

**Troy City Council Meeting
Council Chambers
March 17, 2010
7:05 pm**

The meeting came to order at 7:00 pm. Present: Mayor Banning, Council: Phil Fisher, Fran McCully, Loretta Jones, Gary Rose, City Attorney Mark Fennessy, and City Clerk Sandra Johnson.

Mayor Banning lead the Pledge of Allegiance.

GUESTS: Lisa Oedewaldt – Lincoln County Planner, Chuck Fahner – Lincoln County GIS, Ryan Mitchell – RP&A, Allen Olson, Pam Dalby, Jayne Brown, Jean Meyer, John Clogston, Thomas Cole, Darlene Shelton, Richard Shelton, Wayne Maffit, Kristin Smith – Planning Director, Ron Rebo, and Tracy Rebo

NEW BUSINESS LICENSES:

ANTLER TREE NURSERY: – Owner: Allen Olsen, Location: 33692 Highway 2, in Libby Montana. This is an established business in Libby. Olson put in a bid for the Tree Planting that Troy administers the grant for.

TALLYHOE EXCAVATION: Owner: Tomas J. Cole, Location: 747 Flower Creek Rd. in Libby Montana. This is an established business in Libby and has calls for work in Troy as well.

RDS Vending: Owners Richard and Darlene Shelton, Location: 211 W. Riverside Ave. in Troy. Business was formerly known as M&W Vending.

Fran McCully made the **Motion** to approve all three new business licenses. Loretta Jones seconded the motion. **Motion carried** unanimously.

WATER PROJECT PHASE II UPDATE: Ryan Mitchell - It started on Highway 2 to the south side of Callahan Creek. The pipe used is very durable. The contractor drilled a ten inch hole under the creek and ran into rocks. The process is like drilling in wood, you start with a smaller hole and then go larger to eventually a 24 inch hole. It will go 27 feet under the creek and up on the other side. It also improves the hydraulics of the tank installed a couple years ago. They have installed a 16" water line for chlorine in front of the Medical Complex. It is not to Transport water. The next scope will go to Mineral or Grant, then to Kootenai over to the old well. They will have more sub-contractors in town in the next few weeks. S&L Underground said most of the pay request is for materials. Mitchell stated that they have been working hard. Yaak will be fourth to do on the list. It will take a little more design, and connections need to be done. In addition, buildings will be at each well house It is going good. The citizens of Troy have been great to them. McCully asked if Council could meet with him to talk about the walking path. Mitchell said, yes. There is an early June completion date. The will be paving all at one time. It has to warm up to keep the asphalt hot during transport. The paving will be at the end of the project.

WATER PROJECT PHASE II – Fraser Management – Inv #14-2010 for 1020.00
RPA Engineering – Pay Request #7 for \$12,081.96
S & L Underground – Request #1 for \$222,049.84
Jackson, Murdo & Grant Bonding Agents – Invoice # 85683 for \$7657.50

Loretta Jones made a **Motion** to approve all five invoices pertaining to Phase II of the water project and Phil Fisher seconded the motion. **Motion carried.**

The mayor asked if there was any discussion on this motion.

Phil Fisher stated that he was under the impression that council would get to receive wages and everything that pertains to the pay request for S & L. Banning stated that it had already been

taken care of. Ryan Mitchell, RPA stated that the wage rates are posted, so is the safety information; they are waiting on the certified payrolls. Once received, we will send it to the city. This could be approving contingent upon receiving all the information, before releasing the check. The city clerk stated that the check, even if it's printed out, would not be sent until we are absolutely sure all documents were received.

Mayor Banning called for those that approve of the above stated invoices and pay requests: Loretta Jones – Yes, Fran McCully- opposed, Phil Fisher – opposed, Gary Rose- opposed.

The clerk advised that there is not another meeting to get these approved until next month. Fran McCully stated, "We feel we have some problems that we would like to address before we go into this, and if it takes a special meeting in two 48 hours, we've have had meetings later than this." City Attorney Fennessy stated that he didn't see what the problem was. "These are bills that are due on the water project. McCully replied to Fennessy that it is not about the pay requests; it is strictly about the claims in general. Don Banning reminded council that there is an agenda that needs to be followed and they can bring this up at the end during department reports or public comment. Fennessy said to McCully, "if you don't have a problem with these items, then why don't you want to pass the motion to approve them." Fran McCully spoke for the council stating that they are denied information when they ask for it. The city clerk replied "that's not true". Fennessy said that we are under contract to pay these people. And if they are not approved it could open the City up to a law suit. More discussion on why these items are in the claims if they are approved separately. There has to be a record of the approval. Johnson stated that even though these items are on the claims, we wouldn't send them out until we are positive that it was ok, which is in a couple of days. Fennessy stated that if there is a problem with one particular claim, you can make a motion to approve the claims with the exception of one particular claim.

Don Banning again called for approval of: Fraser Management – Inv #14-2010 for 1020.00, RPA Engineering – Pay Request #7 for \$12,081.96, S & L Underground – Request #1 for \$222,049.84, and Jackson, Murdo & Grant Bonding Agents – Invoice # 85683 for \$7657.50. Loretta Jones – Yes, Fran McCully – Yes, Phil Fisher, Yes, Gary Rose- Yes. **Motion carried** unanimously.

MINUTES: Minutes of January 20, 2010 Water Public Hearing, February 16, 2010 Council Work Meeting, February 17, 2010 Council Meeting: Council asked that the Minutes of February 17th 2010 read "road patching" instead of the words "street sweeping" John Clogston wanted an update to the minutes regarding the city apartment rentals. Don Banning advised that three out of the four apartments are rented. Phil Fisher made the **Motion** to approve the Minutes of January 20, 2010 Water Public Hearing, February 16, 2010 Council Work Meeting, and February 17, 2010 Council Meeting. Gary Rose seconded the motion. **Motion carried** unanimously.

CLAIMS: Phil Fisher made a **Motion** to approve the claims in the amount of \$464,812.12. Second to the motion failed. It was brought back to the table.

DEPARTMENT REPORTS: Phil Fisher – stated that he turned into the deputy clerk the results of his investigation of all the customers with two residences on one line. They are being taken care of fairly. Fisher also proposed that people who get water at the spigot at the shop pay the same basic rate of \$34.50 as the users on the system due to overhead and maintenance on the system. The city clerk advised council that there are also customers that the city has a contract with, like the Forest Service, that pay per gallon. BNSF also uses thousands of gallons that they pay \$1.97 per 1,000 gallons. Discussion followed. City Attorney Mark Fennessy will look into this and get back to Fisher. **Mark Fennessy** - During the water project, customers that are on temporary water services (that are connected to their neighbor's line for construction) will not be charged usage fees. Bond Council did not have a problem with just changing the flat rate until after they are connected. The people can be contacted directly and advised. Ryan Mitchell asked if everyone understood the temporary services. **Fran McCully** – none, **Loretta Jones**-none, **Gary Rose** – none.

PUBLIC COMMENTS: Guest Wayne Maffit asked how much of the main is being replaced. Mitchell replied; mostly it is replacing the old line, only new lines to the well house for EPA chlorine treatment. Maffit asked more questions regarding the placement of survey markers. Mitchell answered; some are to replace sections of the line that will go right on top of the existing and tie into the line.

Mayor Banning called for motion to adjourn meeting.

The City Clerk asked if the claims were approved, Banning stated no. The city clerk advised that the claims are the city's obligations to the creditors that need to get paid. Reviewing various claims followed.

Mayor Banning called for another vote on the **Motion** to accept the claims. Loretta Jones – Yes, Fran McCully – No, Phil Fisher – No, Gary Rose – No.

Loretta Jones asked other council members if they were opposed to paying the claims. Consensus was no. Gary Rose stated that we are trying to get somewhere. Jones reiterated, stating; oh, you're trying to force an issue.

Discussion followed, council asked for a closed session regarding City Clerk Sandra Johnson. Deputy Clerk Tracy Rebo spoke up and requested to be present if her name was going to be brought up. Sandra Johnson stated that she wanted an open session for everyone to hear. Council agreed for an open session with Sandra Johnson's approval.

Open Session followed.

Discussion regarding transparency issues followed. Consensus of Council is the feeling that they were denied information they had requested from city clerk Sandra Johnson. Sandra Johnson stated that it was misconstrued. Johnson stated that she will not release personal information regarding employee time cards. Phil Fisher and Gary Rose said they only wanted hours. Tracy Rebo explained the process and time involved to comply with their request. Sandra Johnson again stated that it was all a misunderstanding and she has no problem giving them what they requested had she known in the first place. Mayor Banning informed council that some information they requested is not allowed to leave City Hall.

Discussion followed regarding employee time cards and the hours and percentages charged to each department. Mark Fennessy suggested Johnson give the council some budget information now to get started.

Session closed.

Mayor Banning asked for any more discussion on claims. None.

Mayor Banning again called for a vote on the **Motion** to accept claims. Loretta Jones – Yes, Fran McCully – Yes, Phil Fisher – Yes, Gary Rose – Yes. **Motion carried.**

Mayor Banning called for motion to adjourn meeting. Gary Rose made the **Motion** to adjourn meeting at 9:12 p.m. Loretta Jones seconded the Motion. **Motion carried.**

Donald C. Banning, Mayor

ATTEST:

Sandra Johnson, City Clerk/Treasurer