-funding Analysis

Mayor Dewey: introduced Brian from AMKO advisors on the water and sewer bonds.

Brian: Mayor and council members I appreciate the chance to meet with you. Brian gave a background on his company. I was visiting with Robert and one of the things that we have been working with other municipalities. Refinancing some notes that were at a higher interest rates. We just refinanced the Town of Redlodge saving them about \$2 million dollars. I had run some analysis on the sewer and the water, the city could save about \$700,000 dollars. Similar to refinancing a home. Those savings are net to the city. We put the package together put it out to the lenders. Open up for any questions that you might have?

Mayor Dewey: any questions from council?

Brian: the bids will come in front of council where you will be able to say no or move forth with the bids.

Mayor Dewey: at this inductor, given the information that you were given tonight are there any objections from council on the issue of moving forward and at least entertain the idea of having our bonds re-bid and bringing this forward as a formal agenda item at a later date.

Councilmember Michalson: Brandon, I don't think that it can hurt what do we have to lose?

Mayor Dewey: I agree. Okay, catch that Brian?

Brian: thank you I look forward to bringing the bids back to council and working with Robert.

Mayor Dewey: we will move on from this item and have our folks get in touch with you.

Councilmember Michalson: I have a question for Brian, looking at your record you guys pretty much do this will all municipal governments?

Brian: as far as the USDA, yes, we work with school districts, counties from different types of bond issuances. As far as USDA we have done this for at least 50 different entities.

Councilmember Michalson: okay, thank you.

Mayor Dewey: any further questions?

8. Correspondence

None

9. Public Hearings

None

10. Unfinished Business

a. Discussion/Workshop: Resolution No. 387E, amending Town Council Rules

Mayor Dewey introduced unfinished business 10(a). You requested a committee of a whole meeting to review time limits exploration from Mr. Vick. A possible change regarding vacancy

replacement from Mr. Michalson. And perhaps another issue that you guys wanted to look at in town council rules. So you requested that COW meeting given the brevity of tonight's agenda we thought we would go ahead and schedule a workshop tonight for you folks given the time it is only 20 minutes to eight so we have ample time to make any changes that you would like to make and the administration and go forward in creating the document for approval under resolution 387E so this is your time even though we are at a council meeting there is nothing prohibiting you from workshopping this tonight getting some work done before you take on the next two items on your agenda which it should be pretty brief.

Councilmember Michalson: correct me if I am wrong but Dempsey didn't you still have a COW meeting when all of us were here?

Councilmember Vick: the intent to kind of use this section as a COIW meeting with that said I would rather have the COW meeting as a whole and be able to discuss on this.

Mayor Dewey: so, when you say that you would like all 4 council members present? So just on the topic of COW meetings and if that is the direction that the council wants to go tonight. I will tell you that it is getting increasingly difficult to get meetings scheduled we are for sure able to use this room two times a month for our regular council meetings anything outside of that we are at the mercy of the program director at the library. I can't tell you tonight what that looks like in the future given that on a daily basis we see around a dozen cases added to Ravalli county case load in terms of COVIDS. So, I don't know what the future holds so just keep that in the back of your mind, and something that I will address in the executive report is the potential meeting on the 13th. We are venue short and time short and it is getting difficult getting all four of you in a room at the same time and also accommodate the public. So just keep that in mind, when making decisions on other meetings when we do the opportunity to get together, I appreciate your indulgence in best utilizing that time. Is there anything further on resolution 387E? Otherwise, we will reach out for availability and see what we can get scheduled.

Councilmember Devlin: I feel that this has come up several times and there is always a reason why we have to kick it down so I think, is this something we want to pursue or not, I think that this is on the table the 3rd or 4th time now over several months. I mean we still have a COW meeting agenda item from February that we haven't revisited and that is our purchasing policy and I think that is an item that should take precedence considering the contradictions and that has led to a recall situation. And that has never been brought up again. So, if we are looking at this, we keep bringing it up and throwing it down the road I think we need to make a decision on the times and the importance of them and what we are going to do moving forward.

Councilmember Michalson: I agree with you Jaime I think that the purchasing policy is of much more of importance to go to a COW meeting than these two I know the public comment one could be brought up but as far as the one that I brought up I don't mind just letting that die and leave it the way that it is.

Councilmember Devlin: thank you Bob.

Mayor Dewey: so, I am hearing wait until the entire council can get together, I am hearing are we serious or not serious about doing this and I hear yes and no.

Councilmember Devlin: I make a motion to strike both of these.

Mayor Dewey: okay.

Councilmember Vick: I 2nd.

Mayor Dewey; Ms. Devlin has moved to remove the agenda item and Mr. Vick 2nd. Council discussion?> Public Comment? Hearing none Ms. Berthoud would you call for the vote.

Councilmember Devlin: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: that resolved.

11. New Business

a. Discussion/Decision: Resolution 483, adopting fees for the Parks & Recreation 2020 Scarecrow Festival

Mayor Dewey introduced new business item (a).

Councilmember Vick: I make a motion to adopt resolution 483.

Councilmember Devlin: I 2nd.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Devlin. Council discussion? Public Comment? Hearing none Ms. Berthoud would you call for the vote.

Councilmember Devlin: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: motion passes.

b. Discussion/Decision: Public Works General Labor/Operator Position Description

Mayor Dewey introduced new business item (b). in your council communications in the packet, we discussed the staffing difficulties in the public works department due to COVID. Needless to say, we need somebody who is a jack of all trades and that can step up when needed. We advertised that position and we had an applicant and we hired him. One thing that is coming up is fall clean up and so you will see some changes to that. So, what we are saying is that we need that on call person. Job description is in front of you tonight.

Councilmember Michalson: is this position some times 8 hours a week and sometimes 30 hours a week?

Mayor Dewey: that is correct.

Councilmember Michalson: no set time?

Mayor Dewey: no set time, of course it is budget dependent based on funding so when this person is covering COVID related absences CARES is reimbursing us for those so after December 30th we won't have that luxury or we are assuming that but of course we sensitive to what we have for budgeted funds but we want to make sure that services the continuity of services is there. Correct it may be that we may not use them for a few weeks and then we get a big dump of snow and then they have to work a full 40-hour week to help us keep up with plowing. That situation could unfold.

Councilmember Michalson: you really couldn't budget for it because you don't know what they are working?

Mayor Dewey: no but what we can say is once we have the position established and we know we can say that this is the number of hours we have for this person over a years' time or this is the number of hours that we expect or we may need and we do have those over time contingencies in the budget and that will help reduce those over time uses.

Councilmember Michalson: I guess what I would like to see is it going into a full-time position, I think those guys, a long time before you even came Brandon, you can attest, George and them guys have always been short handed down there they are always playing catch up.

Mayor Dewey: I don't disagree with you on that I can't tell you that the budget could facilitate having a full time equivalent all though we could evaluate that if you recall in the fiscal year 20 budget, I did propose a full-time addition to the public works department and that was cut and instead the public works department was given two seasonal workers based off of the two seasonal works we would be less and could utilize this person more in the summer time. I guess for right now my advice is that the council let this ride on some training wheels and then as we evaluate the budget in six months you could come back and say that we need to migrate this into a fulltime position or add a full-time position to the department. We do think that the flexibility of having this prn around on our busy times of the year will be advantages and sensitive to the budget that the tax payers are funding.

Councilmember Michalson: sounds good, thank you.

Mayor Dewey: do I hear a motion to approve the job description?

Councilmember Devlin: I make a motion.

Councilmember Vick: 2nd.

Mayor Dewey: Me. Devlin makes the motion and Mr. Vick 2nd. Is there any further discussion from council? Public comment? With no public comment and no further council discussion I will have Ms. Berthoud call for the vote.

Councilmember Devlin: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: thank you.

12. Executive Report

Mayor Dewey gave his executive report, as just discussed in the last agenda item we did have a COVID scare if you will within the organization were one of our employees was in contact with a positive test. Of course, we learned this information on a Friday night at six o'clock and I don't know if you know this or not but public health doesn't answer their phone on Friday evenings or Saturday or Sundays. Nor does the 911 center have an alternate contact number for that center so you are at the weekend mercy public health related until Monday morning at 9:00 a.m. non the less we thought that precautionary measures were necessary and we did our best to provide updates organization wide to the council as we could and I think that those were effected and we set a precedence that email really the way we are going to push information through the organization and we did find some holes in that as well but we have addressed those. I do believe that we tripped the phone tree Friday or Saturday morning the council received emails Friday night and you were the exception to the phone tree the rest of the organization we utilized the phone tree for a COVID response so that was good. All in all, I think that we handled the situation as best as we could given the lack of guidance from public health at the time and the unknowing of what we were expected to do as an organization we were some what in the dark fortunately I had colleagues in other municipalities close by who have far more staff than we do and are going to run into a situation and I was leaning on them Friday night on what to do. We made a decision to quarantine roughly 10 people in our organization to not report to work until we could get a hold of public health on Monday morning and know the status and so that then led us to closing Monday evening and really had two people that could run the office and one at public works and we wanted to take precautions in the office on Monday I can say that sanitation for COVID is not cheap and luckily it is a CARES covered expenditure and you will see a bill for \$4000 forward to the council to clean city hall and public works facility and of course we will send that into CARES for reimbursement and there is no doubt they will reimburse us for that. To drive this whole thing home our staff did wonderful in being adaptable we appreciate the councils support through the situation and the publics support and concern for our staff I can tell you that I think that if the situation was to unfold again for our organization we will handle it appropriately and in the same manner there is a difference toady than there was this time last week however and that is that we have really cracked down on the use of masks in our offices and in our facilities and we have done a better job adhering to social distancing and those other precautions that public health has recommended and in fact when we finally did get a hold of public health and explained to them the reason, they explained to us that we should have been doing it all along and to that we admit to that we may have been laxed on the mask wearing and some other things in our organization and we realize that we are expected to set an example to the rest of the community, we also know from experience that these things are effective in containing the spread of the virus you will see the administration demonstrate best practices with Corona Virus and its spread. I guess to close that topic we did get a hold of public health on Monday morning about the situation, released our 9 employees from quarantine except for one, that person is under what they call a work quarantine where they are permitted to come to work but they must isolate from everyone else in the organization. Their work station was moved to a facility where no one else goes to and the reason that they are under a work quarantine is that person is the only one certified to operate our infrastructure. You can probably connect the dots and figure out who that is for that person's privacy I am not going to divulge. That person is permitted to go to work and home. Hopefully soon that person is released from quarantine

soon. Staff and councilmember Devlin have attended the league of cities and town's conference, it is a virtual conference cost us \$75.00 per staff most of the staff is attending through virtual in the office we are not losing 3-4 days of staff this week which ordinarily we would have, instead they are able to attend the classes and get their brakes and get their work done. Good information being shared at the conference. I have been able to attend and share some of the things that we are doing and have received nothing but positive feed back in the direction that our community is going. I hope that Ms. Devlin. This was her first conference and so far, I hope that you are finding it worthwhile. This week the final budget document all though you adopted your final budget in July it takes us a little time to incorporate final changes into the document and make it look really pretty for the public and the state of course. We met the deadline in terms of reporting to the state if you recall last time that deadline was not met because the budget was not adopted until December, we have successfully submitted the budget on time on October 1st. in addition you will see that budget on line under town budgets and we were able to upload budgets back to fiscal year 12/13 on our website so we have a long history of budgets on our website now comparing to relative to what we have electronically we have a good chunk of budgets on our website for people to go back and compare or have questions about the budget it is all on the website and we are going to continue to push more and more onto our website and that is a thing that they are pushing through CARES is making documentation available on the website so folks don't have to come to town hall. Next a quick head up you will see a press release come from town hall in regards to a statement on infrastructure projects that we are going to push over the next few year and going into this winter and our next budget cycle some of those infrastructure projects that we are going to bring forward to you will come as soon as your next meeting in two weeks one of those is the final set of plans for the 3rd Street improvements as you are aware we spent some money on that project and we hope to have those plans in our hands ready for your review by your next meeting so you will see an item on your agenda that the timing is up and it is getting close. So, you will see an item on your agenda and we will get those plans in the packet as soon as we can we are still coordinating with HDR to get those electronic plans into the packet for you it may not be the Thursday but will hopefully be Tuesday when your claims go into the packet. We will keep you updated on that, but you can expect to see those plans and provide input of course we consider public input as well those plans are very straight forward in terms of what we plan to do with eat 3rd Street and rehabilitate that road way and there are also some other projects tied into that project that you will see as well and the other project that we are going to push through is a sewer main here in town and you will see that task order as well. That covers the business, the last thing that I need to address some things in the paper this week, this is not a campaign activity by any means it is more or less correcting the record as council minutes and official documents are sited in some of these adds, bear with me. There is a line in the October 7th Bitterroot Star there is an add paid for by the committee to recall the mayor. It states that the mayor refused to allow council and the public to discuss or approve the mill levies from the county officials which could have affected the tax payer, town council minutes of September. If it was mentioned in the minutes of September, October, December 2019 if it was in the minutes of September, October, and December then it was discussed at length by the council the mayor did not refuse to allow council or the public to discuss or approve mill levies that was incorporated into the fiscal year budget for that year, the budget document there was a chart on mill levies there was nothing hiding in that regard and further we followed the same practice that we always follow and Mr. Underwood can attest to that there was some confusion on what process to follow but ultimately we followed the same process as what we followed in past years administrations on getting the levies down to the county.

Largely the confusion was the council did not approve the city's budget until December and the mills were due in September so no the mayor did not refuse to allow council or the public to discuss this. There is an ethics issue in here that says last summer in 2019 that the mayor had the water turned off during the night of a paraplegic's recovering from a gunshot wound his pregnant wife had to go to city hall and pay \$50 to have it turned on a member of the community asked that he refund the \$50 and the mayor refused city council minutes July 22, 2019. When this was brought up to the town council in July 2019, I remained silent on the issue largely it wasn't appropriate to respond in the public comment portion I have since clarified to those that have asked me about that situation and what exactly happened there. If you recall it was during our water crisis when our well system was quickly running out of water, at that time the water emergency we told all of our citizens through our robo call system no one was allowed to water outdoors that was given to everyone every customer that we have, the public works supervisor then during that period when he would receive alarms from the well system saying that we were running out of water he would come into town sometimes two three in the morning as we were dropping into feet in the reservoir of water he would drive around town and anyone that had their sprinklers running he would turn off the sprinkler timer if it was accessible and if it wasn't accessible we would turn their water off. He did that based on the policy that we took at the time to deal with the water emergency we did not look up who lived where in the middle of the night we did not know who lived where in the middle of the night we shut their water off if they were in violation. And we charged everyone based on policy a \$50 reconnect fee because that is the policy everyone gets charged the same rate. IN this situation the mayor did not have the water shut off in the middle of the night I did not know who lived there in fact I may have been in bed myself; the public works supervisor made the decision to shut the water off rightly so, it was determined that the land lord failed to communicate that the outdoor watering was prohibited all though the land lord received three messages from town hall and that was verified. So, I think what is trying to be implied is I was trying to be malicious somehow and I don't appreciate it that was not the intent at all, they were in violation of the water shut off when this individual's wife came to city hall to pay the fee, I remember dealing with the individual she did not identify herself and so how am I suppose to know? I don't know where every two thousand residents in the city live, I am sorry I would like to but I just don't especially when half of them are renters. So, I think that this is listed and I am bringing this up tonight because it's an attack on the mayor and on actions that this administration took in good faith this is not an attack on me as much as it is on my department heads and those people that you expect to carry out policy you set the policy and we execute it and then things like this show up it is malicious it is not an ethics issue on my part this thing in the paper is an ethics issue on who published it. The next thing is in terms of the audit I just want to clarify when this audit occurred it says a sample of the towns visa credit card payments of \$2540 did not have accurate documentation. This was an audit in 2019 this was the audit covering year fiscal year 17/18 any 6 months of my administration, I did not take office until January 1st of 2018, for 6 months we had no control over what receipts were tracked I only had control over the other 6 months I can't tell you when these occurred but as soon as happened and mind you the credit card bill is \$10,000 a month sometimes. So, this is small amount, when it comes to tax payers, we corrected it, fixed the issue. It also accused that the mayor sent altered documents in regards to increasing lighting district taxes that is false we didn't send any altered documents we sent exactly what the council approved. What happened in this situation the council didn't fully understand what they had approved and part of that falls on me because we didn't clearly explain it to them, we felt that when the council at the time voted they understood what they were voting on. We didn't to send altered documents to the county in

terms of lighting district taxes that would be fraudulent and that is not something that this administration would have done. So, again I realize that this add was trying to attack me as the mayor but instead but the result is that you knocked the teeth out of the administration and the trust that they have in the community and the rest of the folds at city hall it is not fair it is unethical. So, I guess in closing I will leave it at that I am not sure what they are after, it says that an independent audit found the mayor violated numerous Montana codes including but not limited to several funds that exceeded fifty to two hundred percent cash reserve balance as specified by Montana law some are as high as three hundred and forty percent I don't believe that the audit found the mayor violated codes we had those cash reserves from not budgeting appropriate funds we didn't budget for cash that we had in the bank we go through this we bring a budget amendment forward and let you know that we have cash in the bank and it needs to be appropriated or spent we just cant keep it. Remember I am sure that the 2019 independent audit covered the fiscal year 17/18. So, it wasn't entirely under my administration that these infractions occurred. Someone else's administration as well, I just wanted to clarify on the record for folks if someone decides to go forward and to continue to badger the administration it can do so with these council minutes as actually as they have other council minutes with that, I appreciate your patience as I work through that. They needed to be addressed.

13. Town Council Comments

Councilmember Devlin: I just wanted to she is not here tonight and I fully intended to send her an email but I have been attending this conference as you stated all week has been absolutely amazing, I understand that Laura went in and cleaned the offices and I wanted to extend my think you to her that was above and beyond.

Mayor Dewey: just to clarify, she coordinated it for us. For a company to come in and do that.

Councilmember Devlin: thank you for that. Robert it donned on me today I am kind of embarrassed to say today that I had a light bulb moment when you were going over the airport your report you are doing that on a volunteer basis after you are taking care of the finances of the town after your personal like, this is a big job that you have taken on and I don't know that you have received the recognition you deserve for doing that we can't find a person to take that job on even paid, and you are doing it as a volunteer and I can't tell you how much that means to me and our community. Thank you and again I apologize I didn't recognize that until just tonight. So, I wanted to take a moment to appreciate it. Back to the conference I don't know if either one of you attended it but it has so many topics on there and they are going to be able to be viewed for the next 6 months it is very enlightening what I noticed to is there are chat rooms and you can talk to whoever but allot of the communities there is team effort a bragging right of who you are there with what town you represent I really like to see that with the town of Stevensville we have some of that lacking I appreciate you paying and extending that it has extremely insightful and in think there are benefits for the year to come but for years to come. I appreciate that.

14. Board Reports

None, P&Z are trying to meet.

15. Adjournment

Mayor Dewey: there was a COW meeting scheduled on the 13th of October which is a Tuesday we are kind of down to the wire and we have discovered that this facility is not available for that meeting if you

want to move forward with that 10-13 meeting, we are down to town hall with no public admittance it would just be us because that is all we can fit in the room or a virtual meeting or an alternative date. If you want to indicate tonight or we can reach out to you in the morning and survey the council what the preference is.

Councilmember Devlin: I think because Robin is not here let's survey it in the morning.

Mayor Dewey: we will send an email out to the council in the morning and will present the three options and advise us on what is your preference. With that we will adjourn that meeting it is 8:20.

APPROVE:

ATTEST:

Brandon E. Dewey, Mayor

Jenelle S. Berthoud, Town Clerk

Stevensville Town Council Meeting Minutes for

Thursday, September 24, 2020

1. Call to Order and Roll Call

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

2. Pledge of Allegiance

3. Public Comments

Jeff Motley: Door expansion funded, thank you to the Mayor and Robert for getting that funded through the CARES grant.

Charles Jordet: Lives in South Kootenai Creek area, I was speaking with the town clerk that maybe there would be a way to have a speaker system outside so that we can listen. You don't have a real public interchange. There are a lot of things that should be addressed. Out of the normal life. Mr. Jordet continued to give his feedback on the fraud that is taking place and that he is and has not been able to participate in the meetings. If people are afraid to speak out like so many people are. The other thing with 6 feet is that they cannot be identified. Get a loud speaker outside.

Ben Lewis: I have a question; can I ask a question?

Mayor Dewey: public comment is not necessarily for public answer but you can state a question and then it is in the record and we can get you an answer.

Ben Lewis: the question or statement is regarding this town from what I understand you ran on transparency and I am concerned you are not living on that transparency; you don't make your budget available to the community you don't even make it available to the council prior to making decisions. So, number one is I feel that you should put that on your agenda and make that transparent and publicly available to our community. Number two is I think we need to have the water rights looked into for the town of Stevensville. From what I understand we don't have water rights in the town of Stevensville it has lapsed. How do we, I fully recommend that especially if you are going to bring in a new development that is going to require a lot of water, thanks.

Mayor Dewey: can you please sign the sign in sheet so that the clerk can spell your name right for the record. Any further public comment? Nobody on the telephone tonight and no public comment in the email.

4. Approval of Minutes

- a. June 17, 2020 Public Hearing
- b. June 25, 2020 Minutes
- c. June 30, 2020 Meeting

Mayor Dewey: introduced the approval of minute.

Councilmember Michalson: made a motion to approve the minutes from June 17th, June 25th and June 30th, 2020.

Councilmember Vick: I 2nd that.

Mayor Dewey: it has been moved by Mr. Michalson and 2nd by Mr. Vick. Council comments? Public Comment on the minutes?

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: motion passes.

5. Approval of Bi-Weekly Claims

Mayor Dewey: introduced the approval of claims. You have received the claims via email from the finance department. We have noticed that the claims have been absent of the town council packet recently we have put in place a procedure this afternoon. The biggest challenge with claims is the billing cycle and depending on where your first meeting and your second meeting lies it is different on each month's calendar. This month Mr. Underwood was on vacation and forgot to ask for permission to pay them out of cycle. So, what we will do the Tuesday prior to your Thursday meeting the packet will be updated and you will receive an email from the clerk's office that the packet has been updated. Your packet will still come out on Thursday and will be updated on Tuesday. At least within 48 hours.

Councilmember Holcomb: I will make a motion.

Councilmember Michalson: 2nd.

Mayor Dewey: it has been moved by Ms. Holcomb and 2nd by Mr. Michalson to approve the bi-weekly claims. Questions from council?

Councilmember Michalson: I would like to state that the claims haven't been available to the public it has just been available to the public. I know with the pandemic we haven't been able to put it up on the screen but there should be a way to put it up on the website so the public can look at the claims, it is their money too.

Mayor Dewey: that was just addressed.

Councilmember Michalson: also, on claim number 16239 on the high bar traffic services. The painting of the crosswalks. Was that budgeted for?

Mayor Dewey: yes, out of our gas tax fund.

Councilmember Michalson: and one more thing I noticed that we got a flyer on the scarecrow festival and I noticed that the fees are 25.00 dollars and that needs to come back to council for approval.

Mayor Dewey: that is not an item under the claims, but I can address that in the executive report for you.

Councilmember Michalson: thank you.

Mayor Dewey: Any other questions from council on the claims? Is there any public comment on the claims? Just a reminder we will re-post the claims for public view in the town council packet on Tuesdays prior to the Thursday council meeting and then from that juncture if people want to request those claims they are welcome to request those claims.

Chief Motley: if I heard right, I heard Mr. Michalson say about the paying of the painting and the signs and the response back on that was it was paid with gas tax money, but you really did not say that it was budgeted.

Mayor Dewey: my response was that it was budgeted and that it came from the gas tax fund. Is there any other public comment? Hearing none I will call for the vote, Ms. Berthoud.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: the motion passes unanimously.

6. Administrative Reports

None.

7. Guests

None.

8. Correspondence

None.

9. Public Hearings

None.

10. Unfinished Business

a. Discussion/Decision: Resolution No. 387E, amending Town Council Rules

Mayor Dewey: introduced unfinished business item (a), this item comes from Mr. Vick. It was originally proposed as a time limit on public comment so due to certain circumstances rather than extend a time limit, we incorporated it into the town council rules for ease of reference. The changes are adopted by resolution. 387 B.

Councilmember Vick: I have heard a lot of comment outside of this and general consensus of the public would be for us to set some rules and what not, however consensus of the rules is where it falls on the chair to ask how many people are going to give public comment at a time. And then give us that time line of how long that public comment can take place. Say the chair would do (unclear recording, unable to understand) Mayor or whoever is sitting in that seat would ask how many people are interested in giving public comment (unclear recording, unable to understand) let's say that 20 people want to give public comment and then he can say we will give 30 minutes for public comment. And if that is favor or those that are against.

Councilmember Devlin: how do you monitor that?

Councilmember Vick: egg timer.

Councilmember Devlin: well, what if one person wants to take 30 minutes to discuss it?

Councilmember Vick: than the rest of, then what you do is have the people walk up and say that they are in favor of this or I oppose this.

Councilmember Devlin: then they are not getting public comment, that is the problem and the challenge with that.

Councilmember Vick: I am just presenting what was presented to me as an alternative to what I presented in the packet.

Mayor Dewey: as the chair and the person running the meeting, I have an appreciation for the alternative I can see certain settings where that could be very beneficial. However, I think for consistency sake between meetings we need to be consistent I would encourage the council to set a standard in its council rules for that reason and I think that it is important that the town, it is the town council meeting it should be a time limit established by the town council I feel regardless of who the mayor would be if that person was to set a time limit that person could come under fire for less-than-ideal issues. Right? You are easily blamed for limiting public comment one way or the other if it is a statement of policy and it is across the board this is what it is. I also think that it is important that people understand what they can expect when they come to a meeting as well if the council were to adopt a time limit that would be in the guide lines of the agenda so that everyone would know the expectation of public comment. I don't see a reason why if the council wanted to adopt an alternative such as what Mr. Vick suggested as listed by meeting, we could suspend council rules and enact that but I think as a general rule of thumb or a general rule of doing business the original time that was proposed are appropriate and meet (unclear recording, unable to understand).

Councilmember Vick: does anyone else have any recommendation for it or can we go ahead with a motion to approve or not approve.

Mayor Dewey: Mr. Michalson?

Councilmember Michalson: I would like state that this all came about with a Mr. Raymond Smith earlier this year when he got up the podium and talk for 24 minutes. That was way way over time and I think that it was an embarrassing moment for all of us. Mayor Dewey I think you are doing a very good job as to limiting the people as to when they drag on to periods of time. You seem to be getting better at stepping up I am in agreement; I don't think that we need to set a time limit I think that takes away the public's right to speak putting on a time limit you are basically putting them on a clock and I don't think that any of the public should be put on a clock. It is their due process to speak this is there meeting. So, with that I inform Mr. Vick if he wants to go with an option but I don't think we should go with a time limit. Thank you.

Councilmember Vick: I am defiantly for I think it is best to put in a time limit for contentious issues I personally think that would be better route to go.

Mayor Dewey: so, you decide, if you decide a time limit, we enforce a time limit if you decide no time limit, I am fine with that as long as you don't come back on me because somebody droned on for 25 minutes. As long as that is clear no if it is me or any other mayor or the chair running the meeting be the council president or the mayor. I think that is part of the issue is someone drones on, frankly if they are on topic there is nothing that the chair can do. As long as they are on topic and are following the guide lines they can talk as long as they want. They can talk on for a couple of hours, it is excessive and what happens is we get into a bind and say that person talks to long and now we need to institute a time limit. You can't do that in a middle of a meeting then you are treating people unfairly, and we don't want to do that. It is either time limit or no time limit per meeting. So, this if there is a consensus subject it is my expectation of the town council would be right off the bat as a matter of housekeeping as we open the agenda that the two council puts a time limit. Ms. Devlin?

Councilmember Devlin: so, we are speaking to an agenda item and imposing a time limit on those. What are you proposing for the agenda item, that is what you spoke about with Mr. Smith that was just public comment, right? So, we have two different issues if you will two different commenting times. I feel that it is extremally important that when we have an agenda item that people are allowed to speak to that. I don't necessarily feel that there should be a time limit put on that, but public comment to come to the podium and state, there are two options through the month where that is allowed, you can come during the month and state over and over your opinion in different ways. Five minutes is a long time to talk we have experienced 25 minutes and that feels like we are here for three days. Five minutes is a long time we can extend that to eight minutes if that is a good compromise but to keep the meeting going, I think that public comment in the moment of public comment with nothing on the agenda I think that there should be a time limit on it whatever that looks like but I do think we need to limit that again so we are not caught in a moment of hearing everything that is wrong with Stevensville for 25 minutes or three hours. I don't know it that would be a good compromise for everyone here. Yes, public comment is extremally important especially on agenda items.

Mayor Dewey: so how that policy reads now, public comments on non-agenda items should be limited to five minutes comments on agenda items should be limited to eight minutes. Mr. Michalson?

Councilmember Michalson: it has been brought to my attention by former councils that this is not new. When Mr. Lou Barnet and the council back in 2009 and 2010 was very contentious times they in fact put time limits just as we are doing tonight and they also set up a where agenda items were going on and people were taking more than one bite of the apple so to speak, where they were coming up back and forth back and forth the same person. Mr. Vick we might want to discuss that as well maybe put how many times or put one time. I have seen it before where I will get up in an agenda item and say what I want to say and then Ms. Barker will say what she wanted to say and then something will get into my brain and then I will get up again. So, I am saying to move the meeting along some people get up two or three times maybe we should discuss that down the road. Thank you.

Councilmember Vick: I think that it is best since this has to do with council rules, I move to refer this to a cow meeting.

Mayor Dewey: is there a 2nd?

Councilmember Holcomb: I will 2nd it.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Holcomb to refer this item to a cow meeting. Council discussion on the motion? Public comment on the motion? Okay, the motion on the floor is to refer this to take and refer this to a cow meeting. Ms. Berthoud would you call for the vote?

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: motion passes unanimously. We will get that on the calendar.

b. Discussion/Decision: Council Rules. (Council Member Michalson)

Mayor Dewey: introduced unfinished business item (b). Mr. Michalson go ahead.

Councilmember Michalson: in pursuit to the last meeting, I was able to reach out to Scott he sent me an email. Bob read the email out loud from city attorney Scott Owens in response to a vacancy of a councilmember. A vacating councilmember may vote for their replacement, I spoke to Scott today about this we can keep that part in there let's say that Mr. Vick was going to Pennsylvania tomorrow and he says that he leaving in two months and he would like to stay behind and participate in the selection of my successor according to the rules that is fine but like I told Scott, let's say that he is going down to Pennsylvania and in two months before he is ready to leave we have picked his successor his job back fires and he wants to stay on the council and

we have a problem so with that, and I am sure that this is rarely ever used but I still feel that a vacating councilmember can vote for their replacement. That is all that I wanted removed in the first place. And I will reiterate what Scott said, I am fine with this being there and Clark is fine with it being there. It will probably never come up but if it did come up a council member wants to vacate and pick its predecessor and that back fires and Scott agreed that could put the town into a litigation. I will leave it up to you guys to vote on that.

Councilmember Holcomb: seeing that we are already tabling the council rules why don't we add it into the cow meeting so that we can discuss all of them.

Councilmember Michalson: I agree.

Councilmember Vick: I make a motion to refer to a cow meeting.

Mayor Dewey: is there a second?

Councilmember Holcomb: I will 2nd it.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Holcomb to refer this item to a cow meeting. Council discussion/ public comment?

Someone in the audience: what is a cow meeting?

Mayor Dewey: answered the question, it is a special council meeting. It is just a meeting where they will discuss the issues and then bring them in front of a town council meeting for discussion.

Someone in the audience: is a cow meeting open to the public?

Mayor Dewey: yes, all town council meetings are open to the public. Any further public comment hearing none Ms. Berthoud would you call for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: we got that settled.

11. New Business

a. Discussion/Decision: Resolution No. 482, declaring certain property as surplus and authorizing its disposal

Mayor Dewey: introduced new item (a), you are all well versed in this process by now this is the last piece we believe hiding under a rock that we need to dispose of is a Suburban from the fire department that is being replaced through the budget we also have some office furniture that has been replaced as we moved the police department around and such with some updated

equipment, we have a heap of chairs that need to be disposed of and the Suburban as well. And then we should be ready to pull the trigger on this surplus sale. This is the last piece and we will get this stuff sold off and make some room.

Councilmember Vick: I make a motion.

Councilmember Holcomb: I 2nd it.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Holcomb to approve Resolution 482. Discussion from council? Mr. Michalson?

Councilmember Michalson: as far as the office equipment Brandon is that just current stuff or is that all of the stuff in the evidence room that is piled up to the ceiling.

Mayor Dewey: I am not sure what you are referring to in the evidence room but this is at least one or two old desks and maybe a dozen office chairs that have been replaced over the years what has typically happened is when the main office staff gets a new chair the old chair goes to the police department and an old chair goes to the public works department and we end up rotating chairs for about 30 years and then finally they die and we have to get rid of them and this is the process of getting rid of the them. We have a hand full of chairs that need to go away.

Councilmember Michalson: are you looking at the public works department and all of their vehicles and all the stuff in the buildings back there are they going to be up for surplus.

Mayor Dewey: you have already declared some of it surplus, anything that we are going to get rid of in the next year has been declared surplus and this is the last of it.

Councilmember Michalson: okay, thank you.

Mayor Dewey: Welcome, any further comment? Ms. Barker step to the podium please.

Stacie Barker: are you going to have a list of those items somewhere? Are you putting them on a bid?

Mayor Dewey: they will be in a competitive bid process.

Stacie Barker: where will that be located at? At town hall

Mayor Dewey: it will be widely advertised. Any further public comment on the surplus items. With that the motion on the floor is to approve Resolution 482, Ms. Berthoud will you please call for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: the motion passes unanimously.

b. Discussion/Decision: Contract for Building Inspections Services with Construct Montana, LLC

Mayor Dewey: introduced new item (b), to bring you up to speed as I mentioned last council meeting under administrative reports, we spoke to the fact that Mr. Netzly our building inspector had chosen to resign from the town in doing so we didn't have an inspector that is certified in all that Mr. Netzly is certified in. We have one other inspector is certified residential only but is not certified in commercial that are required by our building department and those requirements come from the department of labor and industry that manage our building codes program. In order for us to retain compliance and to avoid a situation where we would have to refund building code fees and permits and turn the entire system back over to the state of Montana, we need to contract with someone on a temporary basis until we get an inspector or inspectors on board who are certified in all disciplines. We are communicating with Josh to see what it would take to get him certified in all disciplines but in the interim, we have to have someone completing these inspections so that we don't stall out on projects. That is where the contract comes before you tonight and of course it is a contract, a temporary contract it may be renewed and I would imagine that we would bring that back before the town council for your consideration. I can tell you that the building code enforcement fund will support contract this year there is ample funding to do so we see we are projecting a savings in the building code fund any ways so the contract should not adversely affect the budget. We can be a budget amendment before you. With that the contract is in your packet. I will open the floor to a motion or questions. Mr. Michalson?

Councilmember Michalson: before I make a motion to approve, I would like to read an email from Mr. Scott Owens regarding this subject, if I am allowed to do so.

Mayor Dewey: I would not object that I assume that the whole council received that email. It just depends on whether they want to hear you read it.

Councilmember Michalson: I was going to read it to the public. Mr. Michalson read to the email from Scoot Owens about the possibilities of ethics violation. So, with that I have to state, do you Robert and Brandon.

Mayor Dewey: I did have an opportunity to review this with the town attorney. If you continue to read his email, he has stated that Mr. Netzly has not demonstrated that he has excluded anyone else from a contract and so he believes that this would not be a violation. So, we explained to him in depth, given the opportunity exactly how we came to the conclusion that this contract was absolutely necessary as I explained to you tonight Mr. Netzly ended his employment with his and Robert and I conferenced and realized that we had inspections and so we immediately reached out to him for a contract. Because he is the guy in the market that is available to help the town of Stevensville. So, I understand that Mr. Underwood reached out to other agencies with inspectors including the city of Missoula and they have no one to spare in fact they are finding themselves in a similar position that we are in. Hamilton has already found themselves in this position and have secured a contract with Mr. Netzly as well. Mr. Michalson?

Councilmember Michalson: I would like to add that Scott talk to you today, because when we talked today we were in agreement as far as this contract is legit but could be the perception because we have an employee of the town who resigned getting twenty some dollars an hour and then he goes and signs a contract for fifty dollars an hour and that leaves a perception to the public even though we know that there is nothing going on. Scott did not have a problem but to just guard us from litigation if we would just put it up for bid RFP, like we did the IT bid and bring it back before the council and Scott was in agreement with that.

Mayor Dewey: if I could respond to that real quick. I did address that subject with Mr. Owens and he did not say that is something that we have to do, he is not saying that it is something that is absolutely necessary. What I will caution you on is that there is really not any time to advertise this for two weeks in the newspaper and do an RFP. We can't afford to let these contracts and these projects hang for two weeks while we decide who is going to put a bid in on a very thin market in the first place, I can only imagine how this would impact the school specifically. They are already on a tight time line; they already receive inspections three times a week if that was to stop while we RFP that would nearly be catastrophic to them and they would have reason to litigate the town of Stevensville and ask for their fees back. I would encourage the council to not delay this process due to the research that Robert has done and the market I will be frank with you, I am not pleased with the situation that we are in when an employee severs his employment with us and then find himself in quick, I agree with your philosophy, but Mr. Underwood can attest to my discuss in that situation and it is what it is. We have to address this; it is our job we have to slap a band aid on this. That is why this is a temporary contract while we get trained people in this position. We want people under our umbrella, we don't want to necessarily have a contract situation. Mr. Michalson?

Councilmember Michalson: and also, I was looking at the last budget and we did budget that at twenty something an hour.

Mayor Dewey: yes, all salaries were budgeted as if we weren't going to see any resignations.

Councilmember Michalson: what I am saying is if we are paying fifty dollars an hour will we have to make a budget amendment?

Mayor Dewey: I addressed that previously in our conversation where I think we will see savings in the building code enforcement fund where we will not require a budget amendment. We are going to evaluate this as we go. Our hope is to get somebody trained and make this a temporary contract. If this contract turns into long term then yes, a budget amendment may be.

Councilmember Michalson: are you going to continue to advertise on the town website?

Mayor Dewey: yes, we are, Ms. Devlin?

Councilmember Devlin: who contacted who? Did he contact us after he quit to do this contract? Or did we contact him to see if he could help us out?

Mayor Dewey: it was a conversation with him resigning and then he saw the looks on Robert's and my faces of oh crap what do we do and he proposed it as an option. Because he proposed it to us, we circumvented that. We spoke to other municipalities about these services and it is not

uncommon with other municipalities across the nation to contract these but this was not something that we wanted to propose as a permanent solution.

Councilmember Devlin: so, to piggy back on that what happens if we don't have somebody in this capacity example the school and if they are not able to move forward because there are no inspections happening does that fall back on us?

Mayor Dewey: yes, it does.

Councilmember Devlin: and how does that fall back on us?

Mayor Dewey: we would be obligated to refund a portion of the fess on all building permits that we were not able to inspect for which would be a serious hit to the building code enforcement fund. And that of course has ripple effects through the rest of the organization. The building code enforcement fund pays a portion of Roberts salary because he handles the financial portion and that would go away. So, and the rest of the organization would have to pick up the tab on the lost revenue. And frankly that would fall back into water and sewer and the general fund. You would be looking at a tax issue the state of Montana would then revoke our building code enforcement program and we would have to turn inspections over to the state and those contractors would have to coordinate with the state on that process with their project.

Councilmember Devlin: thank you.

Councilmember Vick: the way it sounds to me is and I am sure most people agree with this, what you just said was he resigned asked what are you going to do and he said that he would continue to do the same job for fifty bucks an hour to me that sounds like that is something that he intended to do from the get go.

Mayor Dewey: I can't speak to what his intentions were or not, but I can tell you that when he did resign he had a contract set up with Hamilton already so I think that we could get into those details on what his intent was but frankly I don't think that it matters were are up a creek without a paddle we need to provide services we need to take care of this in a professional way that is not detrimental to the organization or to the community and I think that any alternative that would be the result I think if there is a way to get someone trained and take that on ourselves before the contract expires we would look at terminating the contract I don't want to see us spending fifty dollars an hour for these services I would rather be paying an employee less than that. This is isn't the only reason that I am advocating for this contract folks is because we are in an impossible situation of anyone doing these inspections for us. That is the reality of the situation we have done our homework we have tried to avoid this situation all together it is going to happen.

Councilmember Vick: how long do you think it would take to recruit somebody?

Mayor Dewey: I can't speak to that; Robert spends some time on this on a daily basis trying to resolve this.

Robert: so, from the time that Tim left we have advertised for a building inspector we have a

Had about 4-5 people interests two applied for applications and none of them have qualifications to be the building inspector at all. Looking into the schooling space to get to where Tim is at right now it is a long process we are talking years, so the only way we are going to fill this is finding somebody who is qualified like Tim is and coming into to do this or go contract I recommendation, we are up the creek without a paddle would be to approve a short term contract with a continue to look for a permeant person with an alternative of possible advertising for another in the local area in western Montana who can lower the price if we can't find a person who can fill the bill. They need a lot of time in the industry it is not like you hit the books and you are good to go. It takes about two years of testing. I called Missoula and they just laughed.

Councilmember Holcomb: so, does Tim is he agreeing that this is a short contract and that if we find somebody that this could be phased out early.

Mayor Dewey: to the terms stated in the contract and if the contract ends and we don't have someone we will come back to council and put the monkey on your back and ask for a solution we would ask for a proposal and then we are maybe negotiating that rate. Maybe we extend the contract or maybe here is an employee and everything is fine. We are going to keep you up to speed at each council meeting as we continue to move forward and as we come to the close of the contract. When Denise retired, we had the same problem we were running out of time with Denise and then Tim fell out of the sky. Maybe we find someone to do inspections and when there are more specialized inspections, we use Tim. The school is a specialized. Mayor Dewey spoke to his role in zoning. This is a part time gig. We are looking at this being a part time person.

Councilmember Michalson: is there a possibility that Tim would lower the prince down to like thirty or thirty-five. Going from twenty to fifty and then coming to that.

Mayor Dewey: I think that Robert can speak to that, while we are paying fifty dollars an hour, we are also not paying pers benefits.

Robert: like the mayor says. It looks like a lot at fifty dollars an hour but he picks up a lot of the cost now, phone costs, no pers costs. The gap looks a lot smaller. He is already full time in Hamilton so asking him to take a cut won't happen.

Mayor Dewey: any further questions from council?

Councilmember Vick: I will make a motion to approve the contract.

Councilmember Devlin: I will 2nd it.

Mayor Dewy: it was moved by Mr. Vick and 2nd by Ms. Devlin. Further council discussion? Public comment?

Stacie Barker: my question is saying it could happen and gets fully engaged in Hamilton and he can't come.

Phone Comment: Jim Crews, I have a couple of concerns I understand that the town needs a building inspector. When he resigned why didn't we think about this. Was the council informed.

Mayor Dewey: any further public comment. Hearing none I will have Ms. Berthoud call for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: no.

Councilmember Michalson: no.

Councilmember Vick: aye.

Mayor Dewey: we have a tie vote and I vote in favor of the vote so the motion passes.

c. Discussion/Decision: Council's retention of an attorney to provide counsel in regard to an upcoming trial by Council on conduct of Council Member Michalson (Council Member Devlin)

Mayor Dewey: introduced new business item (c).

Councilmember Devlin: I used the term retain and my intent was to meet with an attorney ask questions, that does not cost any money. If you read Roberts rules, we don't get to have an attorney during the trial so my intent was to not spend any money my intent was to have the opportunity to advise the council. I think it would protect the town a little bit to have some direction.

Councilmember Vick: I do have something to speak on this especially most of the packet was me. It was never my intent to have a trial but that being said I am going to look at you from the entire town of Stevensville. The things that you said about me, they hurt. It is something that I don't think people get to say a lot especially those of us that are getting fingers pointed at us and I forgive you for that. My question to the council and to everybody else in the town and everyone else's question is the history of this town how many times are we going to lose clerks, mayors, councilmembers how many times are we going to (audio unclear, unable to determine words spoken) off of our body we continue to bleed until we absolutely do nothing but stop and do what we should have done from the beginning which is talk. That is what we should be doing, trying to figure out what we are doing the thing is that if we sit down and talk, we can embrace the one thing that makes us all the same is that we are givers that for this meeting I am going to propose from this meeting forward that we are going to take this trial and (audio unclear, unable to determine words spoken) and put something in front of us and talk this out get this figured out. So, I am going to make a motion to where we discuss the allegations discuss the issues try and get things figured out at a COW meeting which the proposed date, I would suggest is the date that was proposed.

Mayor Dewey: your motion is to... what exactly, I am sorry.

Councilmember Vick: my motion is instead of doing the trial we can do what we discussed back in March which was to have a COW meeting and talk this out and work this out. One thing we can do with that is set in our code of conduct rules where all four of us can have an agreement on when you do this; this is going to happen because according the Montana Code Annotated, we can't enforce our council rules because we don't have a law set to enforce our council rules the list of things that a councilmember can be removed for. It does not say code of conduct,

Mayor Dewey: I have to cut you off, your motion is to move Mr. Michalson conduct to a COW Meeting. Is there a 2nd to that?

Councilmember Holcomb: I 2nd that.

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

Councilmember Michalson: I would just like to add one more thing to that, I am in support of it I would like to say if there is one thing that we could put in the COW meeting I would like to put the code of conduct into that meeting. The reason that there is one stipulation that I am being charged on that (audio unclear, unable to determine words spoken) every time that I email Robert about the budget or whatever, and it is in the code of conduct that I have to have permission from the mayor it is there and I believe that it should be moved, it is restricting me or any other councilmember or in years past to get permission and I think that there should be a trust value so that any councilmember should be able to reach out to any employee of the town without any repercussion to the employee or a councilmember there has to be an honor system there and I would like to discuss that and kind of move that item with the other item from the towns code of conduct and put it on the COW meeting, I would appreciate that , thank you.

Mayor Dewey: Ms. Devlin?

Councilmember Devlin: there are two parts to what I have to say, we have public people, people of the public that brought this to our attention that you are speaking for instance in their instance they are not having, I think that they have the right to comment if we move this to a COW meeting because it is about them it is not necessarily about you but it is part of that. The second part to my statement, my question is Mayor Dewey reached out to you months ago on my behalf if you would be willing to sit down with me to work through some of these to come to an agreement, to a realization of your behavior there was no response from you on that so in the near future I reach out to you in an email ask you a suggestion on a project that you and I can work on together to try and repair that relationship was my intention and you have never replied to me on that email so why now would you be willing, you have an attorney, that I have heard through other resources that has advised you to work things out with us why now? Is this based on your attorney or that you really want to work things out? Because your past hasn't shown that up to the near. We just also received a very hostile email yesterday from a person a citizen of the town of the same thing that we are speaking of, I know that you replied to her I replied to her and I heard back from her this morning at some point it is not about the four of us it is about the public that we serve that are being treated and speaking up to a manner in which that is not satisfactory, and back to my question I know that this is not a time for this but why are you willing now, why?

Councilmember Michalson: because it further divides the town and this town is bleeding for us to come back together the whole town want us to, the last time that a municipality in the state of Montana had an actual town council trial was in 1913 in Conrad Montana and it was the two two hung jury. I will go on the record now and say that email that received you received I would like to say what was said, on record Mrs. Barker brought up Nicole Court and in that event that person said I would like to know what the charges are against that mayor my exact words were

“he signed a contract without authority thus the recall election in November and second he was found guilty of 9unable to understand word said) finance laws last Friday” and that was it. A code of conduct violation? I am sorry. If I am being put up on code of conduct violations on that email for stating the facts and did not chastise him, I didn’t say anything wrong it was just the facts. And in my opinion, I did nothing wrong Jaime. Number two it got so toxic between you and I (unable to understand what was said) Mr. Vick I felt that it wouldn’t do any good to reach out earlier because you guys have been trying to chase me six times, six times to get me. I will go on the record to say that it will probably go two to two it is probably going to go to a two two trial, that is what they say in congress, that is what they say in the senate. They put the carts before the horse and put it to a vote trial whatever you want to call it and waste all of our times when at the end of the day it is going to end up two two. We all know from Mr. Holmes opinion; Mayor Dewey cannot break the tie it has to be two thirds majority. So, I am in the interest now if we call all move together and go to a COW meeting (unable to understand what was said) sooner or later we are going to have to and I will be realistic Mayor Dewey (unable to understand what was said) of this town the four of us are going to have to get together and pick a mayor we are going to have to show the town that we are working together and if we are going to have to go through this whole trial and come in with a two two and be deep in the division of us everybody chooses a side in this town we all know it and I think it is a time that we heal and we just work together and I will admit I made some mistakes but I did it in the greatest interest of the town a lot of those things that I am being charged with are Robert, emails to Robert it is highlighted and I would just like to say that I will do a better job for the constitutes of this town, thank you.

Mayor Dewey: Ms. Devlin?

Councilmember Devlin: I want to make something extremely clear you and I don’t have a relationship positive or negative we have no relationship there is no damage to our relationship because we do not have one. The charges that I brought, let me finish, the charges that I brought forward where not about me they are not about an agenda on my behalf, they are about you and your behavior that other people brought to my attention I did not search Facebook I did not search emails I did not do that to bring you to trial. I brought that to be a voice of the people of Stevensville, it is not about me and my agenda and there is a big misconception about that with you and with the public and I did reach out to you. I reached out to you and you did not reply months ago so please do not put this back on me. How about an apology to these people how about an apology a simple apology, it was asked months ago? Apologize for that, let me finish please, okay? It isn’t about me they aren’t my actions so please don’t confuse that. I am not out to get you, I don’t know you we have had two conversations since January outside of this table, two of them. That is it so please don’t confuse that, this isn’t about me.

Mayor Dewey: Mr. Michalson?

Councilmember Michalson: I would like to state that since you as you say the public told you the actions instead of doing bringing it forward or doing a sensor my question is why is it full bore removal. Number two, you have had actions yourself Jaime, you have an ethic violation before you I could have brought that, but I did not. When you put on Facebook that you accepted gifts,

you accepted flowers you accepted scented candles, that is a direct violation of Montana law you can't except a gift.

Mayor Dewey: I don't think we are here to discuss any ethic violations against Ms. Devlin.

Councilmember Michalson: I will say right now that I apologize to each and every one of my constitutes in this town it is a hard fell. It is not hard to do I am a man about it if my actions were wrong to you people I apologize and I will do my best to be a better man to be a better councilmember. If that means working with you Jaime, I am willing to do it I am willing to (unable to understand the word that was said) I am willing to anytime I would propose it I would propose working together tonight and move forward because we are going to have to do it sooner or later.

Mayor Dewey: I have a question; this curiosity has gotten the best of me and against my better judgement why start tonight why didn't you start yesterday when you came to town hall and interrogated Robert about several items on tonight's agenda I was sitting in my office and you did so cause a situation where another employee didn't feel comfortable coming in through that entrance so they come in through an alternative entrance to avoid you. So why are we starting tonight why didn't we start that last time you apologized or the time before that when you apologized what is special about tonight?

Councilmember Michalson: because mayor you have made it so toxic for me in there that I don't feel comfortable going in there.

Mayor Dewey: don't blame this on me.

Councilmember Michalson: it is on you.

Mayor Dewey: no, this is not on me this is not about me and my conduct. My conduct is documented and so is yours. Yours is documented in the report that we gave to council it is there is black and white, why yes, your interactions with Mr. Underwood are included in that there are plenty of other interactions that are unbecoming. I guess my question is rhetorical sir, I don't know as if there is an answer as to why we should start out on a fresh foot tonight when January 1st we started on a fresh foot and prior to when a councilmember came and went. I am not going to apologize but I am not buying what you are selling. It is not up to me it is up to the council, one other thing that I will clarify is I don't believe the trial as it has been presented to me this trial is not about removing you from office but it is about holding you accountable for your actions and the only way that council felt or councilmembers felt they could address those actions was through a disciplinary action they didn't have any other options towards discipline. So, to make that clear, as it was presented to me and to Mr. Owens a trial was to determine what discipline came out of the actions if you were found guilty of those actions and with that I will defer to council. Mr. Vick has made a motion and Ms. Holcomb 2nd it that this motion should be referred to a committee of a whole meeting.

Councilmember Vick: I actually want to amend that motion as well simply because we are adding to this COW meeting. We also need to establish a social media policy for us councilmembers so that we can work through this in the future. A majority of the stack came from the public was from Facebook.

Mayor Dewey: I will discourage you from adding to this COW meeting agenda because frankly the COW meeting agenda we are looking at a couples of COW meetings. We are looking at one COW meeting for council rules, and now we are looking at one for Mr. Michalson's conduct.

Councilmember Vick: so, I think anything that has to do with conduct that would be the social media policy needs to be the first COW meeting. And that is my motion.

Councilmember Holcomb: I will 2nd it.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Holcomb to amend the motion creating policies regarding conduct. Is that a fair analysis of your motion?

Councilmember Vick: aye.

Mayor Dewey: any discussion from council on the amendment? Public comment on the amendment? The motion on the floor is to amend the motion to refer to a COW meeting the amendment states that the COW meeting will include any policies relevant to conduct. With that I will ask Ms. Berthoud to call for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: okay, motion passes. The motion on the floor is to refer the topic of Mr. Michalson conduct as well as any policies related to conduct to a COW meeting. Council discussion? Public comment? Hearing none I will ask for Ms. Berthoud to call for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: okay, motion passes.

d. Discussion/Decision: Alcohol use permit for the Scarecrow Brewfest

Mayor Dewey: introduced new business item (d) referred to the permit in the council packet. The have modified their application to close east 3rd street. They are asking for a full activity permit.

Councilmember Vick: I make a motion to approve the Scarecrow Brewfest.

Councilmember Devlin: I will 2nd it.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Devlin. Council discussion? Public comment? Ms. Barker the fee that you were talking about did they just pay \$25.00 for that permit?

Mayor Dewey: they paid for the full...

Councilmember Vick: I think what she is trying to say is that some people are getting this confused with the scarecrow festival and I believe that they are separate events.

Mayor Dewey: they are separate events. And they paid full event fees. Any further public comment? Ms. Berthoud I will refer to you for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

e. Planning/zoning Board (Council Member Michalson)

Mayor Dewey: introduced new business item (e) brought forth by Mr. Michalson. but wanted to clarify something, I don't know what the full intent of Mr. Michalson's submittal was, it states in the submittal please appoint Steve Gibson to the Planning and Zoning Board October 7th. So, I am curious if this is something that we talk through it is something that needs to be discussed. What was your intent? Was your intent to circumvent my appointment or just to make a motion to force me to appoint, I guess I am confused.

Councilmember Michalson: correct me if I am wrong Mr. Gibson? Mr. Gibson brought it forward, he wanted me to bring an agenda item to the effect of the Planning and Zoning Board, he said that he had talked to you about it and after discuss he wanted his item removed.

Mayor Dewey: okay I guess the reason that it is still on here when you asked the agenda was published. Number two, a reminder to the council our appointments that are made by the mayor with consulting with the council but the council doesn't get to make those appointments the mayor takes that process on. Just want to make sure that all councilmembers know what that process looks like. And that it is not appropriate, if it is a councilmembers intent, to circumvent the mayor's appointment process. Mr. Michalson?

Councilmember Michalson: Mayor Dewey I knew that going in and the reason that I mentioned it is that in council comments I mentioned that I would like you to consider Mr. Gibson for the Planning and Zoning Board I believe he called you a few times and didn't get an answer he wanted to talk to you and in the mean time during council comments I decided to put it on, he asked me to put it on the agenda I could have said that it is not my purview but I put it on there and then I will let him discuss what happened.

Mayor Dewey: well, I don't know as it is necessary to address the issue, he has withdrawn his application and I have stated my statement on the item, so we can move on.

Councilmember Michalson: okay.

Steve Gibson: I would really like to comment.

Mayor Dewey: we are not open to public comment, I am sorry.

Steve Gibson: it is on the agenda so are you going to open it to public comment?

Mayor Dewey: no there is no decision before the board tonight.

Steve Gibson: I am really confused; I withdrew my application I didn't take it off the agenda so I don't even know why it is a discussion.

Mayor Dewey: I just told you why, I left it on the agenda and now we are moving on.

f. Discussion/Decision: Installation of a speed warning sign on the 300 block of Park Avenue

Mayor Dewey: introduced new business item (f) we are proposing the first three of these sign issues are being proposed of the signs being in place the rest of them date back to as early as last week and as far back as 2011 were we found signs that were placed that were not approved by the town council. Mr. Michalson?

Councilmember Michalson: my discussion with Mr. Owens he wanted, did he mention to you Brandon that he wanted to create a sign board?

Mayor Dewey: no, he and I discussed other boards in the community and whether or not they existed in the community.

Councilmember Michalson: he thought I should bring a proposal to the council to propose a sign board and by a sign board it would be a board that would be enacted by councilmembers and members of the community because they are the ones driving and can see everything have Mr. Marble be on the board because he is the one that enforces those signs and the traffic and he thought it would be advantages to do that it would leave a cushion between us, because if we approve some of these signs the rest (unable to understand what was said) creating the board you go to the board discussed and then it comes into the board it leaves...

Mayor Dewey: Mr. Michalson in the interest of time I am going to interrupt you it sounds like you are advocating for a board which I am (unable to understand what was said) right now before you tonight is the installation of a speed warning sign on the 300 block of Park Ave. That is the item of discussion tonight not the board, Mr. Vick?

Councilmember Vick: besides the police commission is there a public safety board?

Mayor Dewey: no.

Councilmember Vick: would this be something that we could refer to the police commission for them to look at?

Mayor Dewey: no, the state law is explicated and unless otherwise stated by city ordinance it is the council's decision on traffic control devices, if the council would like to change that then they need to change their ordinance so someone else can make that decision, but for tonight it is soul in the council's hands tonight.

Councilmember Devlin: this has not been addressed for the past 9 years that we are now have to approve. What has happened in the past 9 years?

Mayor Dewey: I concur with that this was brought forth because 4 stop signs at 6th and college the administration took the entitative to place those signs we consulted with public works and the police department and we did so an uprising came from at least two members of the council that they were not involved in the decision process.

Councilmember Devlin: so, my question is why now? Why wasn't this addressed over the last 9 years were there was two different mayors making decisions and it was never addressed at that time why are we doing this now?

Mayor Dewey: I don't know I didn't realize the direction of traffic signs was such a contentious issue it is something that we would undertake through public works and the police department the department heads expertise occasionally we would need an engineer.

Councilmember Vick: so, which of these signs are not (audio is unclear, unable to understand what was said).

Mayor Dewey: so, we are asking in advance for f, g and h.

Councilmember Michalson: which ones?

Mayor Dewey: F, G, and H those three are not yet installed.

Councilmember Vick: where is the no outlet sign at?

Mayor Dewey: in Creekside

Councilmember Devlin: 8 approved without council permission?

Mayor Dewey: correct. I guess if council wants to have a more broad discussion about traffic signs in this community we can put it on a COW agenda and really get into traffic signs all of those things we have signs that need to be installed in advance and it appears that this administration and past administrations have implemented signage because this has been brought to our attention and before it was just slipping we frankly screwed up and we are now becoming an organization (audio is unclear, unable to understand what was said).

Councilmember Vick: my intention, I want consent from the council to group item (i) through (o) so we can go ahead and knock that out before we discuss the rest. I will make the motion.

Councilmember Devlin: I will 2nd that.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Devlin to group items (i) through (o) and do f, g and h separately. Council comments, public comments? Ms. Berthoud call for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: introduced new business item (f) Discussion/Decision: Installation of a speed warning sign on the 300 block of Park Avenue.

Councilmember Devlin: I will make a motion.

Councilmember Michalson: 2nd.

Mayor Dewey: it has been moved by Ms. Devlin and 2nd by Mr. Michalson to approve installation of a speed warning sign on the 300 block of Park Ave. Council discussion? Mr. Michalson?

Councilmember Michalson: do these speed warning signs require (*unable to understand what word was said) by Chief Marble?

Mayor Dewey: there is no requirement by code for that.

Councilmember Vick: they don't change the speed limit it is kind of

Mayor Dewey: it is the flashing sign that tells you, you are going too fast.

Councilmember Michalson: okay thank you.

Mayor Dewey: any further council discussion? Public Comment?

Charles Jordet: what is the cost of these signs? Are they in the budget?

Mayor Dewey: they are in the budget, right around \$2000.00.

Charles Jordet: that is ridicules.

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

Councilmember Devlin: aye.

Councilmember Holcomb: no.

Councilmember Michalson: may I ask a question first? Is the 300 block in front of the school?

Mayor Dewey: yes.

Councilmember Michalson: I vote aye.

Councilmember Vick: aye.

Mayor Dewey: the motion passes.

g. Discussion/Decision: Installation of a speed warning sign on the 600 block of Park Avenue

Mayor Dewey: introduced new business item (g) installation of a speed warning sign on the 600 block of Park Ave.

Councilmember Devlin: I will make the motion.

Councilmember Vick: I will 2nd.

Mayor Dewey: it has been moved by Ms. Devlin and 2nd by Mr. Vick. Council discussion? Same kind of sign, council discussion. Mr. Motley.

Mr. Motley: let me get this straight each sign cost \$2000.00? \$8000 total

Mayor Dewey: any further public comment?

Susan Devlin: I think that it is appalling that this is even up for discussion. It is by the school zone? To put up a warning sign for our town and the safety of our children I think it is appalling I live on 6th street by College and have almost been hit god knows how many times in the 15 years that I have lived here these are necessary for the safety of our community and there have been so many letters written and letters to the Bitterroot Star letters to the Town Council letters on email about the safety, these are necessary the town has grown enormously yes \$8000 chief Motley but what is the price of a kid being hit in a school zone, what is the price of a child's life. Thank you.

Stacie Barker: we have a police department why can't this police department be up there monitoring this? A sign does nothing those people look at that sign and they are still going to go right through it \$2000 personally is not going to put an end to that. I understand a child's safety but we also have officers that can make a point to ticket these people in the school zone.

Mayor Dewey: any further public comment?

Sharon Gee: I do think that the signs are necessary they are a constant reminder that they are there 24 hours a day. When people are passing through a zone with these signs and the sign is flashing and I have seen cars slow down, I know that they work. And I do think that it is necessary.

Mayor Dewey: any further public comment? Ms. Holcomb

Councilmember Holcomb: I understand about the signs, I drive through Corvallis every morning and they have a sign and every morning nobody slows down I slow down but you wouldn't believe how many pass through that school zone they don't slow down. I am agreement that we do now have three police officers on duty and we could have one of them up there. But I understand that they are important but a lot of people don't pay attention to them and that is a lot of money for certain amount of people to pay attention to.

Mayor Dewey: if I could just clarify and take this with a grain of salt, these signs are being purchased with gas tax funds which are the intent of those funds were are not allowing the fire department of the police department to pay for these signs we have installed two of them already and those signs are currently gathering traffic data and while that data has not yet approximated or collected the sign company says that they have to be up longer, from observation of the areas where those signs are put up is successful. Ms. Devlin.

Councilmember Devlin: I just wanted to point out that \$2000 is a one-time fee, onetime \$2000?

Mayor Dewey: correct.

Councilmember Devlin: We take an officer and place them five days a week 2 hours a day in the morning and 2 hours a day in the afternoon at their rate of pay, how soon do we come up with \$2000. It is a continued cost it doesn't end at \$2000. That is money that an officer should be out doing something different then watching for speeders in a school zone. Money spent should, we should monitor that, it is part of your job, but I am sure that you don't want to sit up there 4 hours a day 5 days a week. Watching for people speeding much rather you going out and covering a little bit of the town. \$2000 bang we are done, \$2000. Like you said we are gathering data that we can use print out a report once a month, how many speeding tickets were given out that month. I am having a hard time not justifying that one.

Mayor Dewey: Ms. Holcomb?

Councilmember Holcomb: to go back to this Corvallis I drive through there every morning and every evening I have seen more cars slow down when there is a cop parked in the parking lot by the track, I see more people slow down with that officer there then when they see that sign there. They never pay attention to the blinking words; slow down slow down they just fly through there. I have seen more vehicles slow down when there is a police officer in that parking spot then I do when that sign is blinking for them to slow down. I mean that is what I have seen and that is just Corvallis.

Mayor Dewey: and with that I think that we will call for the vote, Ms. Berthoud. Okay this is the last question of the night folks.

Vicki Motley: where will it be put on the 600 block?

Mayor Dewey: by the speed sign. The pole is already installed big grey pole, they will be solar powered. And with that there is no further public comment about the installation of the speed sign on the 600 block of Park. Okay Ms. Berthoud go ahead.

Councilmember Devlin: aye.

Councilmember Holcomb: no.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: the motion passes 3-1.

h. Discussion/Decision: Installation of stop signs at the intersection of College Street and E. 5th Street

Mayor Dewey: introduced new business item (h) what we are proposing tonight is two stop signs.

Councilmember Devlin: I make a motion to approve.

Councilmember Holcomb: I will 2nd it.

Mayor Dewey: it has been moved by Ms. Devlin and 2nd by Ms. Holcomb to install stop signs at College and E. 5th St. Note the signs, we already have the signs. Mr. Vick.

Councilmember Vick: I am trying to draw a map here where exactly the signs are at. So exactly where did you say the signs were going to be at?

Mayor Dewey: so, the signs will require you when you turn on to Main St on to E 5th stop at College St. and then if you were coming from the school west bound on to E 5th you would stop at College St, College St would be the through street.

Councilmember Vick: okay, so there wouldn't be a bottle neck between 5th and 6th?

Mayor Dewey: no bottle neck, no opportunity for traffic to stop and back up which is the rationale behind why where they are (audio is unclear and muffled unable to hear clearly what was said) public works. Public comment?

Jeff Motley: the stop sign on 5th and the yield sign at College would be removed?

Mayor Dewey: correct any other signage would be taken down.

Jeff Motley: so that big curve.

Mayor Dewey: yes, they will have to stop now, College will basically be through from 4th to 6th. Any further public comment on the place of the signs? And with that Ms. Berthoud will call for the vote.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: with that you are considering i-o as a combination as one is that your intent Mr. Vick?

Councilmember Vick: yes, I will go ahead and make the motion all of the work is already done before your administration, I will just go ahead and make the motion.

Councilmember Devlin: I will 2nd it.

Mayor Dewey: it has been moved by Mr. Vick and 2nd by Ms. Devlin, is there any further council discussion? Mr. Michalson.

Councilmember Michalson: I am all for this, but I would like to add if there is a possibility Brandon to see (audio is unclear and muffled) a mobile sign that can be moved around.

Mayor Dewey: I can see what can be done. Any further council discussion? Any public comment on i-o and with that Ms. Berthoud.

Councilmember Devlin: aye.

Councilmember Holcomb: aye.

Councilmember Michalson: aye.

Councilmember Vick: aye.

Mayor Dewey: okay, the motion passes unanimously thank you for indulging those signs are obviously up and the signs will be installed.

i. Discussion/Decision: Installation of portable crosswalk warning signs on Park Avenue

j. Discussion/Decision: Installation of portable crosswalk warning signs on College Street

k. Discussion/Decision: Installation of stop signs at the intersection of College Street and E. 6th Street

l. Discussion/Decision: Installation of a speed warning sign on the 600 block of College Street

m. Discussion/Decision: Installation of a speed warning sign on the 200 block of W. 2nd Street

n. Discussion/Decision: Installation of no outlet sign on Mission Street at W. 2nd Street

o. Discussion/Decision: Installation of no outlet sign on Creekside Drive

12. Executive Report

Mayor Dewey: the administrative reports are due at the beginning of the month the next packet is due out at the first of October for the October 8th meeting that is to close so basically for the staff that would be awful, so we will ask that they have those reports to us by 6th of October you will have your agenda packet published with the agenda items on it on the 1st and then you will see an amended packet with the administrative reports. You will see the admin on the agenda and then we you get the amended packet you will see the reports along with the claims in the packet on Tuesday. Department heads will be updated in the morning that they have some time. On the executive report I am going to address some of the things that were brought up this evening. In regards to the speaker outdoors that is something that we are working on when time is available it is frankly not a tremendous priority, I am not saying that it is not a priority it is just not a tremendous priority it is because we have other means for listening and engaging with us. We will eventually get something out there for you folks but bear with us we are trying to work with the library it is working for us as a meeting space but structural changes like putting a speaker outside have to be embedded. We are trying to address that. the other thing that I heard was the expectations on the board, this was passed by the board not a third party. We are trying to work through this. In terms of transparency our budget is on line, the final budget is in its final stages. The preliminary budget is on line the budgets for the past 5 years are on line if you don't see one call us and we will do our best. The water rights issues that you have heard me explain to the council, water rights is a slow slow process, the last two water rights attorneys have died and we are on our third, that is the reality of it. We continue to work through it and are making some really good head way. Contracts will be coming back to the council, the town as a whole is in the place of use with the exception of Creekside Meadows, I keep hearing that we can't add anymore development, we can't add anymore development to the town it is impossible without having the water rights issue fixed. That is not necessarily the case I can tell you that Burnt Fork Estates for example is going to give us the water rights associated with that property that was not something done with Creekside Meadows Twin Creeks which they may submit subdivision application there are already in place of use. Twin Creeks had their own

place of use before they divided. If you have questions about the water rights feel free to email me, I can get those over. Please don't ask in a way that implicates that I may be hiding something I have no interest in the water rights it is just a necessity I have no interest in hiding water rights from you I want water rights. Scarecrow Festival, yes, Mr. Michalson it would be preferred that we would bring a resolution forward to adopt these fees and we can do that though we wanted to get the program on line because it wasn't slated to happen and there wasn't money for that so to offset the cost to the tax payer, we are charging a fee there will be zero cost to the tax payer. So that the program can support itself. It wasn't slated as a parks program this year but they happily took that on. We will bring a resolution to you next council meeting. Any question from council I don't think that I left anything out, Chief Motley and Robert updated you on the fire door. CARES is about the same, we will continue to update you. Last thing is letters have gone out to past due accounts and that balances need to be paid in full by October 1st.

13. Town Council Comments

Councilmember Vick: first off, I want to thank everyone that did see my post on Facebook about my friend that is in the hospital in Orlando for over two months battling COVID he finally woke up last week he was able to see his new born son for the first time, he was born while he was in the hospital. Monday, he had to go into surgery, yesterday he made it through, from myself and the family I want to thank you for your thoughts and prayers. There are different beliefs about his pandemic, some people believe that it is a plan demic everyone on this council, the mayor the current clerk and Robert knows back in April I went down to Arizona and I was there for 21 days I watched members of the Navaho nation walk in one day look like they are perfectly fine find out that they have corona virus only to become infected and dead the next day there may be some misinformation out there but this is a very real virus I have siren it first hand and what it can do. And also, not to go off of the coronis virus track, I got a phone call yesterday about a flag pole that has been damaged at Father Ravalli Park he would like to see if there is any way to get that replaced so that the American flag can fly over Ravalli Park again.

Mayor Dewey: I will quickly address that, the replacement flag poles for Father Ravalli, Veterans Park and for Town hall are all been ordered. I believe that the individual that you are speaking of has spoken to parks and rec.

Councilmember Vick: that is all that I got, since I have this kind of microphone it has been a long time since I have said this "get your pets spade and neutered".

Councilmember Michalson: I would like to say that I concur with the gentleman that was talking about the publics rights to these meetings I know that we are in (unclear muffled word) a speak out there. Do we want out citizens out there in the cold in the rain in the snow waiting to come in an speak their mind on, this is not fair to our town I think that it would be relevant to look at other options, and Mr. Mayor I would like you to reach out to the superintended like I did he said that it is open to town council meetings in the multipurpose room, they have all of the capabilities that we need like the Zoom there is room for 75 or more people to social distance, why can't we do that? It is fair use it I ask that we reach out and move up there so that we can all participate not being out in the cold not being out with a speaker it is a big difference in being in here and being out there I wouldn't want to be out there it would make me even madder to come in here to speak, so with that thank you.

Councilmember Holcomb: I just want to say thank you again Robert I sent the email I just want to say thank you for helping this town save some money great job.

Councilmember Devlin: there is a lot of motion going on in our town over recall and no matter what side you are we have a recall, right? So much resistance so much emotion, so much hatred, so much anger in winning a recall. I guess I am asking everybody that is sitting here and everybody that is listening think about what that means to you. What are you winning? What are you wanting to win? Because whether you win the recall in that our mayor stays on you have to go home to your neighbors you have to go home to your family and we all still have to participate as one in this community as it stands now if behaviors in our community do not stop and we do not come together we don't chose to see differences we do not have options to embrace one another for who we are Stevensville as we know it or as we preach that we love of willing to fight for will no longer be, behaviors in this community are killing Stevensville. Whether you want to realize that or don't it is killing Stevensville. Sometimes our passion gets in our way, sometimes our passion and our beliefs get in our way, we end up making more destruction than we create benefits, right. We have to stop that be passionate about what you think and remember that there's other people here too. This town is not just about you and your opinion it is about all of us, so voice it but be careful because we are killing a really great thing, we are killing the very thing we live here for we are changing that, a recall is not changing that, please what are you winning, Stevensville we still be here no matter what and how is that going to look.

14. Board Reports

No Board reports.

15. Adjournment

APPROVE:

ATTEST:

Brandon E. Dewey, Mayor

Jenelle S. Berthoud, Town Clerk

Stevensville Town Council Meeting Minutes

THURSDAY, DECEMBER 10, 2020 7:00 PM

1. Call to Order and Roll Call

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

2. Pledge of Allegiance

3. Public Comments

4. Approval of Minutes

a. September 10, 2020 Meeting Minutes

b. November 12, 2020 Meeting Minutes

c. November 20, 2020 Meeting Minutes

d. November 30, 2020 Meeting Minutes

Mayor Dewey introduced the approval of minutes. Council discussion?

Councilmember Vick: on page 33 of the packet "no 2nd" when voting for Mr. Shourd.

Councilmember Vick: made the motion.

Councilmember Devlin: 2nd.

Mayor Dewey: any further council comment? Public comment? Ms. Berthoud call for the vote.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: sustained.

Councilmember Vick: aye.

5. Approval of Bi-Weekly Claims

a. Claims 16292-16426

Councilmember Vick: made the motion.

Councilmember Ludington: 2nd the motion.

Mayor Dewey: council comments/discussion?

Councilmember Shourd: Questions #16395, police department phones.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

6. Administrative Reports

a. Airport

Robert gave an airport report, had a board meeting on Tuesday 12/9/2020 Tim Smead will be the new

b. Building Department

Report included in the packet.

c. Finance

Robert gave a finance report, credit card

d. Fire Department

Chief Motley gave his report, report provided in the packet. Also got in the 3-inch service line. LED lighting to be installed.

e. Parks & Recreation

Bobby gave his report, report provided in the packet.

f. Police Department

Report provided in the packet.

g. Public Works

Report provided in the packet.

7. Guests

No guests.

8. Correspondence

Mayor Dewey read a correspondence from Jim Crews and a correspondence from Desirae Coty.

9. Public Hearings

No public hearings.

10. Unfinished Business

No unfinished business.

11. New Business

a. Discussion/Decision: Consent to the Mayor's Appointment of Tim Smead as Airport Manager

Mayor Dewey: introduced new business item (a). Appointment of Tim Smead as airport manager.

Councilmember Vick: made a motion

Councilmember Ludington: I will 2nd that.

Mayor Dewey:

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

b. Discussion/Decision: Consent to the Mayor's Appointment of John Ellington as Interim Police Chief

Mayor Dewey: introduced new business item (b) appointment of John Ellington as interim

Vick: I will make the motion

Shourd": I will 2nd

Mayor Dewey: council comments? None. Public comments?

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

c. Discussion/Decision: Consent to the Mayor's Appointment of Bobby Sonsteng as Interim Public Works Director

Mayor Dewey: introduced new business item (c). appointment of Booby Sonsteng as interim public works director.

Councilmember Devlin: moved.

Councilmember Vick: 2nd

Vick: 2 questions

Shourd: do you have a timeline.

Mayor Dewey: any further council comments? Public comments?

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye

d. Discussion/Decision: Authorization of purchase for auxiliary snowplow

Mayor Dewey: introduced new business item (d).

Councilmember Vick: moved

Councilmember Ludington: 2nd

Mayor Dewey: council comments?

Councilmember Vick:

Councilmember Shourd: will this help us with the mound on main street?

Mayor Dewey:

Councilmember Shourd: can the vehicle be used throughout the year?

Mayor Dewey: a deicer.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

e. Discussion/Decision: Authorization of purchase for SPD body armor/ballistic shields

Mayor Dewey: introduced new item (e)

Councilmember Vick: made the motion.

Councilmember Ludington: 2nd

Mayor Dewey: council comments? Public comments?

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

f. Discussion/Decision: Suspension Council Rules to cancel the December 24, 2020 Town Council meeting in observance of Christmas Eve and authorizing claims to be paid out of cycle

Mayor Dewey introduce new business item (f)

Councilmember Vick: moved

Councilmember Shourd: 2nd.

Mayor Dewey: discussions from council, none, no public comment. Ms. Berthoud call for the vote.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

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

Mayor Dewey: introduced new business item (g) electing council president. Councilmember Devlin and Councilmember Vick submitted emails to town clerk.

Councilmember Shourd: I will make a motion to nominate Dempsey Vick.

Ludington: 2nd that.

Councilmember Vick: spoke about the position of council president.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye

Councilmember Vick: aye.

Councilmember Shourd: elect Vick as the town council

h. 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 (h) P&Z Board

Councilmember Vick: I will make a motion for Paul Ludington to serve on the Planning and Zoning Board.

Councilmember Devlin: 2nd

Mayor Dewey: any council comment? No public comment. Ms. Berthoud call for the vote.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

i. 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 (i)

Councilmember Shourd: make a motion to appoint Jaime Devlin

Councilmember Vick: 2nd

Mayor Dewey: it has been moved by Mr. Shourd and 2nd by Mr. Vick. any council comment? No public comment. Ms. Berthoud call for the vote.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye.

Councilmember Vick: aye.

Mayor Dewey: that passes unanimously.

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

Mayor Dewey: introduced new business item (j)

Councilmember Devlin: I make the motion to appoint councilmember Shourd

Councilmember Ludington: 2nd

Mayor Dewey: it has been moved by Ms. Devlin and 2nd by Mr. Ludington. Council discussion?
Ms. Berthoud baring any public comment you can call for the role.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye

Councilmember Vick: aye.

Mayor Dewey: motion passes.

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

Mayor Dewey: introduced new item (k)

Councilmember Shourd: I will make a motion to appoint councilmember Vick.

Councilmember Ludington: 2nd

Mayor Dewey: moved by Mr. Shourd and 2nd by Mr. Ludington. Council discussion?

Councilmember Vick: I am going to make a quick comment about the airport board, in the past I am super proud of our airport board we have gotten a lot of things done and up and running I thank the council for nominating me.

Mayor Dewey: Ms. Berthoud you know the drill.

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye

Councilmember Vick: aye.

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

Mayor Dewey: introduced new item (l)

Councilmember Shourd: I will make a motion to appoint Dempsey Vick.

Councilmember Devlin: 2nd

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

Councilmember Devlin: aye.

Councilmember Ludington: aye.

Councilmember Shourd: aye

Councilmember Vick: aye.

Mayor Dewey: very good that motion passes unanimously.

Mayor Dewey: that concludes the business portion tonight. We appreciate your time to get through all those appointments. I can tell you that we will be reaching out to at least a couple of the board members on their new boards specifically on planning and zoning on a date for the planning and zoning board to meet we have kind of held off on pulling a planning and zoning board meeting together just to get a new councilmember in that seat to undertake the review of Burnt Fork Estates subdivision we are going to dive right in toes first and hope we can pull a meeting together relatively soon. Otherwise in January you will expect the clerk and I will be holding workshops for the boards collectively as we can with COVID getting people together we are going to try to muddle through that, get the boards together after the first of the year explaining roles and responsibilities, procedures get everyone on the same page, introduce each other and then hit the ground running a scheduling quarterly meetings back into place for most of these boards if not monthly meetings for some boards that want to meet monthly so part of that training that the clerk and I will conduct will be some ZOOM training to kind of help the board members that have not homed in on those skills do so, so we can continue to facilitate governance through the virtual word that we have experienced. So, with that the executive report is the next item on the agenda.

12. Executive Report

Mayor Dewey gave his executive report, he stated I have some notes here and some things to brief the council on I will start off in this vein as I mentioned COVID-19 and training and that sort of thing I will touch that I will also coordinate with the council members on some training for you folks right into the new year, we have a pretty healthy training budget because we had budgeted for travel and that is not happening so we are going to work on some on line curriculum for you folks there are some fundamental classes coming out of the local government center currently that would be beneficial for council if they are interested in taking that online that course specifically only takes about an hour a week in my experience. Just know that some of that is coming down the pipe and we haven't done a full orientation with the new councilmembers if there are any questions or something that we missed to explain to the two of you don't hesitate, as some of you have, to reach out to us and say that I am missing this piece and I need some help we are happy to do it just know that sometimes we miss stuff just juggling who we are but we are happy to help out however we can as an administration. You know addressing the correspondence from Desire Cody and the remarks that I made they were not my intent in that November 21st meeting, nor do I believe most people perceived it as blame or

finger pointing at a specific business for giving my wife COVID-19 the fact remains we don't know where she got the virus we can narrow it down to a few likely places and the grocery store happens to be one of those places. With that said I need to verify and further explain my remarks in that it was not my intent to blame any specific industry for the infection that came into our household it is just something that occurred. In the complaints that we received from public health folks regarding business and health directives all of those complaints have to do with wearing a mask specifically staff members in those business not wearing masks but also customers not wearing masks. Frankly, there are a few business', grocery stores, hardware stores even some bars that need to do a better job in wearing face coverings to be clear and this was an issue that Ms. Cody raised, I do not expect grocery store clerks or employees of any business to stand at the door and create a confrontational environment with customers over face masks that is not what we are here for. But I do expect that those employees of those establishments community wide will demonstrate and reinforce precautions that are proven to help reduce the spread of COVID-19 there is a lot of debate on whether masks work or not the bottom line is they work it is science folks. Those in our community that are providing service to customers should be mindful that they may not be aware that the person that they are helping at the grocery store line or at a restaurant drive through or what ever that situation is they don't know if that person they are helping is the first lady or an essential worker at a nursing home who if the virus is transmitted through that person could cause deadly consequences I know of a handful of cases that are in our own assisted living center one number that has been thrown out is as many as 16 cases, 16 people in a community of 2000 where a good portion of our community lives in that facility is a startling number. So, we have to be mindful of those people that is why it is so critical that we are commerce and business with each other that we are mindful of who we are coming into contact with and ask as a preventive measure, it wont completely prevent COVID-19 from spreading but it will help you guys. I just wanted to clarify some of those because I know it was upsetting to Ms. Cody, I do think that we need to be mindful of our behavior and our interaction with each other and those circumstances where people are becoming irate or accosting other individuals those aren't acceptable those aren't what people that live in Stevensville do that is not the behavior that we exhibit. If you find yourself in the role of a customer please do your part to keep our community moving, our businesses open, your neighbors healthy and that means being responsible, wearing your face coverings when you are around other people stay six feet away from any one not in your household, wash your hands, cover your cough or sneeze, very elementary principals, be patient, access to your favorite business' and recreation facilities and the things that you like to do are limited it takes you longer to get an appointment with your doctor and any other service providers that is just the times we are living in currently. Be prepared, call ahead be educated know what it takes to you and others safe and visit our website or give us a call if you have questions or public health is a resource for you as well. In the vein of COVID-19 I do have some updates for the council on the towns response to the pandemic specifically we are collaborating with public health and sanitation department at Ravalli county to address complaints that are received regarding non-compliance with health directives by business that hold a Town of Stevensville business license reminders and best practices information is being emailed to those business that we receive complaints about and those come in on a regular daily basis we are at a point where we are not necessarily receiving complaints about an array of business but we are

receiving the same complaints about the same businesses so at a certain point we will have to address some different outreach with those folks because the same email going out over and over again is not going to cut it as we move to business license renewals for 2021 we will be cross checking complaint records to ensure that businesses are taking efforts to take precautions as we are renewing those business licenses. So, the community and the Town of Stevensville is doing what it can kind of move these public health directives that are coming from the state level into a better light and try to educate folks any feed back there would be appreciated from the council. Shifting gears but in the same track of COVID-19, the administration is rapidly pulling together plans for mobile testing pilot for community-based testing of COVID-19 a local contractor right her in our backyard is successfully developed a test for COVID-19 that is affordable and very quick to process, preliminary we expect that this could cost about fifteen dollars a test and the test results would be ready in as little as 3-5 minutes goes very fast. So, we are pulling some pieces together and some meetings tomorrow with staff and we will have to be reaching out to some other departments for assistance with this so may hope is that we will have some very specific details for the town council in a brief tomorrow that I will email out to you folks in a memorandum just to keep you apprised. Initially the theory is these tests will go or concentrated on certain populations such as front-line workers, first responders and move into larger populations if the program is successful right off the bat. If this program is successful with this pilot, we will revisit this with the council on potential future funding if CARES act not extend past December 30th or if a new aid package does not get passed by congress near the first of the year. While CARES has scaled back a lot of the presumptive expenditures across the state, they are still pushing funding towards these types of measures where we can increase community testing increase community outreach in terms of precautionary measures and those types of things so that is where we are shifting some efforts before that funding expires on December 30th. So just expect more information as that develops. The last piece and then we will leave COVID alone for the evening, we will be implementing a new training software for the organization as a whole that software will come basically, it comes pre-built with curriculum that will aid us in OSHA training or in whatever in house training that is needed a lot of that is pre-loaded in the system, but we are also able to upload our own training into the system things like annual training where we are suppose to hold annual ethics training with all of our employees that training can be built into that system they can complete that on their own time and take a quiz and take care of that without having to get everybody into the same room to watch the DVD on the screen. That is really the push behind this was we could hold more of our trainings remotely were individual staff members can do it at a workstation instead of getting ten of our people in the same room and risking the chance of transmitting COVID-19. So, that will be online very very soon for staff use where we are excited to see how that benefits going forward even after COVID -19 is done. Lastly as you have seen from our department reports and other items on the agenda we are successfully and seamlessly navigating transitions in both the police department and the public works department I think if these transitions had to happen now is the best time to happen you hate to see people go but the people that are being left behind are doing an extraordinary job stepping up and ensuring that the services are being provided to our citizens that I extend my appreciation to them, my appreciation to the public as we get through some of this and a certain amount of appreciation for those that have vacated those positions specifically Chief

Marble and Mr. Thomas have done a good job leaving the organization in a place where these transitions are much less painful than they could be if at the drop of a hat leaving us high and dry we appreciate their service and their leadership in getting us to a good spot before transition. That concludes my executive report barring no questions from council.

13. Town Council Comments

Councilmember Vick: I have something to say, for the last couple of months I have been trying to come up with the words to say something about the political polarities that have been going on not only in our community but in the United States as whole when it comes to politics with COVID -19 the words that I found came from the poem Deserada by Max Herman I am going to read a short portion of it and it really explains my sense of it, “go placidly the noise and the haste and remember what peace there may be in silence as far as possible without surrender be on good terms with all persons speak your truth quietly and truthfully and listen to others even the dull and the ignorant they too have their story. Avoid loud and aggressive person they are vexatious to the spirit if you compare yourself with others you may become vain or bitter for always there will be greater and lesser persons than yourself beyond a whole discipline be gentle to yourself you are a child of the universe no less the trees and the stars you have a right to be here.” The way I interpret that is we are we need to as I stated a couple of months ago, we need to really grasp on the one thing that really makes us the same and that is that we are all different no doubt we have many different people in our community that are trying to combat COVID 19 in their own way some believe wearing masks I believe wearing makes helps in combating other people believe in heard immunity, no doubt both trains of thought and sciences have their merits both trains thought and sciences have their thoughts but there is no reason for us to become violent toward anybody because we choose to wear a mask or who we voted for in the presidential election I am pleading to Stevensville to start being the light for the rest of the United States, I am not saying we are all going to get along, but we need to respect each other and understand that everyone of us has a different mindset in everything and lastly in just want to say be excellent to each other, thank you.

Councilmember Ludington: I have a few comments, just to let the mayor and the council know I will be out of the state 22-29 we are going to Alaska for Christmas. Next I would like to mirror a little bit about what the mayor said about George Thomas and James Marble, excellent assets for our community they will be greatly missed there is a lot of history there that I am sure they are parting to those under them and there has been and there will continue to have a lot of things go on in this town that maybe a lot of don't know that those two gentleman are privy to so I am really hoping that they are parting that knowledge to those left behind as they can. Next, I am not going to say anything about COVIDS-19 because I am just sick and tired of it we will get through this it is turning into practically drudgery working at the school every day you don't know what is going to happen they announced at the school board meeting this week that they had 15 staff members and 31 students test positive so there have been quite a bit of comings and goings with people in quarantines and out sick it has turned into a menial task for not only the place I work, but for this entire town, for this community, for this nation I hope that we can get through this the best we can. Last thing that I will say I will try to get into the office tomorrow to finish up paperwork with Robert before lunch. Hope you all have a wonderful Christmas.

Councilmember Devlin: I have something. We were able to have a wonderful event this past Friday that is actually still going on to help our local business and I just want to take a moment and thank everybody that participated and put that event together but came out and enjoyed it our town is long overdue for a wonderful gathering I just want to extend my thanks to those that did help put that together. I too, there is no excuse, I think we are getting used to using COVID as an excuse for behaviors it has become, oh well I am cranky because I am tired of dealing with COVID or what not enough is enough we have been dealing with COVID since March we are done extending the grace of that we all need to be mindful of our behavior there are no excuses for treating someone poorly it is just as easy if not easier to treat someone with kindness so, if you are having a bad day stay home if you are having a bad day read something nice or breath before you go and interact with somebody it is not their fault that you are having a bad day, enough is enough we all need to work together we all need to stay together and we need to move forward if we are really, really going to move forward it starts with ourselves not with the person that you are seeing standing in front of you. I just encourage people to please be kind. Have an absolutely wonderful Christmas and a great New Year hopefully I will see you all around between now and then if not see you next year.

Councilmember Shourd: I would just like to add and echo what Jaime said, I was in the grocery store the other day and an individual did explain to me the hardships that she had faced in her positions and I just want to echo it is a tuff time of year and this is a really tuff year and to be kind be considerate we are all human beings we are trying to get by.

Mayor Dewey: thank you for sharing that, okay.

Councilmember Shourd: Merry Christmas.

Mayor Dewey: Merry Christmas to all of you as well I think we can for go board reports.

Councilmember Vick: to our Jewish Neighbors, Happy Hanukah.

14. Board Reports

None.

15. Adjournment

APPROVED:

ATTEST:

Brandon E. Dewey, Mayor

Jenelle S. Berthoud, Town Clerk

File Attachments for Item:

Claims #16456-16495

All Bank Accounts
 * ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
16456		108 BITTERROOT STAR		*** Claim from another period (11/20) 67.32	****				
317	11/11/20	Resignation Michalson 11.11.20		16.83*			1000 410550	330	101000
318	11/18/20	Resignation Michalson 11.18.20		16.83*			1000 410550	330	101000
311	11/11/20	Resignation Holcomb 11.11.20		16.83*			1000 410550	330	101000
312	11/18/20	Resignation Michalson 11.18.20		16.83*			1000 410550	330	101000
16458		1436 Maureen M. O'Connor		*** Claim from another period (12/20) 1,500.00	****				
January	01/01/21	Monthly Compensation		1,500.00			1000 410360	350	101000
16459		1696 First Call Computer Solutions,		*** Claim from another period (12/20) 2,100.00	****				
70733	01/01/21	Admin-Monthly Fee		315.00			1000 410550	356	101000
70733	01/01/21	FD-Monthly Fee		315.00			1000 420100	356	101000
70733	01/01/21	C-Monthly Fee		105.00*			1000 410360	356	101000
70733	01/01/21	BD-Monthly Fee		105.00			2394 420531	356	101000
70733	01/01/21	FD-Monthly Fee		105.00			1000 420410	356	101000
70733	01/01/21	Sewer-Monthly Fee		525.00			5310 430610	356	101000
70733	01/01/21	Water-Monthly Fee		525.00			5210 430510	356	101000
70733	01/01/21	Airport-Monthly Fee		105.00*			5610 430300	356	101000
16460		1702 DE Lage Landen Finance Services,		*** Claim from another period (12/20) 55.02	****				
70782676	12/20/20	Printer lease		51.02*			2940 410550	320	101000
70782676	12/20/20	Late Fee		4.00*			2940 410550	320	101000
16461		1770 Bugmaster Pest Control		*** Claim from another period (12/20) 50.00	****				
123120	12/31/20	Bug spray Town Hall		50.00*			1000 411201	230	101000
16462		1771 Roger & Glenda Bardsley		*** Claim from another period (9/20) 6.49	****				
Sept 20	09/25/20	Water Charge Overpayment		3.49			5210 343022		101000
Sept 20	09/25/20	Sewer Charge Overpayment		3.00			5310 343031		101000
16464		89 MORRISON-MAIERLE, INC.		*** Claim from another period (9/20) 33,753.96	****				
RRF#5	AIP 3-30-0044-015-2019								
Morrison & Maierle	Airport 10% match \$3374.50 and FFA Funding \$30379.46								
205296	09/24/20	Construction Management 10%		3,374.50*			5610 430300	950	101000
205296	09/24/20	Construction Management 90%		30,379.46			5620 430300	950	101000
16465		206 DEPARTMENT OF REVENUE		*** Claim from another period (10/20) 575.91	****				
AIP 3-30-0044-015-2019	- Pavement Reconstruction and New Midfield								

This payment is made because that last payment was short on the amount that should have been paid.
 RFP #6 10/02/20 1% State tax 90% 518.32
 RFP #6 10/02/20 1% State tax 10% 57.59*

All Bank Accounts
 * ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ Document \$/Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
16466		206 DEPARTMENT OF REVENUE	7,860.74					
	AIP 3-30-0044-015-2019 - Pavement Reconstruction and New Midfield					5620 430300	950	101000
	RPF #7 12/09/20 1% State tax 90%		7,074.66			5610 430300	950	101000
	RPF #7 12/09/20 1% State tax 10%		786.08*					
16467		1210 Knife River Corporation	778,213.25					
	RFR#5 AIP 3-30-0044-015-2019							
	Airport 10% match \$7,782.42 and FFA Funding \$700,391.83							
	11-06-20 12/09/20 Airport Construction 10%		77,821.42*			5610 430300	950	101000
	11-06-20 12/09/20 Aiprot Construction 90%		700,391.83			5620 430300	950	101000
16468		1667 Owens Law Firm, PLLC	1,251.40					
	3085 01/05/21 Town Legal Services		362.00			1000 411100	350	101000
	3086 11/02/20 Prosecuting Atty Services		889.40			1000 410364	350	101000
16469		1754 Construct Montana, LLC	2,300.00					
	2012 01/05/21 46 Hours December Inspection		2,300.00*			2394 420531	350	101000
16470		1645 ChemScan, Inc.	560.00					
	111141 12/23/20 Chem scan valve manifold UV		560.00			5210 430540	212	101000
16471		17 MONTANA SAWS LLC	12.50					
	Dec 20 12/23/20 1 gal mix oil snowblowers		12.50*			1000 430200	230	101000
16472		230 Verizon Wireless	288.32					
	9869406064 12/18/20 Cell Phone - Mayor		46.65			1000 410200	340	101000
	9869406064 12/18/20 Cell Phone - PD		139.95			1000 420100	340	101000
	9869406064 12/18/20 Cell Phone - BD		-35.60			2394 420531	340	101000
	9869406064 12/18/20 Cell Phone - H2O		59.04			5210 430510	340	101000
	9869406064 12/18/20 Cell Phone - Sewer		59.05			5310 430610	340	101000
	9869406064 12/18/20 Cell Phone - Airport		19.23			5610 430300	340	101000
16473		1714 Big Bear Sign Company Inc	1,385.00					
	2020.2132 12/29/20 3 Vinyl Decal kits cars/ins		1,385.00*			1000 420100	232	101000
16474		1121 a2z Supply Corp	221.00					
	1229134 12/29/20 T Series Holster		221.00*			1000 420100	227	101000
16475		386 MONTANA RAIL LINK, INC.	125.00					
	Annual fee 2/1/21 to 1/31/22							
	814469 01/05/21 U/G Water Pipeline Xing		100.00			5210 430550	340	101000
	814469 01/05/21 U/G Sewer Pipeline Xing		25.00			5310 430610	340	101000

All Bank Accounts
 * ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
16476	11758	12/04/20	6 Eastside Ace Hardware LED Light Parks	*** Claim from another period (12/20) *** 59.99			1000		460430	230		101000
16477	E	8	RAVALLI ELECTRIC CO-OP Airport Utilities - Lights 2/3 Airport Utilities - Water Pump	*** Claim from another period (12/20) *** 109.00 72.66 36.34			5610		430300	340		101000
16478		16	MONTANA ENVIRONMENTAL LAB LLC	*** Claim from another period (12/20) *** 2,921.80			5210		430510	350		101000
	2012811	12/03/20	Water testing	48.00*			5210		430510	350		101000
	2013135	12/17/20	Water testing	380.00*			5210		430510	350		101000
	2013137	12/28/20	Water testing	985.00*			5210		430510	350		101000
	2012326	12/03/20	Sewer testing	465.00*			5310		430610	350		101000
	2012569	12/02/20	Sewer testing	171.20*			5310		430610	350		101000
	2012807	12/16/20	Sewer testing	359.00*			5310		430610	350		101000
	2013048	12/15/20	Sewer testing	171.20*			5310		430610	350		101000
	2013595	12/28/20	Sewer testing	171.20*			5310		430610	350		101000
	2013380	12/22/20	Sewer testing	171.20*			5310		430610	350		101000
16479		1772	Duval Chevrolet	*** Claim from another period (12/20) *** 42,468.00			4000		420100	940		101000
	New police car 2021	Ford										
	MGA06828	12/15/20	2021 Ford Police Car	42,468.00								
16480	December	1659	CHS Mountain West CO-Op PW-Fuel/propane	*** Claim from another period (12/20) *** 279.64			1000		430100	231		101000
16481		29	STEVENSVILLE NAPA AUTO PARTS	*** Claim from another period (12/20) *** 28.67			1000		420100	232		101000
	597837	12/03/20	Flat tire guage PD	2.97*			1000		430200	220		101000
	599538	12/15/20	Oil for generator streets	13.79*			1000		430200	220		101000
	597423	12/01/20	Straight connect/knife set	11.91*			1000		430200	220		101000
16482	E	852	CENEX FLEETCARD	*** Claim from another period (12/20) *** 1,314.18			1000		410550	231		101000
	206858CL	12/03/20	Admin - Fuel	0.00			1000		420100	231		101000
	206858CL	12/03/20	PD - Fuel	412.88			1000		420460	231		101000
	206858CL	12/03/20	FD - Fuel	168.87			1000		430100	231		101000
	206858CL	12/03/20	PW - Fuel	732.43			1000		430100	231		101000
	206858CL	12/03/20	Amulance - Fuel	0.00			2230		420730	231		101000
	206858CL	12/03/20	Airport - Fuel	0.00			5610		430300	231		101000
	206858CL	12/03/20	Finance Charge	0.00*			1000		410550	556		101000

All Bank Accounts
 * ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
16483			34 STEVENSVILLE HARDWARE AND RENTAL	215.50								
	a485868	12/31/20	Battery front door bell	2.79*			1000		410550	230		101000
	b455785	12/02/20	Compression/Brass cap truck12	14.56*			1000		430200	232		101000
	a488959	12/02/20	Sand/Selant flag poles parks	51.93*			1000		460430	230		101000
	a488964	12/02/20	Concrete flagpoles Father rav	29.28*			1000		460430	230		101000
	a489075	12/03/20	Goo Off/Keys new truck	24.31*			1000		430200	232		101000
	a489816	12/09/20	Light Bulbs Water Plant	21.16*			5210		430540	230		101000
	a489856	12/10/20	Light Bulbs Water Plant	14.97*			5210		430540	230		101000
	b456315	12/14/20	2 hole straps parks	0.89*			1000		460430	230		101000
	c459043	12/21/20	Expoy jet truck	8.99*			1000		430200	232		101000
	b456561	12/21/20	Bulk fastners park	6.01*			1000		460430	230		101000
	a491257	12/24/20	1 1/4" poly coupling vet park	3.16*			1000		460430	230		101000
	c459253	12/24/20	1 1/4" pinch clamp vet park	9.58*			1000		460430	230		101000
	b455853	12/02/20	Slip Cap Parks	27.87*			1000		460430	230		101000
			*** Claim from another period (12/20) ****									
16484			85 CENTURYLINK	114.31								
	Dec 20	12/22/20	WWTp Internet #0185	68.99			5310		430640	340		101000
	Dec 20	12/22/20	H2O Plant Phone #7132	45.32			5210		430540	340		101000
16485			85 CENTURYLINK	49.52								
	Dec 20	12/22/20	MBF Reservoir #9934 Dec 20	49.52			5210		430530	340		101000
16486			1253 Providence Health & Services	502.00								
	Alspaw	01/05/21	Alspaw Police officer physica	502.00*			1000		420100	350		101000
16487			228 Norco, Inc.	10.85								
	FY 18-19		Annual Community Connection Fee									
	31033346	12/31/21	Cylinder Rental Streets	3.62*			1000		430200	231		101000
	31033346	12/31/20	Cylinder Rental Water	3.62			5210		430510	220		101000
	31033346	12/31/20	Cylinder Rental Sewer	3.61			5310		430610	220		101000
16488			33 NORTHWESTERN ENERGY	1,039.70								
	January	01/04/21	Crksde Mdws Lighting Dist #4	239.38			2440		430263	340		101000
	January	01/04/21	Crksde Mdws Lighting Dist #4	129.17			2440		430263	340		101000
	January	01/05/21	Water-157 Sewer Works Rd Depo	3.56			5210		430510	340		101000
	January	01/05/21	Sewer Works Rd Depo	3.56			5310		430610	340		101000
	January	01/05/21	Streets-157 Sewer Works Rd De	3.57*			1000		430200	340		101000
	January	01/04/21	Stevensville Cutoff Rd Path	5.80			1000		430263	340		101000
	January	01/05/21	Twin Creeks Dist #5	411.25			2450		430263	340		101000
	January	01/05/21	300 Main St seasonal lighting	5.80			1000		430263	340		101000
	January	12/02/20	Dickerson Park	0.00			1000		460430	340		101000
	January	01/05/21	206 Buck Fire Dept lighting	237.61			1000		411201	340		101000

All Bank Accounts
* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
16489	126220	01/04/21 Annual fee	1637 ImageTrend	1,326.13			1000		420410	330		101000
16490	1081006	01/08/21 30025 Speed Plus 6x8 multi cu	1121 a2z Supply Corp	470.00			1000		420100	220		101000
16492	1773	Morgan Pierce, PLLP	1773 Morgan Pierce, PLLP	250.00	****		1000		410200	212		101000
16493	N558804	01/07/21 1" meter & rubber washer	690 Core & Main LP	653.38			5210		430550	220		101000
16494	10569544	12/31/20 WW- Cloves Black Nitrile -Bo	1164 ATCO International	1,047.00	****		5310		430630	230		101000
	10569544	12/31/20 W-Cloves Black Nitrile -Box		81.00			5210		430540	220		101000
	10569544	12/31/20 Formula 411		885.00*			5310		430630	220		101000
16495	81-683	01/07/21 M2000 PCB Assembly	1774 Noddings Waterworks, Inc. dba	751.77			5210		430540	230		101000

of Claims 37 Total: 883,937.35

Total Electronic Claims 1,423.18 Total Non-Electronic Claims 882514.17

Fund/Account	Amount
1000 GENERAL	
101000 Cash - Operating	\$10,180.20
2230 AMBULANCE	
101000 Cash - Operating	\$0.00
2394 BUILDING CODE ENFORCEMENT	
101000 Cash - Operating	\$2,369.40
2440 CREEKSIDE LIGHTING #4 DISTRICT 77	
101000 Cash - Operating	\$368.55
2450 TWIN CREEKS LIGHTING #5 DISTRICT	
101000 Cash - Operating	\$411.25
2940 ECONOMIC DEVELOPMENT	
101000 Cash - Operating	\$55.02
4000 CAPITAL IMPROVEMENTS	
101000 Cash - Operating	\$42,468.00
5210 WATER	
101000 Cash - Operating	\$4,284.83
5310 SEWER	
101000 Cash - Operating	\$3,163.01
5610 AIRPORT	
101000 Cash - Operating	\$82,272.82
5620 AIRPORT PROJECT	
101000 Cash - Operating	\$738,364.27
Total:	\$883,937.35

ORDERED that the Town Treasurer draw a check/warrant on the Town of Stevensville.

Council Council

Council Council

Mayor

Date Approved_____

File Attachments for Item:

Building Department

MONTHLY REPORT

Building Department

December 2020

<u>Permits Issued</u>	<u>Fees Collected</u>
<u>Building</u> (2 permits)	
1. NSFR	\$1,749.60
2. New Commercial Building	\$0
3. Renovation/Remodel	\$610.80
4. Demo	\$0
<u>Electrical</u> (3 permits)	
1. NSFR	\$0
2. New Commercial Building	\$0
3. Renovation/Remodel	\$324.00
4. Demo	\$0
<u>Mechanical</u> (0 permits)	
1. NSFR	\$0
2. New Commercial Building	\$0
3. Renovation/Remodel	\$0
4. Demo	\$0
<u>Plumbing</u> (0 permits)	
1. NSFR	\$0
2. New Commercial Building	\$0
3. Renovation/Remodel	\$0
4. Demo	\$0
Total permits issued:5	Total fees collected: \$2,684.40
<u>Activities</u>	
1. Inspections and consultations.	
2. Active clearing or archiving old and expired permits, depending on age of activity.	
3. Implement uniform strategies to increase records retention and accessibility thereof.	
<u>Items of Interest</u>	
1. Continued exploration of best ways to universally digitize records and day to day functions to be accessible across pertinent staff for greater efficiency.	

Prepared by Tim Netzley, Building Official

File Attachments for Item:

Fire Department



STEVENSVILLE FIRE DEPARTMENT

206 BUCK STREET

Activity Report – December 2020

Calls for the Month of December: 66

Calls for Stevensville Town: 20

Calls for Stevensville Rural: 45

Mutual Aid: 1

Medical Response: 54

Fire Calls: 11

Motor Vehicle Crash: 1

Total Calls: 66

Calls for the Year to Date: 685

Calls for Stevensville Town: 287

Calls for Stevensville Rural: 377

Mutual Aid: 21

Medical Response: 514

Fire Calls: 139

Motor Vehicle Crash: 32

Total Calls: 685

File Attachments for Item:

Parks & Recreation



January 14, 2021 Report to Council

Here's what's happening in your parks:

Lewis and Clark Park:

- ◆ Debris Cleanup

Park Cleaning/Sanitizing/COVID-19:

- ◆ Spraying playgrounds at Lewis and Clark Park, Father Ravalli Park, and Lange Park benches when possible.
- ◆ Trash clean up every morning.

River Park/River Park Trail:

- ◆ Debris cleanup and clearing debris off path.

Veteran's Park:

- ◆ Working with the American Legion Veterans and the Garden Club to complete renovations.
 - Concrete slab finished and forms removed
 - New flagpoles installed
 - New flag lighting installed

Father Ravalli Park:

- ◆ New flagpole and lighting installed.

Events:

- ◆ Helped Stevensville School Athletics with a cardboard fundraiser at Lewis and Clark Park on 1/9/21.
- ◆ Helped Kathy Clark put up Christmas trees and a Christmas sign for the Living Centre. Also helped set up for the Pooch Parade at the Living Centre on 12/19/20.
- ◆ The American Legion Post 94 invited Mayor Dewey and myself to join in the wreath hanging at Veteran's Park for Wreaths Across America on 12/19/20. They also presented The Town of Stevensville and myself with certificates of appreciation for our help in the renovation of Veteran's Park.

Other:

- ◆ Assisting Public Works with park clean up and park snow removal.
- ◆ Working on a draft to propose a ParkRX program to medical providers around Stevensville. (This program utilizes outdoor recreation spaces for physical activity recommendations from medical providers. Trails will have difficulty ratings, elevation change information, path type [paved, gravel, wood chip, natural, etc.] and other information to allow medical providers to recommend outdoor recreation that suites each patient).
- ◆ Shadowed George Thomas daily to learn as much as possible to help Public Works during this transition period.

Sincerely,

Bobby Sonsteng
Parks and Recreation Director

File Attachments for Item:

Police Department

**TOWN OF STEVENSVILLE
POLICE DEPARTMENT ACTIVITY REPORT
January 14th, 2021**

MONTHLY REPORT:

During the month of the December SPD outfitted (Decal's and license plates) the 2016 Dodge Charger and the 2021 Ford Interceptor; both are in service. The 2012 Dodge Charger was also newly decaled. Officers completed a Christmas decoration theft investigation and were able to return one of the stolen items. Officers patrolled the holiday season to include New Year's Eve and New Years Day.

SPD welcomes our newest Officer, Officer Elijah Alspaw January 6th, 2020. Officer Alspaw comes to our department with two years of experience from Miles City, Montana.

Our second 2021 Ford Interceptor is scheduled to be completed this January.

Ravalli County Sheriff's Office is completing a Homicide investigation which occurred on 5th Street in Stevensville, Mt. SPD has reached out to RCSO and informed them we can assist if needed.

PROACTIVE POLICING & CALLS FOR SERVICE:

PERSONNEL WORKLOAD	MONTH OF DECEMBER	MONTH OF NOVEMBER	YEAR TO DATE
<i>PATROL</i>			
Calls for service	42	34	799
Traffic Citations	2	3	105
Traffic Warnings	11	15	151
Arrests	0	0	26
<i>INVESTIGATIONS</i>			
Robbery / Homicide	0	0	0
Assaults / Sex Crimes	0	1	15
Burglary / Theft	2	1	46
Fraud	0	4	8
Suspicious Incident	2	6	83
Disturbance/PFMA	2	2	28
<i>SPD AGENCY ASSISTS</i>			
Ravalli County S.O	2	3	79

***SPD Agency Assists has been added to the above to educate / inform how many times SPD units have provided assistance to County or to other law enforcement agencies. Agency assistance can range from merely backing up Deputies on traffic stops to assisting them in Calls for Service and or per Mutual aid requests.

File Attachments for Item:

Public Works

TOWN OF STEVENSVILLE PUBLIC WORKS ACTIVITY REPORT December 2020

UTILITIES REPORT

Water Production

	<i>This Month</i>	<i>Last Month</i>
<i>Gallons Produced</i>	16,625,000	14,358,000

- 💧 Monthly and weekly reports to the state
- 💧 Monthly Meter Readings
- 💧 Well #5 off at this time
 - Did sampling for well #5, just received results
- 💧 Water meter needing circuit board replaced, on order
- 💧 Unread Meters:
 - Replaced 14 meters
 - Located 31 others and will schedule appointments with homeowners to address
- 💧 Replaced water meter at school

Waste Water Treatment

	<i>This Month</i>	<i>Last Month</i>
<i>Gallons Treated</i>	5,465,000	5,776,000

- 💧 State Reports and EPA, weekly samples taken
- 💧 New booster pump for press installed
 - Pressing an average of 6,000 gallons per day, up from 3,000 gallons per day
- 💧 Jetted 12 sewer lines and flushed one
 - Starting to jet lines weekly to prevent blockages and maintain our wastewater system

OTHER

- 💧 Veterans Park concrete pad poured, flagpoles and lighting installed
- 💧 Flagpole and lighting installed at Father Ravalli Park
- 💧 Finished Town Debris Cleanup and started Christmas Tree cleanup
 - 105 dump truck loads of debris taken from the park drop area
 - 64 dump truck loads of debris from around Town
 - 60 Christmas Trees picked up from around Town

Glenn Bies is currently on medical leave.
George Thomas retired December 31, 2020.

File Attachments for Item:

Letter from the Ravalli County Sheriff & County Attorney



Ravalli County Sheriff's Office
205 Bedford St. Suite G
Hamilton, MT. 59840
(406)375-4060

Stephen Holton, Sheriff

Jesse Jessop, Undersheriff

12-28-2020

Mayor Dewey, Town Council members, and Interim Chief of Police John Ellington:

This letter is to address the law enforcement response to and investigation of felony crimes reported within the limits of the Town of Stevensville. As you are likely aware, a County Sheriff's law enforcement authority in the State of Montana extends over the entire county, including all municipalities and townships within the county. 45 Op. Att'y Gen. No. 9, p. 5. While custom may allow for a different arrangement, the primary duty of enforcement falls on the Sheriff. *Id.* Accordingly, this is notification that, effective immediately, the Ravalli County Sheriff's Office ("RCSO") will assume jurisdiction and primary investigation of all felony crimes committed from this date forward within the Stevensville Town limits.

The practical steps that we will follow are as follows:

- Given the Stevensville Police Department ("SPD") staffing level during the past years, RCSO deputies have regularly responded to calls for service of crimes in progress within Stevensville Town limits, and have retained primary jurisdiction and investigation of those calls regardless of their felony or misdemeanor nature. This will not change. If dispatched, the RCSO will respond.
- Reports of felony crimes within the Town of Stevensville received by the Ravalli County Dispatch/911 Center will be dispatched to RCSO personnel. In the event that SPD Officer(s) respond to assist with a reported felony crime in progress, the RCSO personnel will have the primary duty to direct the response and the investigation.
- When SPD Officer(s) discover that an investigation or reported crime involves a felony offense, the SPD Officer(s) must report the same to the RCSO for transfer of that investigation.
- When SPD Officer(s) respond to a call for service involving a misdemeanor offense or town ordinance violation in progress, RCSO deputies will continue to provide backup if necessary for purposes of safety and assistance.
- SPD Officers will only perform law enforcement functions within the jurisdiction of the Town of Stevensville. Requests for Mutual Aid outside of the Town Of Stevensville will come specifically from the Law Enforcement Agency having jurisdiction (i.e. RCSO, Montana Highway Patrol, etc).



Ravalli County Sheriff's Office
205 Bedford St. Suite G
Hamilton, MT. 59840
(406)375-4060

Stephen Holton, Sheriff

Jesse Jessop, Undersheriff

We believe that in the current circumstances this will best serve the safety and peace-of-mind of all Ravalli County residents, in and outside of the Stevensville town limits. If there are any further logistics that you believe need to be worked out, or have additional questions, please contact us.

Sincerely,

Steve Holton
Ravalli County Sheriff

Bill Fulbright
Ravalli County Attorney

- cc: Mayor Brandon Dewey
- cc: Interim Police Chief John Ellington
- cc: **Stevensville Town Council**
- cc: Stevensville Town Attorney

File Attachments for Item:

Discussion/Decision: Resolution No. 466, A Resolution Amending the Personnel Policy Manual for the Town of Stevensville



Stevensville Town Council Meeting

Agenda Item Request

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

Agenda Item Type:	Unfinished Business
Person Submitting the Agenda Item:	Brandon E. Dewey
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	1/14/2021
Agenda Topic:	Discussion/Decision: Resolution No. 466, A Resolution Amending the Personnel Policy Manual for the Town of Stevensville
Backup Documents Attached?	Yes
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	1/14/2021
Notes:	



TOWN COUNCIL
Council Communication

Regular Meeting
January 14, 2020

Agenda Item: Unfinished Business

Discussion/Decision: Resolution No. 466, A Resolution Amending the Personnel Policy Manual for the Town of Stevensville

Other Council Meetings

Exhibits

- A. Resolution No. 466
B. Personnel Policy Manual

This agenda item provides Council with the ability to adopt a revised and updated personnel policy manual.

Background:

The Town regularly reviews its personnel policy manual and makes changes as necessary and recommended by the Town's Insurer, and the Town Attorney.

The attached personnel policy manual includes formatting updates and corrections. It also addresses issues in the bullying and harassment section of the policy, where advisors to the Town recommended changes in light of liability factors. The current policy only defines bullying, but does nothing to outright prohibit the behavior or actions. The administration took the advice of legal counsel to address this deficiency.

Additionally, the grievance procedure was of concern. The existing policy had potential to put the Mayor and Town Attorney in situations of a grievance where it was unclear how to navigate and proceed. It had been the recommendation of former Town Attorney Brian West, to revise the grievance policy to not include the Town's Attorney as an avenue of appeal. The updated policy better defines the steps in a grievance and what can, and cannot, be grieved.

The updated policy revises the meal per-diem rates that the Town pays for travel. The rates in the updated policy would go into effect upon adoption.

The updated policy also includes new references to the recently adopted e-communication policy and the Town's adopted Code of Conduct.

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

Alternative(s): Do not approve Resolution 466

MOTION

I move to: to approve Resolution 466, amending the Personnel Policy Manual for the Town of Stevensville.

RESOLUTION NO. 466

**A RESOLUTION ADOPTING THE PERSONNEL POLICY MANUAL
FOR THE TOWN OF STEVENSVILLE**

WHEREAS, the Town Council of the Town of Stevensville adopted the existing Personnel Policy Manual on March 12, 2015, amended the same policy on September 10, 2015, November 12, 2015, February 11, 2016 and May 22, 2017 with the assistance of the Montana Municipal Insurance Authority (MMIA) and the Town Attorney; and,

WHEREAS, the administration recommends changes to Section 35-A, Travel and Expense Reimbursement; and,

WHEREAS, revisions have been recommended by an independent 3rd-party consultant, and the Town's Attorney to address workplace bullying and harassment prevention; and,

WHEREAS, the Town Council intends to update the Personnel Policy Manual from time to time as circumstances change; and

WHEREAS, the Town Attorney and Montana Municipal Insurance Authority have approved of the changes to the Personnel Policy Manual; and

WHEREAS, all previous versions of the Town of Stevensville Personnel Policy Manual are hereby rescinded; and

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Stevensville, that the Personnel Policy Manual is approved and adopted.

PASSED AND ADOPTED by the Town Council of the Town of Stevensville, Montana this ____ day of _____, 2021.

APPROVED:

ATTEST:

Brandon E. Dewey, Mayor

Jenelle Berthoud, Town Clerk



Personnel Policy Manual

Revised by Resolution #466

January 2021

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Introduction



BRANDON E. DEWEY
MAYOR

Welcome!

It is my pleasure to welcome you as an employee of the Town of Stevensville. Your selection as a successful job candidate is the result of a careful recruitment and evaluation process, and is a confirmation that you possess the education, experience, enthusiasm, pride and professionalism necessary for your success in our challenging and rewarding work environment.

Because we are committed to providing the best possible service and value to the citizens of our historic and dynamic town, we expect you to maintain the highest standards of performance and ethical conduct. In return, we offer competitive salaries, an extensive benefit program, and the satisfaction of working for a forward-thinking community that many call calls “Montana’s first best place!”.

We also value the input and ideas of all our staff. Because we are always working to improve our performance, we welcome employee suggestions for new and better ways to manage our programs, services and workers. I maintain an “open door” policy for all employees: If you need to talk to me directly about your ideas for improving the way we do business, or if you are having work-related problems that aren’t being addressed by your departmental superiors, then you shouldn’t hesitate to call the Town Clerk for an appointment.

Again, welcome to the team that strives every day to make Stevensville a great place to live, work, play and raise a family. Our work here matters. It matters to every child, senior, resident, business owner and visitor to our town, which means your efforts here will matter too. Together, we can make Stevensville even better. I look forward to working with you and to seeing your career thrive here.

Sincerely,

Brandon E. Dewey
Mayor

Receipt Page

It is expressly understood that the policy manual for the Town of Stevensville does not constitute a guarantee of employment or promise of any kind. The Town of Stevensville, in its sole discretion, may direct, hire, promote, transfer, assign and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; establish, change or abolish its policies, practices, rules and regulations.

It is understood that the policy manual is issued to inform employees regarding the operating policies of the Town of Stevensville and is to be used as a guide to Town of Stevensville employees in the performance of their duties. The policy manual may be changed from time to time at the sole discretion of the Town of Stevensville. All such changes will be communicated through official notices and I understand that revised information may supersede, modify or eliminate existing policies. Violations of the policies set forth in this manual may result in disciplinary action up to and including termination.

The Town of Stevensville Personnel Policy Manual is implemented by a resolution of the Town Council. As such, it is a directive of the Town Council and shall be followed and implemented by the Mayor's Office, all officers and supervisors of the Town and it is expected that all employees adhere to this manual whenever possible.

By signing this statement, you, the employee acknowledges the Town of Stevensville policy manual has been received and that it is your responsibility to read and comply with the policies contained in this handbook.

Signed _____

Date _____

Print Name _____

Position _____

Effective Date of Employment _____

Town of Stevensville Personnel Policy Manual Revision Date: January 2021

Attest:

Supervisor _____

Date _____

Overview

The personnel policies of the Town of Stevensville have been established in order to provide a guide to the personnel practices of the Town of Stevensville and to ensure consistency of personnel decisions. It is the intention of the Town of Stevensville to administer the personnel programs in a manner which complies with the letter and spirit of all applicable federal, state and local regulations. The personnel policies of the Town of Stevensville are based on the following principles:

- A. Nothing contained in this Personnel Policy Manual or in any other materials or information distributed by the Town creates a contract of employment between an employee and the Town of Stevensville. During the probationary period, employment is on an at-will basis. This means that employees are free to resign their employment at any time for any reason, and the Town of Stevensville retains the same right.
- B. The Town of Stevensville is an Equal Opportunity Employer and will not discriminate against applicants or employees on the basis of race, religion, gender, national origin, age, citizenship, veteran status, disability, genetics, or other unlawful basis.
- C. Town employees shall abide by the policies and regulations established by the Town of Stevensville, i.e. this Personnel Policy Manual, Safety Manual, Purchasing Policy, Police Department General Manual, Fire Department Standard Operating Procedures, and other functionally related town/departmental standard operating procedures, manuals, etc. Copies of the above documents are kept in each applicable department and are available for review by the employee.
- D. Rates of compensation are established by the Town's classification and compensation plan adopted annually.
- E. The training and education of Town employees is encouraged.
- F. Employees providing efficient and exemplary service deserve recognition by supervisors and department heads.
- G. The Town of Stevensville will make every effort to provide employees with safe working conditions.
- H. The Town of Stevensville will strive to provide prompt attention in the handling of all personnel matters, including complaints, grievances and disciplinary action. Complaints and grievances are ultimately resolved by the Mayor. The Town Council will not handle complaints or grievances filed by an employee.
- I. In the event that any provision of the Town's personnel policies shall conflict with state or federal law, then the state or federal law shall take precedence.
- J. Any term indicating gender is used strictly for grammatical convenience and refers equally to both genders.

1. Definitions

Absence –the failure to report to work and to remain at work as scheduled. It includes late arrivals and early departures as well as absence for the entire day.

Annual Leave – A paid recess or leave of absence; a respite or time of respite from active duty or employment; an intermission or rest period during which activity or work is suspended; a period of freedom from duty or work but not the end of employment.

Conflict of Interest – Conflicts of interest for municipal employees arise when a government employee’s personal or financial interest conflicts or appears to conflict with their official responsibility.

Discipline – Correction or penalty. Discipline is used to bring order to situations where there have been violations of federal, state or local laws and/or violations of Town of Stevensville rules and regulations, employee conduct/behavior/performance standards, or Town of Stevensville policies.

Exempt Employee - Exempt employees are those who, according to the Fair Labor Standards Act (FLSA), are not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity. In order to be an exempt employee, certain tests relating to duties, responsibilities and salary must be met (see the Clerk/Personnel Director for details).

Exhibit(s) – All Sample Exhibits in this manual, such as Overtime/Comp Time Requests, Time Off Requests, or Travel Requests are subject to change to meet the needs of the Town of Stevensville.

Grievance – An avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this manual. Grounds for submission of a grievance include: Unfair application, interpretation, or violation of Town or Department regulations; or acts of retaliation as a result of utilization of the grievance process.

Immediate Family--The employee’s spouse, any member of the employee’s house hold, or any parent, child, sibling, grandparent, or grandchild, and corresponding step or in-law relationships.

Independent Contractor - Independent Contractors are not considered employees of the Town of Stevensville. Rather, Independent Contractors are those who work on a contract for services basis and must complete work assignments or responsibilities and receive payment (compensation) as identified in the contract. No employee benefits are provided to the Independent Contractor.

Insubordination –Anyone that threatens or assaults an elected official, town officer or supervisor, disobeys, challenges the order of a legally empowered town officer or supervisor, treats with contempt or is disrespectful in language or deportment toward an elected official, town officer or supervisor when the elected official, town officer or supervisor is in the execution of their office commits insubordination.

Insubordination is the act of willfully disobeying one's superior. Refusing to perform an action that is unethical or illegal is not *insubordination*; neither is refusing to perform an action that is not within the scope of authority of the person issuing the order.

Insubordination can manifest itself as a verbal refusal, a nonverbal refusal or an unreasonable delay in completing work. Insubordination includes disrespectful behavior toward an elected official, town officer or supervisor and includes cursing at an elected official, town officer or supervisor, verbally or physically intimidating or bullying a town officer or supervisor or speaking loudly or argumentatively to or about an elected official, town officer or supervisor.

Insubordination includes knowingly disobeying Council Resolutions/Policies, the Town of Stevensville Municipal Code, the Montana Code Annotated and Federal Law.

Leave Without pay - Any approved time off that is not charged to annual leave or sick leave.

Nonexempt Employee - A nonexempt employee is an employee who, according to the FLSA is entitled to receive at least minimum wage and receive overtime pay or overtime compensatory time after the employee has worked 40 hours in a work week period.

Overtime pay is equivalent to one and one-half times the employee's regular hourly pay for each hour over 40 hours worked. Compensatory time is equivalent to one and one-half times the employee's number of hours worked for each hour over 40 hours worked. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity.

Regular Full-Time Employee - An employee who normally works 40 hours a week. Regular full-time employees are eligible for all employee benefits.

Regular Part-Time Employee - An employee who normally works less than 40 hours a week. Regular part-time employees are eligible for limited benefits on a prorated basis.

Remote Employee - An employee who performs the majority of their work in a location different from where Town of Stevensville general operations occur. They may or may not be covered under the provisions of the FLSA, depending on the status of their employment, and have specific conditions of employment outlined in their respective employment agreements.

Seasonal Employee - An employee designated as seasonal at time of hire, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. The employee is not eligible to become a regular employee without completing a competitive selection process. A seasonal employee may be eligible for limited or prorated benefits.

Short-term Worker - A short-term worker is hired to work for an hourly wage established by the Town of Stevensville for a period not to exceed 90 days within a 12 month period. Short-term workers are not eligible for permanent status and may not be hired without a competitive selection process. The short-term worker is not eligible for any employee benefits including leave, holiday benefits or any insurance benefits.

Sick Leave – Period allowed by an employer to an employee for the employee’s sickness, tending to the needs of an ill immediate family member or attending medical/dental appointments with no loss of seniority or other benefits.

Temporary Employee - An employee who is hired on a temporary basis for a definite period of time not to exceed 12 months and will be terminated at the end of the employment period. This employee may perform temporary duties or regular duties on a temporary basis; however, the employee is not eligible to become a regular employee without completing a competitive selection process. Temporary employees may be eligible for limited or prorated benefits.

Volunteer - A volunteer is a person who gives their services to the Town without any express or implied promise of remuneration. All Town of Stevensville volunteers have no guarantee of employment and no property right to a position, volunteer or otherwise with the Town. In their role as Town of Stevensville volunteers, a volunteer is a representative of the Town and therefore is guided by and subject to the Town’s personnel policy. The volunteer relationship can be terminated at any time by the Town of Stevensville.

Workplace Violence –Any act or threat of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the work site.

2. Expectations

Welcome to the Town of Stevensville team. The Town of Stevensville wants every employee to know what they can expect from the Town of Stevensville and what the Town of Stevensville expects of each of us. This Policy manual is designed to inform employees what the Town of Stevensville expects of them, Town of Stevensville policies and procedures and the Grievance procedure should employees have a problem.

- Employees are expected to treat members of the public, co-workers, elected officials, vendors, colleagues, and other business contacts with respect and dignity.
- Employees are expected to carry out their duties and responsibilities with attention to detail and perform work in accordance with the policies and procedures of the Town of Stevensville in an efficient and production manner.
- Employee attention to responsibilities and work products should be constant, consistent, efficient and productive. Personal interference or distractions should be kept to a minimum.

- The affairs of the Town of Stevensville are important and are to be considered a confidential trust as well as a responsibility. Employee attitude, ability and productivity and a sense of responsibility are critical aspects of all job descriptions.

3. Authority for Personnel Action

The Town of Stevensville reserves the right to direct, hire, promote, transfer, assign and retain employees. The Town of Stevensville also reserves the right to supervise, discipline, and relieve employees from their duties for any reason determined sufficient by the Town of Stevensville; as well as determine and change hours of work, shifts, and operational methods. The policies, practices, rules, and regulations may be established or changed/abolished with the sole discretion of the Town of Stevensville. The Mayor and/or their designee will execute personnel actions at their discretion, with consultation and/or consent from the Human Resource Representative/Clerk/Town Attorney when necessary and consistent with all applicable laws, regulations and this policy.

4. Diversity, Harassment and Bullying Prevention

A. Equal Employment Opportunity Statement

It is the policy of the Town of Stevensville to ensure equal employment opportunity (as defined by the Equal Employment Opportunity Commission (EEOC)) and the Montana Human Rights Act for all employees. The Town of Stevensville promotes and affords equal treatment and services to all citizens, employees and representatives. The Town of Stevensville assures equal employment opportunity regardless of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age or disability, (as defined by the Americans with Disabilities Act and ADA Amendments Act).

If an employee perceives he/she has been discriminated against, he/she should notify their immediate supervisor or the Mayor or their designee.

B. Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)

The Town of Stevensville is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA), the ADA Amendments Act and equivalent state disability laws. It is the Town of Stevensville's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job with or without a reasonable accommodation.

Consistent with this policy of nondiscrimination, the Town of Stevensville will provide reasonable accommodations to a qualified individual with a disability, provided that such accommodation does not constitute an undue hardship on the Town of Stevensville and/or a direct threat to the health and/or safety of the individual or others.

Employees or applicants who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Mayor or other designee and request such an accommodation. The Town of Stevensville will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job. The Town of Stevensville will then identify possible accommodations, if any, that will help to eliminate the limitation or barrier. If the accommodation is reasonable and will not impose an undue hardship on the Town of Stevensville and/or a direct threat to the health and/or safety of the individual or others, the Town of Stevensville will make the accommodation. The Town of Stevensville may also propose an alternative accommodation(s). Town of Stevensville is not required to provide the accommodation preferred by the individual, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.)

The Town of Stevensville will also make reasonable accommodations for conditions related to pregnancy, childbirth or related medical conditions, if requested with the advice of the employee's health care provider, as required by law.

C. Definitions of Harassment

Sexual Harassment: According to the EEOC and Montana Human Rights Bureau, sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. For example:

- Occasions when such conduct, either explicitly or implicitly, is a term or condition of employment
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals
- Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Examples may include unwanted sexual advances or requests for sexual favors; sexual jokes or innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; gestures; suggestive objects or pictures or other physical, verbal or visual conduct of a sexual nature.

Other Harassment: Harassing behavior based on any other protected characteristic. For example: verbal, written or physical conduct that denigrates or shows hostility or aversion toward another because of his/her race, color, religion, national origin, creed, sex, marital status, genetic history, sexual orientation, political belief, age or disability

D. Harassment Prevention and Reporting

It is the policy of the Town of Stevensville that harassment, based on a protected class will not be tolerated. Each individual has a right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, employees are expected to act in a professional, cooperative and respectful manner to all contacts.

It is the policy of the Town of Stevensville to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age or disability both in or outside the workplace, on or off shift, in person or via electronic communication such as email, social media, etc.

Any employee who perceives a conversation or event as harassment, whether the employee is involved or merely observing, should explain to the offender in a calm, but firm manner that the action is perceived as inappropriate and the employee wishes the behavior to stop. Should the behavior continue, the employee should report the activity to their supervisor, or the Mayor or designee.

The Town of Stevensville encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Town of Stevensville to promptly and thoroughly investigate such reports with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender. Discipline will follow guidance found in the Discipline Policy.

A follow up review will be completed if harassment allegations have been made to ensure the harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.

E. Definitions of Workplace Bullying

Workplace bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms:

- Verbal abuse
- Conduct which is threatening, humiliating, or intimidating
- Work interference, sabotage, which prevents work from getting done
- Exploitation of a known psychological or physical vulnerability

Workplace bullying can generally be considered as negative acts directed toward employees. However, acts of bullying may also include negative acts towards supervision. These include but are not limited to:

- Intimidating or undermining employees or supervisors by demeaning their work standards, not giving them credit, setting them up for failure and constantly reminding them of old mistakes.

- Threatening employees' or a supervisor's personal self-esteem and work status.
- Isolating employees/co-workers from opportunities, information and interaction with others.
- Giving impossible deadlines, creating undue pressure and stress, and overworking employees.

F. Workplace Bullying Prevention and Reporting

All employees are to receive regular training regarding bullying, harassment, and sexual harassment in the workplace.

The Town of Stevensville does not tolerate workplace bullying. Individuals who demonstrate behaviors or commit acts consistent with bullying may be removed from the workplace and may be subject to disciplinary action, including termination.

Employees or elected/appointed officials who observe or experience bullying or intimidation in the workplace shall immediately report it to a supervisor or department head. Supervisors or department heads who receive such reports should contact Human Resources regarding investigating the reports and initiating appropriate corrective action.

G. Retaliation

No hardship, no loss of benefit, and no penalty may be imposed on an employee as punishment for:

- Filing or responding to a bona fide complaint of discrimination, harassment or bullying;
- Appearing as a witness in the investigation of a complaint; or
- Serving as an investigator.

Please report any retaliation to your supervisor, or the Mayor or designee, immediately. Any report of retaliatory conduct will be objectively, timely and thoroughly investigated in accordance with the Town of Stevensville's investigation procedure. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to disciplinary actions, up to and including termination.

5. Confidential Information/Personal Gain

Employees of the Town of Stevensville may deal with confidential information. It is imperative that employees maintain Town of Stevensville integrity and not discuss Town of Stevensville business with people who should not be privy to the information. In some circumstances, Town of Stevensville business should be revealed to other Town of Stevensville employees on a need-to-know basis. If an employee has questions regarding confidential information and to whom the information should be revealed, they should consult with the Mayor and/or their designee, or with Town of Stevensville's legal counsel.

Likewise, employees may not use knowledge gained through their employment at the Town of Stevensville to achieve personal gain for themselves or anyone else. Employees cannot participate as a Town of Stevensville employee where they may have private pecuniary interest, direct or indirect, or perform in some function requiring discretion on behalf of the Town of Stevensville. Employees cannot disclose or use confidential information concerning property or Town of Stevensville affairs to advance personal or private interest with respect to any contract or transaction that is or may be subject of official action of the Town of Stevensville.

6. Lawsuits Against the Town of Stevensville

When an employee is approached by a legal process server, they should refer the server to the Mayor and/or their designee or to legal counsel. Should an authority not be available, and the employee is required to accept served papers, it is the employee's priority to locate and forward the information to either of the authorities listed without opening or reading the documents.

No employee shall discuss aspects of any legal situation that a Town of Stevensville is subject to or is currently involved in including but not limited to lawsuits or hearings without first consulting with the Mayor and/or their designee or legal counsel. Likewise, if an employee is approached for a press release or news quote, refer all contacts to the Mayor and/or their designee.

7. Safety and Health

A. Safety Policy

The Town of Stevensville is committed to the safety and health of our employees, members, and work sites. We are responsible for providing the resources necessary for employees to follow the Montana Safety Culture Act and other safety regulations related to our work. We will strive to set expectations for continual improvement as a safe Montana business.

Employee recommendations to improve safety and health conditions will be given thorough consideration. It is the policy of the Town of Stevensville that employees report unsafe conditions and do not perform work tasks if the work is considered by them to be unsafe.

- Employees must immediately report all accidents, injuries/illnesses, near misses, and unsafe conditions to their supervisor.

No such report will result in retaliation, penalty or other disincentive; however, employees will be held accountable for not reporting such incidences. Management will promote and influence safe behavior by both positive reinforcement of correct and safe work practices, and by disciplinary action for those who willfully or repeatedly work in an unsafe manner.

For this program to be successful, the injured employee must report all injuries to their immediate supervisor on the same day of the incident.

If an employee notices a potential hazard, they should notify the responsible supervisor so that the appropriate corrective action can be identified and implemented.

Employees must use safe driving habits and wear seat belts while traveling in Town of Stevensville vehicles. Employees should not operate or use equipment if they are not authorized or do not have the appropriate licensure.

B. Workers Compensation

Workers' compensation insurance is fully paid by Town of Stevensville and covers all employees. If an employee receives a workplace injury/illness he/she must report it to their immediate supervisor on the same day of the injury/illness. Failure to do so may result in a loss of benefits.

C. Return to Work

Town of Stevensville believes employees are its most important asset. Town of Stevensville is committed to assisting our injured employees to return to work as soon as medically appropriate.

There are many ways to implement a Return to Work program that meets the needs of both Town of Stevensville and an injured employee. When practical, focus will be to modify the employee's existing position and/or work schedule temporarily, or to create a position to accommodate the temporary physical restrictions identified by the treating medical provider. If the injury results in permanent restrictions, Town of Stevensville will follow the provisions of the American's with Disabilities Act.

Please advise your treating medical provider of our Return to Work Program so they are able to design a temporary, transitional duty assignment to allow return to work as soon as possible.

D. Workplace Violence

Town of Stevensville is committed to preventing workplace violence and to maintaining a safe work environment. Town of Stevensville has adopted the following guidelines to deal with intimidation, harassment or other threats of or actual violence that may occur onsite or offsite during work-related activities.

All employees, citizens, vendors and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others.

Conduct that threatens, intimidates, or coerces another employee, a citizen, vendor or business associate will not be tolerated. Town of Stevensville resources may not be used to threaten, stalk or harass anyone at or outside the workplace, in person or via electronic

communication such as email, social media, etc. Town of Stevensville treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, or the Mayor or designee. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

The Town of Stevensville will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The Town of Stevensville will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, the Town of Stevensville may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to disciplinary action up to and including termination of employment.

The Town of Stevensville encourages employees to bring their disputes to the attention of their supervisor or the Mayor or designee before the situation escalates. The Town of Stevensville will not discipline employees for raising such concerns in good faith.

This policy prohibits employees from bringing personal firearms or other weapons (including pepper spray, stun guns, batons, etc.) onto Town of Stevensville premises. Employees are also prohibited from carrying firearms or other weapons in Town of Stevensville vehicles or in personal vehicles if conducting Town of Stevensville business.

Police Officers are exempt from the Work Place Violence policy when acting within the course and scope of their duties and privileges as law enforcement officers.

An exception to this Policy must be requested in writing from the Mayor for approval.

If a Town of Stevensville employee has violated this policy, such action may warrant disciplinary action, up to and including termination. If necessary or appropriate, the Town of Stevensville will notify the necessary law enforcement personnel and prosecute violators of Town of Stevensville Code.

E. Intimate Partner / Family Violence

Employees should promptly inform the Mayor or designee of any protective or restraining order that they have obtained that lists the workplace as a protected area, as well as any safety concerns with regard to intimate partner/family violence. The Town of Stevensville will not retaliate against employees making good-faith reports. The Town of Stevensville is committed to supporting victims of intimate partner/family violence by providing referrals to the

company's employee assistance program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

8. Alcohol and Drug Free Workplace

In compliance with the Drug-Free Workplace Act of 1988, (41 USC §§ 701-707), the Town of Stevensville is committed to providing an alcohol-free and drug-free workplace. The Town of Stevensville prohibits the unlawful manufacture, distribution, sale, possession or use of a controlled substance or alcohol in the workplace or while conducting business. All employees must comply with this policy and notify the Mayor and/or their designee in writing of any drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The Mayor or designee is responsible for notifying the appropriate federal granting agency of the conviction when the employee involved is working on a federal grant or contract, within ten (10) days of learning of the conviction. Employees who violate this policy may be subject to disciplinary action up to and including termination.

The Town of Stevensville currently has an Employee Assistance Program available to employees. The program offers confidential assistance to employees or their family members who are experiencing personal problems including drug and alcohol problems.

Town employees holding a State of Montana Commercial Driver's License (CDL) as required by their job descriptions are subject to mandatory and random drug tests. Refer to the Town of Stevensville Drug and Alcohol Testing Policy.

9. Smoking and Tobacco Use

The Town of Stevensville offices and workspaces are smoke and tobacco free.

This includes, but is not limited to, use of regular cigarettes, cigars, pipes, vapor/electronic cigarettes and any other smoking device, chewing tobacco, snuff, etc.

Employees may smoke during scheduled break and meal periods. Smoking and tobacco use are only permitted in areas outside of buildings, in an area that would not cause offense to any other person. If in doubt, ask your co-workers or people within the area.

Smoking and the use of tobacco or vapor products is prohibited inside all Town vehicles.

For those employees who do smoke common courtesy is encouraged by exercising the following:

- Smoking within a presumptively reasonable distance from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open

windows or other means.

10. Hiring and Selection of Employees

The Town of Stevensville's objective is to recruit, select and appoint the best people available for positions.

The hiring supervisor or their designee will create selection criteria prior to accepting applications for the vacant position in accordance with the minimum requirements set forth in the position description. Selection will be on the basis of merit and the principles of equal opportunity will apply.

A. Initial Hiring Preferences:

It is the policy of the Town of Stevensville that hiring preference may be given to regular fulltime or part time Town employees possessing the necessary qualifications for the vacant position, with first considerations given to those employees working for the Town of Stevensville.

The Position shall be open and posted in the workplace for five business days for internal recruitment. Should the most qualified candidate come from that internal posting, the Town is not obligated to open the position to public announcement. The Town may opt to run the internal posting concurrent with a public announcement.

Per MCA 39-29-102 (Veterans' Public Employment Preference Law) and MCA 39-30-103 (Persons with Disabilities Employment Preference Act), the Town of Stevensville shall provide for employment preference in initial hiring (a personnel action for which applications are solicited from outside the ranks of the current regular employees of the Town of Stevensville) for certain applicants. Veterans and Disabled Veterans receive a percentage increase when using a scored process.

If the selection process is other than a scored procedure, the Town of Stevensville shall give preference to a disabled veteran, a person with a disability, a veteran, an eligible relative and an eligible spouse in that order over any non-preferred applicant holding substantially equal qualifications.

Applicants must claim preference prior to the closing of the announcement, ideally at the time of application.

Positions are posted on the Town of Stevensville's website.

B. Preference Related to Injury of a Prior Employee:

Per MCA 39-71-317, when an injured worker is capable of returning to work within 2 years from the date of injury and has received a medical release to return to work, the worker must

be given a preference over other applicants for a comparable position that becomes vacant if the position is consistent with the worker's physical condition and vocational abilities. This applies only to employment with the employer for whom the employee was working at the time the injury occurred.

C. New Employees

New employees will complete an informal orientation session with the Mayor and/or their designee. The employee will have the opportunity to complete necessary employment forms required by Federal and State Statutes, as well as payroll and withholding information. The Mayor and/or their designee will explain in general terms the rules and expectations and provide an overview of the pay and benefit packages offered by the Town of Stevensville. The employee will be responsible for reading and following the policies established within the policy manual, to include understanding their employment classification. In addition, new employees will be provided orientation and education specific to the equipment and tasks required of their new position.

All employees will serve a six (6) month probationary period. (Probationary Periods for the Fire Department may differ. Police Officers are statutorily required to submit to a one (1) year probationary period). The probationary period allows time for the employee to learn the position as well as time for the supervisor to evaluate an employee's potential and performance. During the established probationary period, the Town of Stevensville reserves the right to terminate an employee with or without cause. An evaluation should be completed prior to completion of the probationary period to notify the employee of their status (regular, terminated or extended probation when applicable).

D. Employment of Relatives (Nepotism)

No employees will be appointed in a manner inconsistent with the Nepotism laws and definitions as outlined in Title 2, Part 2, Chapter 3, MCA.

11. Outside Employment

The Town of Stevensville should be the primary job for regular full time and part time employees. Should another position interfere in any way with the employees' ability to satisfactorily complete Town of Stevensville job duties, the employee may receive disciplinary action up to and including termination.

12. Remote Employment

In some situations, the Town of Stevensville may see fit to hire employees who reside in different locations. Remote employment brings with it unique responsibilities and advantages that should not be abused or misused. If a remote employee requires a unique work environment that is deemed unreasonable by the employer or creates a situation which the

Town of Stevensville determines is not workable, the Town of Stevensville may require that the employee work out of the appropriate Town of Stevensville facility. If the employee is unable to transition to the designated worksite, the Town of Stevensville reserves the right to take other actions as required in accordance with Town of Stevensville policies. Specific conditions of remote employment shall be included in the employee's individual employment agreement.

13. Personnel Files

The Town of Stevensville maintains records on every employee related to their employment with the Town of Stevensville. The employee's personnel file will contain information such as employment application/resume or cover letter, performance evaluations, training records, commendations and awards, disciplinary records, and resignation/termination records.

Any information obtained for EEO purposes, medical information, Drug and Alcohol Testing records and Background Check Results will be kept in separate, confidential files and accessed only on a need-to-know basis as authorized by the Mayor, Human Resource Representative and/or their designee so long as it does not violate any laws, regulations or policies set forth in this manual.

- Personnel files are confidential and only accessible to the Mayor, Human Resource Representative or Supervisors on a need-to-know basis for personnel actions.
- Upon request to the Mayor, Human Resource Representative and/or their designee and with the Mayor, Human Resource Representative or designee present, employees may inspect and make copies of their personnel records. When appropriate, certain records may be subject to redaction or withholding when employee privacy concerns are implicated.
- Employees should contact the Mayor, Human Resource Representative and/or their designee to establish a convenient review time.

14. Resignation/Termination

A. Voluntary Resignation/Retirement

Employees who are voluntarily resigning from the Town of Stevensville are requested to give a written notice with a minimum of two weeks. Employees will be provided their final paycheck within 15 calendar days or the next scheduled pay period, whichever is less. Any outstanding amounts owed to the Town of Stevensville will be deducted from the employee's final paycheck.

B. Re-Employment

Depending on the circumstances surrounding the resignation, employees who resign from the Town of Stevensville may be eligible for re-employment.

- Former employees will be required to complete an application and proceed through the

regular hiring procedure the same as other applicants.

- A former employee who is re-hired by the Town of Stevensville will be considered a new employee and required to complete the 6-month probationary period.
- Date of service, for seniority purposes, will be the date of instatement of the subsequent hiring.
- Subsequent employment and participation in the retirement system will be made in accordance with the rules and regulations of the retirement plan, as well as all applicable federal and state laws.

C. Reduction in Force (RIF)

The Mayor and/or their designee have the authority to determine if the Town of Stevensville workload, funding or other business decisions are such that terminations (via layoff or reductions-in-force [RIF]) are required. Whenever possible, employees will be provided at least two (2) weeks advance notification before the layoff or RIF. Regular employees will not be terminated if temporary or short-term workers are employed in the same position.

The Town of Stevensville benefit providers, the Montana Municipal Interlocal Authority (MMIA) will work in conjunction with the Human Resource Representative, Clerk and/or their designee to ensure relevant benefits information is forwarded directly to the employee at the last known address.

- Employees must keep the Town of Stevensville informed of the address and telephone number where they can be contacted in the event of a recall.
- If the Town is unable to contact an employee within 30 days of the recall, the employee will be eliminated from the recall list and the Town of Stevensville will have no further obligation to recall that employee.
- The Town of Stevensville will have no obligation to recall the employee if they have been on a continual layoff for a period of one (1) year.

D. Involuntary Termination

Regular, non-probationary employees terminated by the Town of Stevensville will be provided with a letter summarizing the reasons for their termination and the effective date of the termination.

- The Mayor will generate the letter summarizing the reasons for the termination and the effective date of termination, said letter will be reviewed by the Town Attorney prior to issuance to the employee.
- The terminated employee's final paycheck will be issued within 15 calendar days or the next scheduled pay period, whichever is less.
- Any outstanding amounts owed to Town of Stevensville will be deducted from the employee's final paycheck.

Probationary employees may be discharged for any reason that the Town of Stevensville deems appropriate within the probationary period. Termination of a probationary employee

may not be appealed through the formal grievance procedure. Any outstanding amounts owed to the Town of Stevensville will be deducted from the employee's final paycheck. The terminated employee's final paycheck will be issued within 15 calendar days or the next scheduled pay period, whichever is less.

Temporary, Short Term, or seasonal employees may be discharged for any reason that the Town of Stevensville deems appropriate. Termination of temporary, short term or seasonal employee may not be appealed through the formal grievance procedure. Any outstanding amounts owed to the Town of Stevensville will be deducted from the employee's final paycheck. The terminated employee's final paycheck will be issued within 15 calendar days or the next scheduled pay period, whichever is less.

The Town of Stevensville will follow the procedure outlined in the Employee Discipline section to terminate a regular, non-probationary employee. An employee terminated for cause does not retain his/her job or benefits pending any grievance appeal, but if he/she wins the grievance, such salary and benefits may be restored retroactively.

15. Personal Appearance and Demeanor

A. Personal Appearance

Employees are expected to dress appropriately for their position, their daily activities, and their expected public contact. Employees attending business meetings or other related contact should dress accordingly. The Town of Stevensville work environment, though a casual atmosphere, may receive visitors, etc. and all personnel are to be dressed appropriately. Hair and cloths should be neat. Any part of an employee's dress, appearance or hygiene that is deemed unprofessional or that may endanger the employee and/or staff may be prohibited by the Mayor and/or their designee. The Mayor and/or their designee may order an employee to take unpaid time to go home and change if their attire is not considered appropriate.

B. Demeanor

All employees are expected to conduct themselves in a manner that will reflect positively regarding the Town and its personnel. Use of language or gestures that may considered offensive or harassing towards a Citizen, Elected Official, Supervisor, or employee who may take offense is inappropriate and may result in disciplinary action.

16. Work Schedule and Breaks

A. Work Week/Work Schedule/Over Time

The Town of Stevensville's core business hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. Most employees are expected to adhere to this schedule, however as described herein, alternative schedules may be considered by the Supervisor and the Mayor.

(The Police Department is exempt from this paragraph).

The workweek will begin on Saturday at 12:00 a.m. and end on Friday at 11:59 p.m.

Should it be necessary for any employee to work a schedule outside the normal work schedule in support of required work needed by the Town of Stevensville, the employee will be authorized in writing by the responsible supervisor and approved by the Mayor prior to commencing the alternative work schedule. (The Police Department is exempt from this paragraph).

Non-exempt employees working over 40 hours per week will be paid overtime at one and one-half times their hourly wage rate.

If the Mayor, Supervisor and/or their designee and the employee agree, the non-exempt employee can elect to accumulate compensatory time (comp. time) for use as time-off at a future date at a rate of one and one-half times the number of hours worked over the 40-hour work week.

Non-exempt employees must receive authorization to work planned overtime or comp time hours in writing from their supervisor, prior to working the additional hours.

The Mayor may authorize employees to work Overtime/Comp Time via a Blanket Overtime/Comp Authorization. Those employees are required to report their Overtime/Comp Time worked weekly to the Mayor either by special report or via a Time Sheet.

Maximum accruals of compensatory time shall be limited to 60 hours for regular employees. After maximum accrual, overtime compensation shall be paid. Any unused, accrued comp time hours will be paid to non-exempt employees upon termination of the employment relationship.

Unscheduled overtime must at a minimum be authorized verbally by the responsible supervisor, followed by written confirmation of the authorization. The Mayor is to be informed of all unscheduled overtime authorized by the responsible supervisor via an Overtime Authorization Form.

Overtime is based on actual hours worked. Time off for sick leave, annual leave or any leave of absence will not be considered hours worked for the purpose of overtime.

B. Meals and Breaks

Employees may take one 15-minute break when they are scheduled to work four consecutive hours. Break periods are paid but may not exceed 15 minutes per four consecutive hour period.

All employees are authorized to take an un-paid lunch period of at least thirty (30) minutes per day. The length of time for a given lunch period will be agreed upon between the employee and their immediate supervisor and should not interfere with the employee's performance or needs of the organization. The normal lunch period is one hour unless otherwise specified. Exception - The Police Department is authorized to take a 30-minute

paid lunch break. Refer to the Police Policy Manual.

An employee may not use a break or meal period to arrive late or depart work early except under occasional, special circumstances, approved by their immediate supervisor.

C. Flexible Working Schedule

Employees may be allowed to work a flexible work schedule, as approved by their supervisor, outside of the core business hours of 8:00 am to 5:00 pm. Flexible work schedules should be developed departmentally to maintain standard business hours for each unit. All flexible arrangements must be cost neutral and contribute to customer service, productivity and employee morale. The decision to allow a flexible schedule is at the sole discretion of the Town of Stevensville and may not be appealed through the Grievance procedure.

Flexible schedules may include variations in daily beginning and ending work time periods, or a compressed work week providing those schedules comply with state and federal wage and hour laws. Employees desiring flexibility (outside the traditional 8:00 am to 5:00 pm work day), should work directly with their immediate supervisor to detail their adjusted work schedule.

The ultimate goal is that the adjusted flexible schedule will still allow for the employee to meet job requirements and the goals of the Town of Stevensville. Supervisors will be a part of the development, approval and enforcement of flexible work arrangements. If the supervisor deems that the flexible work arrangement is not in alignment with the overall organizational goals, they may not approve a flexible schedule, or may revoke the privilege at any time by advising the employee.

- Supervisors shall examine the effect of a flexible schedule for one employee as to the effects on the remaining employees within a department.

Employees must follow the meals and breaks policy regardless of their set schedule. Considerations and accommodations need to be made in flex schedules for conferences, meetings, travel, leave, holidays, maintenance issues, special projects, etc. Refer to the **Holiday Policy** for flexible schedules of less than 5, 8-hour shifts/week.

D. On- Call and After Hours Call-outs

Employees who are called back to work will be paid at their regular rate until they have worked 40 hours in a workweek at which time, they will be paid at their overtime rate.

Public Works employees who are part of the on-call rotation refer to the Public Works After Hours Call-Outs Policy attached in Exhibit #1.

17. Time Sheets and Payday

A. Attendance

Absence is the failure to report to work and to remain at work as scheduled. It includes late arrivals and early departures as well as absence for the entire day. Regular and punctual attendance is an essential function of every position at the Town of Stevensville and required for efficient operations.

If an employee does not know in advance that they will be absent or unavoidably late, they should telephone their immediate supervisor or in the event the supervisor is out of the office, their designee, prior to the start of the employee's shift. The immediate supervisor may grant permission for alternative notifications or have additional requirements in regard to notification. The responsible supervisor will take appropriate steps to ensure notification to employees of the names and telephone numbers of the designated individuals.

Failure to report an absence as described above or if the tardiness/absence is deemed unreasonable, may result in disciplinary action, up to and including termination.

If the employee fails to give such notification, the absence may be charged to leave without pay.

Absence in excess of three (3) consecutive days without receipt of proper notification by the Town of Stevensville from the employee may be considered to have voluntarily terminated employment with the Town of Stevensville, unless the failure to give such notification was due to circumstances beyond the control of the employee.

When an employee fails to report to work, the immediate supervisor, or their designee may attempt to contact the employee via phone. If they fail to answer, the supervisor, or their designee may attempt to contact their emergency contact and/or request a welfare check.

Unreasonable and/or excessive absenteeism may result in disciplinary action, up to and including termination.

B. Timesheets

Time sheets for the pay period are to be completed by all employees and submitted to their supervisors when they are requested or when payroll needs to be processed.

- Time Sheets should be completed on a daily basis.
- In the event an employee is unavailable to complete and submit his or her timesheet, he or she may complete the time sheet in advance or call the supervisor and relay the information.
- Time sheets must include the employee's name and hours worked on a daily basis,

holiday time, sick leave used, annual leave used, leave without pay, etc.

- The employee must sign the time sheets attesting that all time worked, and leave used is reported for the period.
- The employee’s supervisor and/or the Mayor and/or their designee will review and sign the time sheets. Electronic signature may occur when appropriate.

C. Payday

Town of Stevensville employees are paid every two weeks. The employee’s supervisor or their designee will distribute the paychecks to employees, unless electronic transmission of payroll is utilized. If the employee desires to release their pay to another authorized person, they shall notify the payroll specialist/clerk or their designee in writing.

Salaries and Honorariums for Elected/Appointed Officials are paid on the last working day of the month.

D. Garnishments

It is the policy of the Town of Stevensville to enforce all wage garnishments as may be required by state and federal law.

18. Annual Leave/Vacation

A. Accrual of Leave

Each regular full-time, regular part-time employee, temporary and seasonal employee shall earn annual leave from the first day of employment but will not be eligible to take the accrued leave until the employee successfully completes a six-month qualifying period.

Regular full-time employees accrue Annual Leave as follows:

Time Worked	Work Day Credit Per Year	Hours per month based on an 8-hour day
1 day through 10 years	15	10
10 years through 15 years	18	12
15 years through 20 years	21	14
21 and over	24	16

Regular part-time employees accrue annual leave on a prorated basis, based upon the hours worked during the pay period.

Temporary and seasonal employees earn annual leave; however, they must be employed for six qualifying months before they may use the annual leave. In order to qualify, seasonal

employees shall immediately report back for work when operations resume in order to avoid a break in service.

Short Term Workers do not accrue annual leave.

The maximum annual leave amount accumulated is twice the number of days earned annually at the end of any calendar year. Annual Leave exceeding the maximum amount must be used within 90 calendar days of the next calendar year in which the excess was accrued, or it will be forfeited.

B. Prior Service Accrual

Employees of the Town of Stevensville who worked for another agency within the State of Montana can, with proper certification, have their years of service applied to their Town of Stevensville accrued leave time. Agency is defined as a State, County, City or Town. Special Rules apply to Montana Educators; see the Human Resource Representative for clarification.

C. Requesting Annual Leave

All requests for leave are required to be submitted via hard copy request or if available, electronic leave requests.

Requests for annual leave of five days or more must be submitted two weeks in advance and pre-approved by the employee's Supervisor or the Mayor and /or their designee. If you are a department Supervisor requesting annual leave of five days or more, your request must be submitted two weeks in advance and pre-approved by the Mayor and/or their designee. If approved by the department Supervisor, they will notify the Mayor and / or their designee of the dates of the employee's leave.

Leave requests of four days or less are made with the department supervisor a minimum of two days in advance of the requested time off. If the employee is a department Supervisor, your leave request is made directly to the Mayor and/or their designee. If approved, the department Supervisor will notify the Mayor and/or their designee of the dates of the employee's leave.

The annual leave will be approved after considering the best interest of the Town of Stevensville, the employee's unit, and the employee's request. Employees who need to use annual leave due to extenuating circumstances before they finish the qualifying period may ask their Supervisor, the Mayor and /or their designee to grant paid annual leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. Should two employees request the same period of vacation, their Supervisor or the Mayor /or their designee has discretion regarding the approval of the leave requests.

An employee, who has passed the six-month qualifying period and has separated from the service of the Town of Stevensville for any reason, shall be entitled upon termination to cash compensation pay-out for accrued and unused vacation leave. The payout will be based upon the employee's salary at time of termination.

Employees who are called back to work while they are on vacation will be paid at their regular rate until they have worked 40 hours in a workweek at which time they will be paid at their overtime rate.

19. Sick Leave

A. Accrual of Sick Leave:

All regular full-time employees earn sick leave from the first day of employment; however, they are not entitled to use paid sick leave until they have been employed continuously for the qualifying period of 90 days. Employees who are sick before they finish the qualifying period may take leave without pay. Sick leave is earned at a rate of eight (8) hours per month, without restriction as to the number of hours that may be accumulated. For calculating sick leave, 2,080 hours (52 weeks X 40 hours) equals one year. Sick leave must be credited at the end of each pay period. Employees may not accrue sick leave while in a leave-without-pay status.

Regular part-time employees earn a prorated amount of sick leave if they have worked the qualifying period. Temporary and seasonal employees are entitled to sick leave benefits provided they work the qualifying period. Short-Time Workers do not accrue leave.

An employee who has passed the 90-day qualifying period and who separates employment from the Town of Stevensville shall be entitled upon termination to cash compensation payout for the unused leave equal to one-fourth the accumulated sick leave. The payout will be based upon the employee's salary at the time of termination.

- Sick Leave may not be used to supplement Annual Leave.

B. Requesting Sick Leave

All requests to use sick leave for purposes of medical appointments should be made to the immediate supervisor, with as much advance notice as possible.

Notification of absence because of illness will be given to the immediate supervisor, via a phone call prior to the start of the employee's shift. The supervisor will notify appropriate staff of the absence. If an employee's immediate supervisor is unavailable for the day, the employee is to notify the supervisor's designee or the Mayor or their designee. The immediate supervisor may grant permission for alternative notifications or have additional requirements in regard to notification. The employer will take appropriate steps to ensure notification to employees of the names and telephone numbers of the designated individuals.

If the employee fails to give such notification, the absence may be charged to leave without pay. Absence in excess of three (3) days without receipt of proper notification by the employer from the employee may constitute just cause for immediate discharge, unless the failure to

give such notification was due to circumstances beyond the control of the employee.

C. Use of Leave:

Employees may use sick leave for personal illness or physical incapacity, sickness of immediate family member. Refer to the Bereavement Leave Policy in the event of a death in the immediate family of an employee. Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity/paternity leave, and requests for the employees' presence due to immediate family members' illness or emergency.

Sick leave utilized must not exceed the amount accrued by the employee. If the sick leave balance is exhausted, an employee may choose to use his/her accrued annual leave or Leave Without Pay (with approval from the supervisor-see LWOP policy). The Town of Stevensville may not require an employee to use Annual Leave for purposes of illness unless the employee agrees per MCA 2-18-615.

Employees using sick leave that exceeds five consecutive workdays may be asked to furnish a certification of illness from a qualified doctor upon request of their supervisor or the Mayor and/or their designee.

At the Town of Stevensville's request and expense, an employee may be subject to an examination by a physician following a sick leave or other absence occasioned by illness or injury to ensure the employee can complete the necessary functions of the position. Abuse of sick leave may result in disciplinary action up to and including termination.

D. Transfer of Sick Leave/Sick Leave Donation:

Employees will be permitted to transfer sick leave from one employee to another. The receiving employee must have exhausted all accrued sick leave and annual leave. The contributing employee must make the transfer request in writing and must maintain at least 40 hours of sick leave. The transferred sick leave will not change the receiving employee's employment status.

Hours transferred are on an hour-per-hour basis, not calculated based on donating employees' wages. The transferred sick leave is considered forfeited by the contributing employee. Employees shall not be coerced, intimidated or adversely persuaded to transfer their accrued sick leave to the receiving employee. Doing so may result in disciplinary action up to and including termination.

20. Leave Without Pay

A. General Use

Leave without pay (LWOP) may be approved by the immediate supervisor or their designee on a case-by-case basis. LWOP is usually requested when an employee has exhausted all applicable leave balances and has a need to be away from their employment. The immediate

supervisor or their designee may require an employee to use all appropriate accrued leave or compensatory time before approving LWOP.

However, an employee cannot be required to exhaust annual leave balances for reasons of illness unless the employee agrees per § 2-18-615 MCA.

Depending upon the circumstances, employees still in their probationary period may be allowed to take LWOP. However, if leave is granted, their probationary period may be extended by the amount of time taken during the leave.

B. Leave accrual during LWOP.

Vacation and sick leave accrue on a prorated basis during leave-without-pay. Employees will not be allowed to use sick or annual leave and will not receive holiday pay while on leave-without- pay status.

1. Health insurance will not be paid by the Town of Stevensville during a period of leave without pay that is 5 working days or more.
2. The employee may choose to continue insurance coverage during the leave by paying the Town of Stevensville the premiums on a monthly basis.
3. If the employee fails to continue the insurance coverage, the insurance may be canceled. Should it be canceled, the employee may be subject to policy restrictions, upon returning to work.

Providing false or misleading information or reasons to justify leave-without-pay may result in disciplinary action up to and including termination.

LWOP is at the sole discretion of the Town of Stevensville and is not subject to the Grievance procedure.

LWOP in excess of two (2) consecutive weeks may be granted for any cause as determined by the immediate supervisor, the Mayor and/or their designee in their sole discretion so long as it doesn't violate any laws, regulations or policies set forth in this manual. Employees may be granted LWOP for a specified time generally not to exceed one hundred eighty (180) calendar days during their employment period.

Whenever possible, the employee should provide their supervisor or their designee with at least 30 days' notice so workloads/tasks can be covered. To request LWOP, employees must provide their supervisor, or their designee the beginning and ending dates of the leave and the reason for the requested leave.

21. Holidays

A. Schedule

The Town of Stevensville will observe the same holidays as recognized by the State of Montana.

- January 1 - New Year's Day
- 3rd Monday in January - Martin Luther King Day
- 3rd Monday in February – President's Day
- Last Monday in May - Memorial Day
- July 4 - Independence Day
- 1st Monday in September - Labor Day
- 2nd Monday in October - Columbus Day
- 1st Tuesday in November during Congressional/Gubernatorial Election Years - State General Election Day
- November 11 – Veterans' Day
- 4th Thursday in November - Thanksgiving Day
- Friday Following Thanksgiving-employee option to take as a vacation day with approval.
- December 25 - Christmas Day

If a holiday falls on a Saturday, the Friday preceding is observed as a holiday. If a holiday falls on a Sunday, the following Monday is observed as the holiday.

B. Eligibility

To be eligible for holiday benefits an employee must be in a paid status on the workday prior to and after the holiday.

C. Accrual

Regular and Temporary Full-Time employees earn eight hours per Holiday. Regular part-time and seasonal employees will earn pro-rata holiday based on the employee's regular schedule at the time the holiday occurs. Short Term Workers do not earn Holiday pay.

D. Use of Leave

If a holiday falls on an employee's regularly scheduled day off, the employee will be granted another day off within the same pay period, as agreed upon by the employee and their supervisor, or their designee.

E. Work on a Holiday

An employee who is designated as non-exempt and who is required by management to work on a holiday shall receive one and one-half times the regular rate for the hours actually worked

on the holiday and receive holiday benefit hours paid at the regular rate.

Exempt employees required by management to work on a day a holiday is observed shall be granted another day off, within the same pay period.

22. Jury Duty Leave

Any regular full-time or regular part-time employee who is required to serve on a jury shall be allowed authorized leave with pay. This may also include when an employee is subpoenaed as a witness or required to appear before a court or legislative committee/quasi-judicial body in response to a subpoena or other directive.

A probationary employee may have his/her probationary period extended by the same amount of time as required for serving on jury duty.

An employee who received notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. The Town of Stevensville reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

The employee is responsible to present the issued check for all jury or witness fees to the Clerk/Human Resource Representative. Reimbursement for mileage and actual expense fees are not required to be forfeited to Town of Stevensville. The employee may keep any witness fees or court payment if the services are performed on the days of his/her regularly scheduled days off.

Benefits continue to accrue while an employee is on jury duty leave. If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed.

23. Public Office Leave

Employees elected or appointed to a public office shall be granted an unpaid leave of absence, not to exceed 180 days per year while performing the public service. Employees will be restored to their positions, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to their leaves of absence for public service. Reference § 39-2-104 MCA. Employees must return to work within 10 days following the completion of the service unless they are unable to return due to an illness that has been certified by a medical doctor. The Town of Stevensville will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

24. Military Leave

The Town of Stevensville shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act, (USERRA, 38 USC Sec. 4031 et seq) as well as all relevant state laws (to include MCA 10-1-1009) covering members of the Montana Army and Air National Guard.

An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay for a period of time not to exceed 120 hours in a calendar year.

Unused leave may roll to the next calendar year, not to exceed 240 hours total for the calendar year. Any excess leave, beyond 240 hours, will be forfeited. Military Leave can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States.

Employees employed less than six months are entitled to unpaid leave for the purposes listed above. Employees using Military Leave must report it as such on their timesheets and have prior approval for leave. This leave will not be charged against the employee's annual leave.

25. Bereavement Leave

In case of a death in the immediate family, an employee will be granted three days of Bereavement Leave that will not be charged to the employee's accumulated sick leave or annual leave. If additional time is required, an employee may be allowed additional days for bereavement purposes via the use of sick leave or annual leave, with prior supervisor's approval. (See definitions for immediate family)

In case of a death of a family member, outside the immediate family, or another person with prior supervisor's approval, an employee will be granted one day of Bereavement Leave that will not be charged to an employee's sick leave or annual leave. If additional time is required, an employee may be allowed additional days for bereavement purposes via the use of annual leave.

26. Maternity Leave

The Town of Stevensville will conform to the Pregnancy Discrimination Act (Civil Rights Act of 1964 as amended, Title VII, Section 701 et seq.) as well as all relevant pregnancy leave provisions in federal, state and local statutes. A female employee will not be terminated because of her pregnancy. Employees who are disabled as a result of pregnancy will not be denied any compensation that they are entitled to as a result of the accumulation of leave benefits accrued; however, the Town of Stevensville reserves the right to require medical verification that the employee is not able to perform employment duties.

The Town of Stevensville will grant the employee a reasonable leave of absence for pregnancy but will not require an employee take a mandatory maternity leave for an unreasonable length of time.

Employees should notify their supervisor or the Mayor and/or their designee of a desire to take Maternity Leave upon confirmation of pregnancy. As soon as reasonable, the employee should report the expected due date, the estimated leave of absence, and anticipated complications that may affect current leave requests.

Upon signifying intent to return to work at the end of the leave of absence, the employee will be reinstated to the original job and/or equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other benefits.

27. Parental Leave

The Town of Stevensville will provide Paid Parental Leave (PPL) to eligible employees for parents to bond and care for a newborn child or a child placed for adoption. Eligible employees are regular or probationary status employees employed at least 180 consecutive calendar days. In the event both parents, including established domestic partners, are employed by the same department, both may take PPL at the same time.

Eligible employees are entitled to a maximum of 6 continuous work weeks of PPL in a calendar year. No employee may be absent on PPL for more than 6 calendar weeks in a calendar year, regardless of work schedule. For employees working part time with regular, irregular, or intermittent schedules, paid hours of PPL during the six-week period will be based on the average hours worked in the six weeks immediately prior to the date PPL is to commence. There is no limit on how many times an eligible employee may use PPL during the course of their employment.

Requests to use PPL should be submitted in writing to the employee's supervisor and Human Resources Department with as much notice as possible. HR and the supervisor will work together to coordinate the use of PPL with other approved leave requests. PPL must be taken continuously commencing with the birth or placement of a child for adoption. PPL will count concurrently against Family and Medical Leave for employees eligible. PPL must be exhausted before use of other paid leave or leave without pay. When a holiday falls during an employee's PPL the employee will be paid for the legal holiday instead of PPL.

28. Family Medical Leave

It is the policy of the Town of Stevensville to offer limited Family Medical Leave benefits to its employees as described below.

An eligible employee can take up to 12 weeks of leave per year if he/she has worked for at least 1,250 hours within the previous 12 months and have been employed for 12 months.

Family Medical Leave can be taken for the following reasons:

- The birth or placement of a child for adoption or foster care,
- The serious health condition of a spouse, child or parent, or
- An employee's own serious health condition

Employees are required provide at least a 30-day notification of intent to use Family Medical Leave whenever possible.

Employees will be required to use their paid vacation, comp time and/or sick leave for any part of the 12-week period. The remaining portion of the leave will be unpaid leave. (An employee cannot be required to exhaust annual leave balances for reasons of illness unless the employee agrees per § 2-18-615 MCA.)

Employees will only be provided a total of 12 weeks in a rolling 12-month period looking back from the first day of the leave request. (For example: If an employee took 12 weeks leave beginning July 1, 2012 and requested to take 12 weeks leave beginning May 1, 2013, the request would be denied because the employee used 12 weeks looking back from May 1, 2012 through April 30, 2013.)

Upon request of your Supervisor and/or the Mayor/Human Resource Representative, employees must provide certification explaining the serious health condition or the family member's condition. It should detail:

- The date on which the condition began
- The probable duration of the condition
- Appropriate medical facts regarding the condition
- A statement that the employee is needed to care for a spouse, parent or child
- A statement that the employee's own health condition makes it impossible for him or her to work

These reports are confidential and will remain in the employee's medical personnel file.

If the Town of Stevensville is not satisfied with the certification, it may require a second opinion at our expense. In the event of conflicting opinions, a third provider will be retained, also at our expense, to render a binding decision.

Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid 10% of the work force and their absence must mean a substantial economic loss to the organization. If a person designated as

“key” still takes family leave, the Town of Stevensville will pay the health care premiums, but no guarantees are made about returning them to the positions they left.

An employee who fails to return to work on his or her regularly scheduled work day after the pre-approved leave without pay period will be considered to have voluntarily resigned unless the leave period is extended, in advance, by the Mayor. Providing false or misleading information or reasons to justify a Family Medical Leave absence may result in discipline, up to and including termination. Family Medical Leave provisions indicate that at the Town of Stevensville discretion, health care premiums may be recovered from employees who do not return to work.

29. Breast Feeding in the Workplace

Women returning from maternity leave who wish to continue breastfeeding or expression of milk for their child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary, for pumping apparatus.

- The selection of the space will be made on a case-by-case basis in consultation with the employee.
- Standard break times will be primarily utilized with additional unpaid break time(s) provided as mutually agreed upon.
- Additionally, the Town of Stevensville will make every effort to provide suitable facilities for milk storage during the employee’s daily work period.
- All requirements listed in MCA 39-2-215, 39-2-216, 39-2-217 will be complied with.

30. Performance Management and Evaluations

Regular employee performance evaluations are provided to non-probationary employees. The evaluations report progress and allow correction of any deficiencies, recognize employee strengths and special abilities as well as provide an opportunity to discuss areas that need improvement. Annual appraisals and evaluations should provide an ongoing performance record. This may be used as a supportive documentation for personnel actions such as promotions or demotions. They also provide employees an opportunity to discuss personal goals, Town of Stevensville goals and means for improvement. Annual evaluations provide an opportune time to formulate or update the employees’ job descriptions.

Probationary employees will receive informal feedback throughout their probationary period. The supervisor or the Mayor and/or their designee may at their discretion formally evaluate the probationary employee at the end of the probationary period at which time the employee will be advised of his or her status (regular or terminated.)

The employee's immediate supervisor or the Mayor and/or their designee will complete the evaluation using their job description, and the Town of Stevensville personnel policy manual as the appraisal basis. The employee is encouraged to complete a preliminary self-appraisal to prepare for the evaluation meeting. The employee and the evaluator shall schedule a conference to discuss the employee's job performance and the job description. The conference will provide the opportunity for the employee to work with their supervisor or the Mayor and/or their designee to develop the employee's understanding of the position, annual goals, training needs, budget restraints/needs and improvement plan. If the employee, their supervisor or the Mayor and/or their designee do not agree on an evaluation result, the employee may respond in writing within 10 working days and attach the statement to the performance evaluation form.

The employee, their supervisor or the Mayor and/or their designee will sign and date the evaluation form. If the employee refuses to sign the evaluation form, documentation of their refusal will be added to their evaluation. The employee's signature will indicate that the employee has reviewed the evaluation with their supervisor or the Mayor and/or their designee and understands the comments contained within the evaluation.

Annual performance evaluations form the basis for an employee's merit increase.

31. Discipline

The Town of Stevensville, at its discretion, may investigate and take disciplinary action upon learning of a suspected violation of federal, state or local laws, the Town of Stevensville rules and/or regulations, employee conduct/behavior/performance standards, the Town of Stevensville policies, or other conduct not in the best interests of the Town of Stevensville. The supervisor and/or the Mayor or their designee will notify the employee of the suspected violation and will then perform an investigation. Employees may be placed on administrative leave (with or without pay) pending investigation. All employees shall be briefed on Garrity Rights when necessary.

- The employee will be notified in writing of the suspected violation or misconduct, will be included in the investigative process and allowed to share their account of the suspected violation or misconduct in question before discipline is issued.
- At the sole discretion of the Town of Stevensville the supervisor, the Human Resource Representative, the Mayor and/or their designee will conduct the investigation including employee interviews.
- The employee being interviewed may request an attendee of their choosing be present at the interview; however, such attendee will be permitted to observe only and will not be permitted to participate in the interview.
- Upon conclusion of the investigation, the Town of Stevensville will decide whether discipline is appropriate and if so, at what level. All affected parties will be advised,

at an appropriate level, of the investigation results.

- Discipline, as determined by the Town of Stevensville, may be imposed in one of the following forms. This is not a progressive discipline policy.

A. Oral Reprimand

The supervisor and/or Mayor /HR Representative will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations.

- This conversation will be summarized in writing.
- The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required.
- The summary will be placed in the employee's personnel file.

B. Written Reprimand

The supervisor and/or Mayor/ HR Representative will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations.

- The summary of the issue(s) and the corrective action required will be presented in a letter to the employee.
- The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required.
- The summary will be placed in the employee's personnel file.

C. Suspension (with or without pay)

The supervisor and/or Mayor/HR Representative will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations.

- The summary of the issue(s), the corrective action required, and the dates and conditions of the suspension will be presented in a letter to the employee.
- The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required.
- The summary will be placed in the employee's personnel file.

D. Demotion - Loss of Duty

The supervisor and/or Mayor/HR Representative will meet with the employee to explain the

issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations.

- The summary of the issue(s), the corrective action required, and the specific conditions of the demotion will be presented in a letter to the employee.
- The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required.
- The summary will be placed in the employee's personnel file.

E. Termination

If the Town of Stevensville determines that the appropriate disciplinary action is termination, Regular, Non-Probationary employees will receive a letter that documents the problem and summarizes the results of the investigation. The letter will detail the cause and date of discharge. The letter shall also include a copy of the Grievance Procedure Policies. The supervisor and/or Mayor/HR Representative will meet with the employee and provide him/her with the letter. All terminations must be approved by the Mayor.

Police Officers have a statutory right to appeal any action taken against them by taking the matter before the Police Commission.

32. Grievance

The Town of Stevensville is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, or question receives a timely response. The Town strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect and are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practice, they may express their concern through a grievance process. No employee shall be penalized, formally or informally, for voicing a complaint in a reasonable, professional manner using the grievance process. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

A. Scope

The grievance procedure provides an avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this manual. Grounds for submission of a grievance include:

1. Unfair application, interpretation, or violation of Town or Department regulations; or

2. Acts of retaliation as a result of utilization of the grievance process.

B. Statement of Grievance

At each step in the process, the written grievance must include the following:

1. A statement of the grievance and the facts upon which it is based;
2. A description of the specific wrongful act and harm done to the grieving employee; and
3. A statement of the remedy or adjustment sought.

C. Informal Grievance Procedure

Within ten (10) working days of the date on which the grievance is alleged to have occurred, the employee shall discuss the grievance with the employee's immediate supervisor. Once this discussion takes place, the employee and supervisor shall have five (5) working days from the date of that discussion to attempt to resolve the grievance. If the grievance is not resolved within that five-day time period the employee may submit the grievance, in writing, to the formal grievance procedure as set forth below.

D. Formal Grievance Procedure

1. Step One – Department Head

If the grievance is not resolved informally, the employee may resolve the grievance, in writing, to the employee's department head within ten (10) days of the date on which the employee discussed the grievance with the immediate supervisor. The department head shall have ten (10) working days from the date of receipt to respond to the grievance in writing.

If the grievance is against the department head, it should be filed with the Town's Human Resource Representative (Step 2).

2. Step Two – Human Resources

If the department head's response does not resolve the grievance, the employee may appeal in writing to the Town's Human Resource Representative, within ten (10) working days of receiving the department head's written response. The Town's Human Resource Representative shall have ten (10) working days from the date of receipt to respond to the grievance in writing.

3. Step Three – Mayor

If the Human Resource Representative's response does not resolve the grievance, the employee may appeal in writing to the Mayor, within ten (10) working days of receiving the Human Resource Representative's written response. The Mayor shall have twenty (20) working days from the date of

receipt to respond to the grievance in writing. The Mayor's response constitutes the final step in the grievance procedure, and the grievance shall be considered as settled based on the Mayor's response.

If an employee wishes to file a grievance against the Mayor, it should be filed with the Town's Human Resource Representative (Step 2).

E. Alternative Dispute Resolution

Nothing in this policy precludes the employee and employer from mutually agreeing to engage in alternative dispute resolution, including, but not limited to, mediation, fact-finding or binding arbitration. Any costs involved in alternative dispute resolution shall be split equally between the employer and the employee.

33. Telephone Use

A. General Use

While at work, employees are expected to exercise the same discretion in using personal cell phones as they use with company phones. Excessive personal calls/texts during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees should restrict personal calls during work time and use phones only during scheduled breaks or lunch periods. Employees should be courteous of co-workers and others in the work area when holding personal phone calls at work.

B. Town of Stevensville Issued Cell Phone Use

The Town of Stevensville may determine to issue individual cellular phones to employees.

It is the Town of Stevensville policy that employees who are issued or use a company cell phone understand the phones are issued for business use. Employees are expected to make every effort to not exceed the current contracted allowed minutes and/or data usage.

Cell phone bills are reviewed regularly. Any excess data use may be subject to additional review and could lead to disciplinary action up to and including termination if determined to be non-work related.

34. Computer Use

Use of the Town of Stevensville's electronic communications equipment, systems and/or tools is a privilege. Electronic communications equipment should be used for activities that fall within the course and scope of the employee's job duties. Personal computer use that is deemed excessive or inappropriate by the Town of Stevensville or computer use that is illegal is prohibited and may result disciplinary action up to and including termination.

New employees will be given a period of instruction on the Town of Stevensville's computer equipment by the Department Supervisor or designee as part of their new employee orientation. Upon completion of the period of instruction, a statement signed by the employee and their supervisor will be entered in the employee's personnel file. If the employee refuses to sign the statement, a written statement documenting their refusal will be added to their personnel file.

A. Email

Employees are responsible for the content and dissemination of their messages. This responsibility includes ensuring that their messages are accurate, courteous and that they do not violate another's right to privacy or confidentiality. If an employee has a question pertaining to the content of an email, they should consult with their supervisor.

No employee may access another employee's email, supervisor's email, Town Officer's email or Elected Official's email without proper authorization.

Refer to the Electronic Communication Policy (Res. 439) for guidance to employees, elected and appointed officials and business associates who are provided with access to the Town's E-Communication systems.

B. Security

The Town of Stevensville owns the contents of all files stored on its systems, all messages transmitted over its systems, and reserves the right to access them when necessary. All records retrieval shall be in accordance with applicable policies.

The Town of Stevensville expressly reserves the right to monitor use of the Internet by employees.

35. Travel for Work

Town of Stevensville employees may be required to travel. When working away from the worksite, employees are required to periodically check in with the Town of Stevensville to provide status reports and to check for messages.

Occasionally it may be necessary to get in touch with traveling employees. It is important for the employee to leave an itinerary with appropriate Town of Stevensville staff, in the event the employee needs to be contacted. The employee should inform their supervisor of their route and travel plans so other Town of Stevensville staff can assist in their safe arrival.

Travel Requests

- All Travel Requests will be submitted using the Travel Request form available from

the Finance Officer.

A. Travel and Expense Reimbursement

All employees shall have their travel pre-approved by their supervisor, Mayor and/or their designee. All employees traveling on Town of Stevensville business are required to provide verification of driver's license with appropriate endorsements for the types of equipment operated.

Employees completing Town of Stevensville business may be compensated for travel expenses, meals (via per diem), mileage and/or incidental expenses at a rate established by the Town of Stevensville. Receipts must be included for lodging, travel, and appropriate ancillaries.

Town of Stevensville per diem rate will not exceed daily State Employee Travel rate set by the Department of Administration. If meals are included in tuition or registration fees, reimbursement will be reduced by (1) the morning meal, (2) the midday meal and/or (3) the evening meal. Likewise, if free continental breakfast is provided by the hotel where you are staying, your per diem allowance will be reduced by the morning meal rate. Out of state travel will be reimbursed based on the General Services Administration rates for the specific travel area.

Employees may request an expense advance as approved by the supervisor to offset undue financial hardship on employees traveling for Town of Stevensville business.

The advance must be justified with reasonable requests for:

- Meals
- Lodging
- Fuel costs
- Public transportation

Pre-approved registration fees and lodging expenses can be paid directly to the training agency or hotel in advance or reimbursed to the employee upon return.

The employee must provide an itemized expense report with attached receipts documenting the expenditures of the trip.

- If the travel advance exceeds the receipts documenting expenditures, the employee must reimburse the Town of Stevensville the difference.
- Any legitimate balance owed to the employee for receipts exceeding the travel advance will be promptly reimbursed by the Town of Stevensville.
- Willful misrepresentation of expenses or receipts is unlawful and may result in disciplinary action up to and including termination.

B. Personal Vehicle Use

If a Town of Stevensville vehicle is not available, employees may use their own vehicle and receive a mileage reimbursement. When employees use their own vehicles for Town of Stevensville business, they are required to provide proof of liability insurance coverage.

Proof of Driver's License and Liability insurance coverage shall be placed on file with the Human Resource Representative and shall be updated annually.

C. General Use of Town of Stevensville Vehicles

All employees using a Town of Stevensville vehicle for work or travel are required to provide verification of driver's license with appropriate endorsements for the type of equipment operated.

Proof of Driver's License shall be placed on file with the Human Resource Representative and shall be updated annually.

Employees may be able to use a Town of Stevensville vehicle when traveling. An unsafe vehicle in need of repair must be reported to a Supervisor and/or the Mayor and/or their designee immediately. (See the Use of Town of Stevensville Vehicle/Vehicle Accident section below).

If a Town of Stevensville vehicle is not available, employees may use their own vehicle and receive a mileage reimbursement.

- Employees must request to use their own vehicles in order to be reimbursed for mileage. Email authorization is satisfactory, but permission must be granted in advance.
- When employees use their own vehicles for Town of Stevensville business, they are required to provide proof of liability insurance coverage.
- Proof of liability insurance must be on file with the HR Representative.

D. Vehicle Accidents

When an employee is involved in a motor vehicle accident with a Town of Stevensville vehicle, the employee must notify the Supervisor, Mayor and /or their designee immediately. The employee should detail, in writing, the accident and situations leading up to the accident. Law enforcement should be contacted to complete an investigation of the accident. Employees must cooperate with, and are permitted to, discuss the incident with the Mayor

and /or their designee, insurance adjusters and law enforcement.

Upon returning to the Town of Stevensville office, an account of the accident should be provided in writing to the Supervisor or Mayor /or their designee. The employee may also be asked to assist with completing the necessary forms for insurance claims. The Supervisor or Mayor and /or their designee shall conduct an investigation of the facts and situations of the accident to determine if disciplinary measures are warranted. Accidents where the Town of Stevensville employee was driving or operating machinery under the influence of alcohol or illegal drugs (which is absolutely prohibited) may result in discipline.

E. Compensating non-exempt employees for travel time

Time spent traveling throughout the State of Montana is always a time-consuming endeavor. It is important for all Town of Stevensville non-exempt employees to understand how they are compensated for travel time. Different situations may determine if the travel time is work time or not. The following variations are described in the administrative rules of Montana (24.16.1010, ARM) promulgated by the Montana Department of Labor:

1. Home to work

Travel from home to work is not work time. This is true whether an employee works at a fixed location or at different job sites.

2. Home to Work in Another City

Special One-day Assignment - All time spent traveling to another city/town would be considered work time except for the travel from home to public transportation, such as a bus depot. This would be the normal home to work travel. The usual mealtime would be non- compensated also.

F. Travel all in the day's work

Time spent by an employee in travel as part of their principle activity, such as travel from job site to job site to job site during the workday, must be counted as hours worked. If the employee goes home instead of returning to the employer's premises from the last job site, this travel is home-to-work travel and is not time worked. If an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and carry tools, the travel time from the designated place to the workplace must be counted as hours worked.

G. Travel Away from Home Community

Travel that keeps an employee away from home overnight is travel away from home and is clearly work time when it cuts across the employee's workday (employee is simply substituting travel for other duties). This time is not only hours worked on regular working

days during normal working hours, but also during the corresponding hours on nonworking days. For example, if an employee normally works 8AM to 5PM Monday through Friday, the travel time during these hours on Saturday and Sunday is also counted as work time. If the employee requests to drive their car in place of public transportation that has been offered, this travel time is counted as hours worked only to the extent of time it would have taken to travel if the employee had been using public transportation.

H. Work Performed While Traveling

Any work which an employee is required to perform while traveling must be counted as work time. Sleep in adequately furnished facilities would not be counted as hours worked.

36. Assignment and Use of Town Vehicles

The Town of Stevensville shall designate the positions that require the use of Town of Stevensville vehicles on a take-home basis. All Town of Stevensville vehicles are to be primarily used for Town of Stevensville business-related purposes and, if possible, are to be available and shared among all employees when needed for business-related travel.

Employees using a Town of Stevensville vehicle will be required to keep a mileage and maintenance log.

Employees using a Town of Stevensville vehicle must observe and obey traffic regulations and exhibit extreme care of the vehicle. Employees and other authorized passengers are required to wear seat belts at all times. Vehicles shall be parked in an authorized, or unrestricted, space. When the vehicle is left unattended, the employee must secure the vehicle by rolling up all windows and locking all of the doors. The Police Department is exempt from this section due to the nature of the job

- Employees are prohibited from smoking or using tobacco products in the Town of Stevensville vehicles.
- Employees are required to ensure vehicles are returned fully fueled and clean when returned.
- Employees should report unsafe vehicle conditions or conditions in need of repair to the supervisor or Mayor and/or their designee immediately.

A. Vehicle Accidents

When an employee is involved in a motor vehicle accident with an Town of Stevensville vehicle, the employee must notify the supervisor or Mayor and/or their designee immediately. All employees shall be briefed on Garrity Rights when necessary

- The employee should detail, in writing, the accident and situations leading up to the accident. Law enforcement should be contacted to complete an investigation of the

accident.

- Employees must cooperate with, and are permitted to, discuss the incident with Emergency Services Personnel, the Mayor and/or their designee, insurance adjusters and law enforcement.
- Upon returning to the Town of Stevensville office, an account of the accident should be provided in writing to the supervisor or Mayor and/or their designee.
- The employee may also be asked to assist with completing the necessary forms for insurance claims.
- The supervisor or Mayor and/or their designee shall conduct an investigation of the facts and situations of the accident to determine if disciplinary measures up to and including termination are warranted.
- Accidents where the Town of Stevensville employee was driving or operating machinery under the influence of alcohol or illegal drugs (which is absolutely prohibited) may result in discipline.
- Employees choosing to use their personal vehicle while on Town business understands that, should they be involved in an accident, their personal auto insurance would be the primary insurer making the Town's insurer the secondary insurer.

37. Education and Training

The Town of Stevensville encourages training for employees where the training improves employee productivity, knowledge and skills when Town of Stevensville services and programs will be more efficient and effective. The Town of Stevensville may provide full or partial funding for training that is a work-related program, seminar, conference, convention, etc., and is pre-approved by the employee's supervisor, the Mayor and/or their designee.

Employees should consider training needs during annual evaluations, particularly if the training requires extensive time away from work, is of significant cost, and/or requires out-of-state travel. The Mayor and/or their designee may evaluate such training courses to ensure maximum value of the course. Additionally, the training may be delayed until future fiscal years to include the expense within the budget.

38. Participation in Community Organizations

The Town of Stevensville views personal development through service involvement as beneficial to the employee as well as positive exposure for the Town of Stevensville.

Employees should consult with their supervisor, the Mayor and/or their designee before volunteering for such organization if work time may be required to attend activities, fundraisers, meetings, etc. Employees that have received pre-authorization from their supervisor, the Mayor and/or their designee may attend such functions as excused, paid absence without using Annual Leave. The employee's supervisor, the Mayor and/or their designee will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the Town of Stevensville.

39. Participation in Professional Organizations

The Town of Stevensville views personal development through professional organizations as essential to keep abreast of changing laws, rules, and legal opinions as well as maintaining a network of professional colleagues which are beneficial for research, feedback and productive information. Professional contacts are also beneficial for the growth and image of the Town of Stevensville.

Employees are encouraged to pursue professional organization affiliations that represent a positive effect in the community, organization or community. Employees should consult with the Mayor and/or their designee before joining such organization if work time may be required to attend activities, training, meetings, etc. Employees that have received pre- authorization from their supervisor, the Mayor and/or their designee may attend such functions as excused, paid absence without using Annual Leave. The employee's supervisor, the Mayor and/or their designee will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the Town of Stevensville.

40. Licensing Fees

The Town of Stevensville recognizes employees that associate with various organizations or maintain certifications or licenses are beneficial to the Town of Stevensville. If the Town of Stevensville has requested that an employee obtain a license, the Town of Stevensville will pay for the licensing fees and/or annual renewal fees.

All employees are encouraged to visit with their supervisor and/or Mayor and/or their designee, particularly during the annual evaluations, so that the cost of maintaining a current license or the costs for a licensure that the employee would like to obtain can be included within the budget process.

41. Employee Benefits

Regular employees may participate in the Town of Stevensville's benefit plan. The Town of Stevensville will pay a specified dollar amount into the benefit plan that the employee can use to pay for options elected. For regular part-time employees, the Town of Stevensville will pay

a pro-rated amount of the contribution into the benefit plan.

Specific benefits of the benefit plan are described in the Plan Document and Summary Plan Description (Available from the Clerk/Human Resource Representative).

For employees utilizing specific insurance products, the insurance plan documents will be forwarded to them directly from the Insurance Provider MMIA. The Insurance Provider will also supply insurance cards for the covered employee/dependents directly to the employee.

42. Retirement

The Town of Stevensville participates in the Montana Public Employees Retirement System (PERS). Employees working more than 960 hours per year are required to participate in PERS.

Employees working less than 960 hours per year have the option of participating in PERS.

New employees have 12 months to choose which retirement option is right for you:

- The Defined Benefit Retirement Plan (DBRP)
- The Defined Contribution Retirement Plan (DCRP).
- Information on both options is available online at www.mpera.mt.gov.

The Town of Stevensville will comply with employer and employee contribution rates as set by the Montana State Legislature.

Please read your PERS Handbook for details regarding your Retirement Procedures and Benefits.

43. Sales Calls and Fundraising Efforts

Sales calls from professional salespeople are allowed to take place only at the discretion of the Mayor and/or their designee, so long as it is done in a consistent and fair manner.

Employees requesting charitable contributions or selling products may visit with fellow employees before or after work, during lunch hour or breaks. Employees may also choose to circulate a catalog among co-workers to preview at their convenience. Employees should not be made to feel obligated to participate.

44. Professionalism Policy

This Professionalism Policy is applicable to all Employees of the Town of Stevensville.

A. Code of Ethics

- 1) The Town requires ethical conduct in any and all activities that impact the wellbeing of our Town, which the Employees represent.
- 2) Employees hold important roles in local government. They are positioned to ensure that the Town's interests are balanced, protected and preserved. This Code provides principals that Employees must adhere to and advocate. This Code is designed to deter wrongdoing and to promote:
 - Honest and ethical conduct including the ethical handling of actual or apparent conflicts of interest between personal and professional relationships;
 - Full, fair, accurate, timely and understandable disclosures in reports and documents;
 - Compliance with applicable governmental laws, rules and regulations;
 - The prompt internal reporting of complaints to their Supervisor; and
 - Accountability for adherence to this Code.
- 3) Employees will:
 - At all times interact with all elected officials, town officers, department heads and/or supervisors without being insubordinate.
 - Act at all times with honesty and integrity, avoiding actual or apparent conflicts of interest in personal and professional relationships.
 - Discuss with their Supervisors, in advance, any transaction that reasonably could be expected to give rise to a conflict of interest.
 - Comply with the Town's Personnel Policy Manual.
 - Act in good faith with due care and diligence and without knowingly misrepresenting material facts.
 - Protect and respect the confidentiality of information acquired in the course of their work except when authorized or legally obligated to disclose. Confidential information acquired in the course of their work will not be used for personal advantage.
 - Be recognized as a responsible colleague among fellow employees.
 - Responsibly use time and resources employed or entrusted to their supervision.
 - Promote and be an example of ethical behavior as a responsible Employee or

Supervisor in the work environment and the community.

- Promptly report to their Supervisor any conduct that the individual believes to be a violation of the law, the Town of Stevensville **Professionalism Policy**, or the Town of Stevensville **Personnel Policy Manual**, including the circumstance or relationship that reasonably could be expected to give rise to such conflict;

- 4) It is against the Town's policy to retaliate against any employee for good faith reporting of violations of this Code.

B. Conflict of Interest

- 1) The underlying principle of "conflict of interest" is that Employees should avoid any activity, investment or interest that might reflect unfavorably on the reputation of the Town of Stevensville.
- 2) As representatives of the Town of Stevensville, Employees are obligated to place the interest of the Town, in any transaction involving the Town, ahead of any personal interest or personal gain, and to disclose all facts in any situation where a potential conflict of interest may arise.
- 3) Employees may not engage in a transaction, use public or confidential information, improperly influence a decision or transaction, or take any other action in regard to their position as an Employee of the Town of Stevensville that would create a personal economic or other benefit to the Employee.
- 4) Employees are expected to seek clarification of and discuss any questions about potential conflict of interest with their Supervisor and the Mayor.

C. Confidentiality

- 1) Employees are expected to protect and maintain confidentiality regarding the Town's property including cash, equipment, records, and employee and/or customer information.
- 2) Employees shall not disclose or use confidential information acquired in the course of official duties.

D. Violations

Violations of the Professionalism Policy, including failure to report potential violations by others will be viewed as a severe disciplinary matter that may result in personnel action including termination of employment.

E. Employee Participation at Council Meetings

Employees who are required to attend and participate during a Council Meeting, Special Council Meeting, Public Hearing or who sit on a Town Board are expected to comply with Council Rules or Board Rules.

During Council Meetings, Special Council Meetings, Public Hearings, Board meetings, all employees are expected to either turn their cell phones off or silence their ringers. If it is necessary to be available on standby, notify the Mayor or Board Chairperson.

Employees who attend and participate during a public meeting are expected to dress professionally, be mindful of their representation of the Town and administration, and maintain appropriate decorum throughout the meeting.

F. Code of Conduct

All Employees and Elected/Appointed Officials are expected to adhere to the behavior and conduct guidelines found in the adopted Code of Conduct for Elected and Appointed Officials and Citizen Interaction (Res. 444).



Public Works Department

Adopted:

Policy & Procedure

After Hours Call-Outs

1. General

- a. This Policy shall apply to all Public Works Employees of the Town of Stevensville.
- b. It is the requirement of the Public Works Department to provide emergency service after regular business hours to facilitate the repair of municipally owned and/or operated infrastructure which poses a risk to public health & safety and/or the environment.
- c. This policy shall be administered by the Public Works Director

2. Initiation of a Callout

- a. Public Works employees will respond to the following situations any time of day or night:
 - i. equipment damage and/or failure which creates a situation immediately hazardous to public health & safety and/or the environment or could result in property damage where the immediate actions of an employee(s) would mitigate the situation;
 - ii. flooding which creates a situation immediately hazardous to public health & safety and/or the environment or could result in property damage where the immediate actions of an employee(s) would mitigate the situation;
 - iii. a blocked sewer servicing a Hospital, police station, school or other publicly owned facility where the failure of the sanitary sewer poses an immediate and significant hardship for the occupants;
 - iv. a blocked sewer main
 - v. damage to municipal infrastructure which poses an immediate hazard to pedestrian and/or vehicular traffic;
 - vi. a condition where the failure to respond would cause preventable damage to municipal infrastructure of such a value to exceed the expense of the emergency response;
 - vii. declaration of a state of local of emergency; and
 - viii. any situation deemed as requiring an immediate response by the Director of Public Works or Mayor

- b. Public Works employees will not respond to the following situations outside of regular business hours:
 - i. a blocked sewer servicing private residential or commercial properties;
 - ii. equipment failure which does not create a situation hazardous to public health & safety and/or the environment;
 - iii. flooding which does not creates a situation immediately hazardous to public health & safety and/or the environment;
 - iv. any situation where the immediate actions of an employee(s) would not mitigate the situation; and
 - v. any situation where the response would pose a significant risk to the safety and well being of an employee(s).

3. Callout Procedures

- a. Public Works employees will respond as follows:
 - i. In response to an automated alarm the employee on call shall:
 - 1. initiate remote control of the appropriate SCADA system;
 - 2. determine the cause of the alarm,
 - 3. attempt to repair the condition remotely,
 - 4. evaluate the benefit of responding to the alarm and the ability to improve the situation by initiating an immediate response,
 - 5. determine if the work required can be performed safely by one person or if multiple staff will be required;
 - 6. where multiple staff are required, contact the Public Works Director for further instruction;
 - 7. proceed to remedy the alarm condition.
 - ii. In response to a public complaint the employee shall:
 - 1. collect all necessary data to properly evaluate and document the situation;
 - 2. initiate remote control of the appropriate SCADA control system where appropriate;
 - 3. attempt to repair the condition remotely;
 - 4. evaluate the benefit of responding to the complaint and the ability to improve the situation by initiating an immediate response;
 - 5. determine if the work required can be performed safely by one person or if multiple staff will be required;
 - 6. where multiple staff are required, contact the Public

Works Director for further instruction;
7. proceed to remedy the condition.

4. Renumeration

- a. Where an employee responds to a facility for an automated alarm, a public complaint or is called out after regular business hours, remuneration shall be as per the Town's Personnel Policy.
- b. Public Works employee's shall receive 8 hours of on-call straight-time remuneration in addition to their regularly worked hours per week of on-call status.

5. Callout Schedules & Protocol

- a. all employees of the department are required to respond to after hour call outs. Each employee will be required to carry a functioning cellular phone (provided by the Town) 24hours/day while on call to receive and respond to emergency calls.
- b. Each employee will be on call for a period of one week rotating in order from employee to employee. The Public Works Director shall adjust the call-out schedule to replace employees on vacation booked 4 weeks or more in advance or on sick leave. It is the responsibility of the employee to make arrangements with another public works employee in any other circumstances where they are unavailable for scheduled on call duty.
- c. The Public Works Director shall be responsible for callout scheduling and ensuring personnel are aware of their schedules. The Public Works Director will also investigate any claim of personnel failing to respond to after-hours callouts and to implement necessary disciplinary action. The Public Works Director will be required to verify remuneration claims for responding to alarm conditions and callouts.
- d. The Town will provide the necessary software and a portable laptop PC to be taken home each night and weekend on which that individual is on call to allow for remote monitoring and control of Town SCADA systems.

File Attachments for Item:

Discussion/Decision: Confirmation of Officer John Ellington



Stevensville Town Council Meeting

Agenda Item Request

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

Agenda Item Type:	New Business
Person Submitting the Agenda Item:	Brandon Dewey
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/14/2021
Agenda Topic:	Discussion/Decision: Confirmation of Officer John Ellington
Backup Documents Attached?	Yes
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/14/2021
Notes:	

File Attachments for Item:

Discussion/Decision: Airport Project Financial Update



Stevensville Town Council Meeting

Agenda Item Request

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

Agenda Item Type:	New Business
Person Submitting the Agenda Item:	Robert Underwood, Finance Officer
Second Person Submitting the Agenda Item:	Tyler Reed, Morris & Maierle
Submitter Title:	Staff
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/14/2021
Agenda Topic:	Discussion/Decision: Airport Project Financial Update
Backup Documents Attached?	No
If no, why not?	Information will be provided at meeting.
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/14/2021
Notes:	

File Attachments for Item:

Discussion/Decision: Emergency Paid Sick Leave



Stevensville Town Council Meeting

Agenda Item Request

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

Agenda Item Type:	New Business
Person Submitting the Agenda Item:	Brandon Dewey
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/14/2021
Agenda Topic:	Discussion/Decision: Emergency Paid Sick Leave
Backup Documents Attached?	Yes
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/14/2021
Notes:	



FROM: Brandon E. Dewey, Mayor

RE: Family First Coronavirus Response Act: Emergency Paid Sick Leave

DATE: January 7, 2021

The novel coronavirus (COVID-19) pandemic has developed into a public health emergency throughout the United States and in Montana. The health and well-being of our employees and community members is our top priority. On March 18, 2020, the *Families First Coronavirus Response Act* became law allowing for emergency sick leave for employees. The Act expired on December 30, 2020 and is no longer in effect. However, employers have the option to provide the benefit to employees regardless if the law is in effect or not.

The Town Council is being afforded the opportunity to continue the use of Emergency Paid Sick Leave for the Town's staff.

Eligible Employees

All employees in an active employment status at the time of a qualifying need to use leave are eligible for emergency paid sick leave, unless otherwise excluded. As required by the Town's Personnel Policy, sick leave requires a 90-day period to elapse prior to use. However, the emergency paid sick leave is immediately available to all probationary employees.

Number of Hours

Employees who are regularly scheduled for shifts of 40 hours per week are eligible to receive 80 hours of emergency paid sick leave. Employees who are regularly scheduled for less or more than 40 hours per week will receive a prorated amount. For employees with varying hours, a look back of 6-months will determine the number of hours of emergency paid sick leave. If the employee did not work during the look back period, hours will be based on the average number of hours per day that the employee would normally be scheduled to work.

Qualifying Need to Use Emergency Sick Leave

Emergency paid sick leave may be used to the extent the employee is unable to work (or telework) due to:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

(3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

(4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).

(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.

(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Employers of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the Emergency Paid Sick Leave. To ensure our essential services are operational, Town of Stevensville emergency responders, including police officers and firefighters, are not eligible to use the emergency paid sick leave for child care needs as described in (5) above. Full-time and part-time emergency responders are eligible to use emergency paid sick leave for qualifying circumstances defined in numbers (1) - (4) and (6) above.

Process for Employees

Employees who meet the qualifying need will notify their supervisor and the Human Resources Director immediately. The eligibility and administration of the Emergency Paid Sick Leave is determined and managed by the Human Resources Director.

Carry-over and Expiration

Emergency paid sick leave does not accrue year after year, nor is it payable upon termination.

Unless extended, this policy expires on June 30, 2021.

File Attachments for Item:

Discussion/Decision: Police Department Staffing



Stevensville Town Council Meeting

Agenda Item Request

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

Agenda Item Type:	New Business
Person Submitting the Agenda Item:	Brandon Dewey
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/14/2021
Agenda Topic:	Discussion/Decision: Police Department Staffing
Backup Documents Attached?	No
If no, why not?	Further information will be provided by meeting date.
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/14/2021
Notes:	

File Attachments for Item:

Discussion/Decision: Contract for Building Inspections Services with Construct Montana, LLC



Stevensville Town Council Meeting

Agenda Item Request

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

Agenda Item Type:	New Business
Person Submitting the Agenda Item:	Brandon Dewey
Second Person Submitting the Agenda Item:	
Submitter Title:	Mayor
Submitter Phone:	
Submitter Email:	
Requested Council Meeting Date for Item:	01/14/2021
Agenda Topic:	Discussion/Decision: Contract for Building Inspections Services with Construct Montana, LLC
Backup Documents Attached?	Yes
If no, why not?	
Approved/Disapproved?	Approved
If Approved, Meeting Date for Consideration:	01/14/2021
Notes:	

TOWN OF STEVENSVILLE PROFESSIONAL SERVICES AGREEMENT

This Agreement is entered into by and between the Town of Stevensville (“Town”) and Construct Montana, LLC (“Contractor”) identified as follows:

Tim Netzley
Construct Montana, LLC
236 Glacier Drive
Lolo, MT 59847
Phone: (406) 241-9464
Email: inspector@construct.com

WITNESSETH:

WHEREAS, the Town proposes to use the services of Contractor as an independent contractor to provide certain services related to building inspection and plan review as more fully described herein; and

WHEREAS, the Town and Contractor desire to contract for the specific “Services” as defined in **Exhibit A** and desire to set forth their rights, duties, and obligations in connection with the services to be performed; and

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, Town and Inspector agree as follows:

1. Purpose. The Town desires to hire Contractor as an independent contractor for the purpose of providing Building Official and Building Inspector services for the Town in return for the compensation stated. To this end, the parties mutually agree as follows:
2. Relationship of the Parties. Town is a municipal corporation and a political subdivision of the State of Montana. Contractor is an individual/firm licensed and certified to perform construction trade inspections in the State of Montana.

This Agreement is not intended to create nor shall be construed to create any relationship between the parties or any of their respective employees other than that of independent entities contracting for the purpose of effecting the provisions of this Agreement. Employees and agents of each party will not be deemed to be employees or agents of the other party.

Contractor acknowledges that all payments to Inspector under this Agreement are gross payments made to an independent contractor and Inspector is responsible for payment of all taxes arising out of performance of this Agreement, including but not limited to Federal and state income tax, social security tax, unemployment insurance tax, and any other taxes or business license fees required.

3. Scope of Work. Contractor shall provide the specific services, tasks, or work products shown on Exhibit A, which lists the scope of services relating to this Agreement. By this reference, Exhibit A is made a part of this Agreement.

4. Effective Date and Performance Schedule. This Agreement will be effective on the date the last party signs below for a period of three (3) years. The services to be provided under this Agreement shall be completed in accordance with terms articulated in Exhibit A. Time is of the essence in completing this Agreement and the time of performance may be extended only by written agreement signed by both parties.

The Town may request changes within the general scope of this Agreement by written change order and Contractor shall be entitled to a reasonable period of time to perform or provide said changes.

5. Compensation for Services. In consideration of the Contractor providing Services, Town shall pay Contractor for the Services performed in accordance with **Exhibit B – Fee Schedule for Services** that is attached hereto and incorporated herein.

Monthly payment for services will be made by the Town within 30 calendar days of the end of each month and receipt of Contractor's reports detailing actual work performed in accordance with this Agreement. Town agrees to pay 3% per annum interest on overdue payments. Town shall reference the month and year in a memo form for each payment made to Inspector.

Reports will be submitted to the Principal Contact for the Town identified in this Agreement, or others as agreed, with supporting documentation, and a signed W-9 containing Inspector's Tax Identification number will be provided.

Town and Contractor shall each have the right to request an accounting of payments for Services. However, accountings are limited to no more than four times per year in order to prohibit undue administrative burden on the parties. In the event of an error in payment, the parties shall use best efforts to resolve discrepancies within 30 days of notice of error.

6. Insurance and Workers' Compensation. Contractor agrees to procure and maintain, at its expense:

a. Workers' Compensation insurance in accordance with statutory levels as required by law. Inspector shall furnish City with a copy of either 1) a binder for workers' compensation coverage; or 2) a valid Independent Contractor Exemption Certification from the Montana Department of Labor and Industry.

b. Automobile Liability insurance for bodily injury and property damage covering all vehicles, including hired vehicles, owned and non-owned vehicles;

c. Commercial General Liability insurance with combined single limits for bodily injury, personal injury, and property damage of \$1,000,000 per occurrence and \$2,000,000 aggregate per year to cover such claims as may be caused by any act, omission, or

negligence of the Inspector or its officers, agents, representatives, assigns, or subcontractors; and

d. Professional Liability insurance with combined single limits for each wrongful act of \$1,000,000 per occurrence and \$2,000,000 aggregate per year to cover such claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which Inspector is legally liable.

The Town, its officers, officials, employees, and volunteers are to be covered and listed as additional insured on Contractor 's insurance policies.

The policies shall provide waivers of subrogation, by endorsement or otherwise, effective as to the Town.

Certificates of insurance verifying the above coverages will be furnished by Contractor to the Principal contact for the Town prior to commencement of work on the Project. Such certificates shall provide that insurance may not be canceled, except on 30 days' prior written notice to the Town.

7. Records. Contractor shall maintain sufficient records to enable the Town to document the performance of the Agreement. Inspector shall allow access to those records by the Town 's Principal Contact, Financial Administrator, any independent auditor employed by the Town, and/or representatives of the state or federal government. Records shall be retained for at least three (3) years after completion of this Agreement.

Town shall timely provide all data, information, plans, specifications, and any other relevant documentation required by Contractor to perform Services. Town shall receive and schedule inspection requests in accordance with the schedule described in Exhibit A.

8. Principal Contact for the Town. The Town employee with whom the Contractor must communicate regarding this Agreement and who shall have the authority to confer with the Mayor to accept completion of performance and to submit requests for payment to the Town Financial Administrator is:

Name:

Title:

Address:

Telephone Number:

Email Address:

9. Ownership and Publication of Materials. All reports, information, data, and other materials prepared by Contractor pursuant to this Agreement are the property of the Town, which has exclusive and unrestricted authority to release, publish, or otherwise use, in whole or in part, the material. No material produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the Town. None of the documents are intended or represented to be suitable for reuse by Town or

others on extensions of the project or on any other project. Any reuse without written verification or adaptation by Contractor for the specific purpose intended will be at Town's sole risk and without liability to Inspector.

10. Public Access to Information. Contractor acknowledges that the Town is a local government unit and its records are public and subject to disclosure under Montana law. Certain information may be protected from disclosure, including information concerning an individual privacy interest, legitimate trade secrets, other constitutionally protected proprietary information, and certain information relating to individual or public safety.

The parties agree to confer prior to disclosure of any information relating to this Agreement and its performance which includes potentially protected information. Contractor agrees to protect any confidential information from disclosure to others or from use for any purpose inconsistent with this Agreement without the prior written consent of Town.

11. Termination. This Agreement may be terminated by either party due to a material breach by providing the breaching party with written notice explaining the breach and providing notice of the termination; provided, however, the breaching party shall have the lesser of thirty (30) days from the receipt of such notice or the full term of the Agreement to cure the material breach. In the event of an uncured breach, the non-breaching party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive.

In the event this Agreement is terminated and the Contractor is not in breach, the Town shall pay Contractor a pro rata amount of the compensation as determined by that portion of work completed to City's satisfaction as of the date of termination. Payment of this amount shall be made by City within thirty (30) days of termination, minus expenses and damages the Town incurred. Inspector shall have no obligation to complete partially inspected structures if notice of termination is given. However, upon mutual agreement of both parties, Services on particular structures may be completed through final inspection at the fees set forth in Exhibit B.

In the event this Agreement is terminated, Contractor shall surrender any and all materials produced under this Agreement to the Town. Upon termination, the Town may take over the work and may award another party a contract to complete the work under this Agreement.

12. Notice. Town authorizes Contractor to communicate by email, regular United States Mail, telephone or text. Contractor authorizes Town to communicate by email, regular United States Mail, telephone or text. Any official written notice required by this Agreement shall be provided by hand-delivering or mailing, postage prepaid, to the parties at the addresses in this Agreement.

13. Compliance with Laws and Standard of Care. Contractor is responsible for compliance with all applicable local, state, and federal laws, rules, and regulations.

The standard of care for all professional inspecting, consulting and related services performed or furnished by Contractor and its employees under this Agreement will be the care and skill ordinarily used by members of Inspector's profession practicing under the same or similar circumstances at the same time and in the same locality.

14. Indemnification. Each party shall defend, indemnify, and hold harmless the other party, its officers, employees and agents from any and all claims, liabilities, causes of action or damages, including attorney fees, asserted by or awarded to third parties as a result of negligence, recklessness, or intentional misconduct of that party or its officers, employees, agents, subcontractors, or assignees. This provision shall survive the agreement.

15. Nondiscrimination. Contractor agrees that all hiring undertaken for the purposes of performing this Agreement shall be on the basis of merit and qualifications. In relation to any person performing this Agreement, Inspector may not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

16. Entire Agreement, Modifications and Non-Assignment. This Agreement and the Exhibits identified herein constitute the complete, entire, and final agreement of the parties hereto with respect to the subject matter hereof, and shall supersede any and all previous communications, representations, whether oral or written, with respect to the subject matter hereof. Invalidation of any of the provisions of this Agreement or any paragraph sentence, clause, phrase, or word herein or the application thereof in any given circumstance shall not affect the validity of any other provision of this Agreement.

This Agreement cannot be changed or modified in any manner except by a written Agreement signed by both parties. No obligation or right hereunder may be assigned, transferred, subcontracted or otherwise given to or imposed on any other party without a written Agreement signed by both parties.

17. Place of Performance and Venue. Performance of this Agreement is in the Town of Stevensville, Ravalli County, Montana. In the event of litigation, venue is in the Twenty- First Judicial District Court in Ravalli County, Montana. This Agreement will be construed under and governed by the laws of the State of Montana.

18. Dispute Resolution. In the event a dispute arises out of or relates to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation, before resorting to litigation, or some other dispute resolution procedure.

19. Attorney's Fees. In the event of a legal dispute arising from this Agreement, the parties agree to pay their own attorney's fees.

18. Waiver and Severability. The failure to insist upon strict performance of any of the provisions of this Agreement shall not be deemed a waiver of any rights or remedies, and shall not be deemed a waiver of any subsequent breach or default in the performance of this Agreement. If any part of this Agreement is held to be void, illegal or unenforceable, the validity of the remaining provisions will not be affected.

DATED this ____ day of _____, 2021

CONSTRUCT MONTANA, LLC:

By _____
Tim Netzley, Owner

TOWN OF STEVENSVILLE

By _____
Brandon Dewey, Mayor

ATTEST:

, City Clerk

APPROVED AS TO FORM:

By _____
, City Attorney

EXHIBIT A – SERVICES

“Services” as defined in this Agreement are limited to the following:

1. **Construction Plan Review Services.**

Contractor will provide construction plan review for building code compliance in accordance with Client’s adopted and publicly published building codes and standard practices in the following areas:

- Residential and commercial building
- Residential and commercial electrical
- Residential and commercial plumbing
- Residential and commercial mechanical
- Residential and commercial energy code
- Residential and commercial accessibility

Contractor has no responsibility to perform building code review outside of the aforementioned areas. Contractor’s obligations are limited to review of the submitted plan, and a written report stating that the proposed plan complies with or does not comply with building codes. In the event the plan does not comply with building codes, Contractor will reference the specific code(s) and draft a brief summary of the basis for non-compliance.

Contractor shall generally complete plan reviews for commercial properties within 15 business days from the time Town gives notice of receipt of construction documents to Contractor. Contractor shall generally complete plan reviews for residential properties within 10 business days from the time Town gives notice of receipt of construction documents to Contractor. Contractor agrees to complete Services within 30 days from issuance of construction documents by Town. In the event Contractor cannot complete Services within 30 days from notification of issuance of construction documents by Town, Contractor shall notify Town and request an agreement of an extension and specify when the review will be complete. Notice of the need for an extension will afford Contractor a minimum of 15 additional business days to complete the review. Thereafter, Contractor shall complete the review or be in Default.

Contractor ensures Construction Plan Review Services will be performed by professionals with trade master license (if available); Inspector certifications certification as required pursuant to Montana law plus 2 years field experience; or ICC Plan Review certifications.

Inspection Services.

Contractor will provide building code compliance inspections in accordance with Town’s adopted and publicly published building codes and standard practices in the following areas:

- Residential and commercial building
- Residential and commercial electrical
- Residential and commercial plumbing
- Residential and commercial mechanical
- Residential and commercial energy code
- Residential and commercial accessibility

Contractor has no responsibility to perform inspections outside of the aforementioned areas.

Contractor ensures all Inspection Services will be performed by professionals possessing a trade master license (if available); or inspector certification as required pursuant to Montana law.

3. **Additional Services.**

As part of this Agreement, Contractor will provide the following services:

- Provide construction progress inspections as defined by Montana Building Code Program or the Town.
- Define when and what inspections are required for public information, for Town approval.
- Establish specified days/times of local operations, to include special appointments for planning.
- Maintain open lines communication via email, text, and phone for project related questions during typical Town business hours.
- Maintain uniform digital records in common file formats to allow workflow tracking and monitoring and to facilitate Town records retention.
- Design and submit for approval forms, including the following:
 - “Stop Work” orders
 - Posted on site Permit Inspection Record
 - Public informational materials articulating construction plan review and building inspection requirements and recommendations for Town approval and dissemination
 - Residential and Commercial Plan Review Checklists
- Maintain communication with Town, contractors, and developers (via available information) regarding:
 - Permit specific inspection findings
 - Common code findings - public information form

- Uniform standards of practice (What to Expect)

4. **Reporting Services.**

Contractor will periodically report to Town regarding the following:

- Regular compliance reporting for each permitted project. This may be done in a separate report or through constant sync with uploaded shared files
- Annual fee structure audit with recommendations
- Contractor assigns a primary contact to maintain consistent working relationship with the Town
- Contractor can suggest names of qualified professionals toward a Board of Appeals to be approved and kept in place by the Town upon request

EXHIBIT B – FEE SCHEDULE FOR SERVICES

1. **Fee Structure**

Contractor fees for services provided pursuant to this Agreement will be as follows:

Service	Rate
Residential & Commercial Inspections (Building, Electrical, Plumbing, and Mechanical)	80% of collected monthly municipality permit fee
Residential/Commercial Plan Review (Building, Electrical, Plumbing, and Mechanical)	20% of collected monthly municipality permit fee
*Any work performed outside of agreed upon regular scheduled days/times will be performed for \$125/hour and have prior approval of City.	