

**Troy City Council
Work Meeting
Council Chambers
April 20, 2010**

The meeting came to order at 6:30 pm. Present: Mayor Don Banning, Council: Phil Fisher, Fran McCully, and Loretta Jones, Gary Rose, City Attorney Mark Fennessy, and City Clerk Sandra Johnson.

GUESTS: Glenn Garrison, Larry Coryell, Robert, Robert Egbert, Catherine LeCours, Clint Taylor– power manager, Kathi Hooper, and Colin McCoy

Pledge of Allegiance was lead by Mayor Banning.

BPA RESERVATION AGENT AGREEMENT: Clint Taylor – The Bonneville Power Administration is now requiring all customers to schedule their load, regardless of size. They have given us three options; to schedule our load ourselves, hire someone to schedule our load for us, or to have them do it for us like they do now. That's all the agreement says, it doesn't change our rates or anything other than they want the load schedule section to be in writing. There is a 30 day clause for either party to change their minds. It is Clint Taylor's recommendation to approve the agreement to continue having them schedule it for us. Taylor stated; we have already decided to purchase our power from BPA for the next few years. This is just the scheduling of our power. Loretta Jones asked if there had been any problems with the scheduling in the past. Taylor's reply was No. Fran McCully asked Taylor to explain what scheduling a load meant. He explained that there are people monitoring loads from many power sources who determine when to pull from what source. Mayor Banning asked Taylor to explain another program concerning appliance rebates. Taylor went on to advise that the power company received a notice from the DEQ regarding a \$928,000 stimulus fund given to Montana to pass on to power customers for an appliance rebate program. Troy Power would not be administering the funds, only advertising that it would be beneficial to our customers that buy new appliances to take advantage of the rebate program. Troy Power would not get reimbursed for the advertisements, but the State would be able to use it toward their matching funds for the Grant. The rebates vary in prices, depending on what type of appliance, and start the end of May 2010. We would just be promoting this only, and can carry the applications in the office. There would be no changes to us. Loretta Jones asked how much time it would take. Taylor answered only the time to run the advertisement, and hand the customer the application.

GRAVEL PIT: Catherine LeCours – Catherine LeCours works with the DEQ and introduced herself as the State's representative for the Libby asbestos superfund site. She would like to educate the council on the actions of what is going on in the Troy area. LeCours invited council to the public meeting scheduled for April 27, 2010. LeCours also asked council for assistance with some soil disposal. The DEQ needs to renew about 32,000 cubic feet of soil from yards and gardens from the Troy, Bull Lake, and State Line areas because of the Libby asbestos contamination. It would save the state over one million dollars on the total project cost if they could find a location in this vicinity to place the soil. LeCours has been working with the City and the County crews and has identified the current Troy landfill as the best location to place this material. LeCours explained that the soil has very low levels of asbestos, less than one percent. They would like to place the soil in a hole that is already there and cover it with good soil and leave the property for whatever the City wants to do with it in the future. The DEQ would pay to move the current transfer station closer to the main road which had already been planned by County. They also need to drill a well for decontaminating the trucks, so the City would have the well after the completion of the project. LeCours assured council that the trucks would be covered and the soil would be wetted to keep dust and emissions down. There would also be an air sampling station. Any insulation would continue to be taken to Libby landfill. Discussion followed regarding the classification of the landfill and the exact location. Phil Fisher asked if they planned on excavating any deeper than the current hole. LeCours advised the DEQ would finish

mining the gravel pit, stock pile it, and not take any of the resource. They would also be responsible for reclaiming the area they use. Gary Rose asked what would happen in the case that BNSF railroad wanted to expand in the future. City Attorney Mark Fennessy advised LeCours to research the right-of-way; there may be some discrepancies as to what the railroad can legally claim they have. Colin McCoy stated that the City owns the surface and that BNSF only has the right-of-way. Gary Rose asked what the property could be used for afterwards. LeCours stated, nothing more than what a class three landfill would be used for in the future. It would not be any less useable than it is right now. Gary Rose asked if there would be any monetary compensation to the City for the use of the property. LeCours stated that the State cannot purchase the land. The EPA/DEQ has a tipping fee cost of long term maintenance which could be consistent with what we do now. They would re-seed and fence the area if the City decided not to continue using it as the current class three landfill. There could be up to 20 trucks a day starting this summer through the end of next summer, then it is over. Larry Coryell voiced his opinion regarding health risks to the landfill workers. Gary Rose asked LeCours were it would be placed if the Troy landfill site wasn't possible. LeCours answered; back to the mine. Gary Rose asked how big would the well be and confirmed that it would be City property when the project is completed. McCoy said it would be a 6" to 8" case and the gallons per minute would be around 200. Mayor Banning asked if there were any possibilities of pollution seeping into the well site. LeCours answered no. Asbestos doesn't migrate or leech. Phil Fisher asked what it would mean to property values in the future. LeCours answered with examples; a soccer field, ball parks, and parking lots. Fran McCully asked what happens to the restrictions after the 30 year period on landfills. McCoy stated that the laws haven't been in place long enough to tell. It would be a class three or class four permit. Discussion followed regarding the class restrictions followed. LeCours asked for a resolution as soon as possible as work would start in June 2010. Fennessy advised Mayor Banning to appoint a committee to look at this and get back to him in two to three weeks. Banning told LeCours that there are many questions and he is not sure an answer is attainable within 30 days. Discussion followed. LeCours offered putting together some information from a similar operation at Rainy Creek for reference. She also suggested not letting the public in the area during the first week of starting the project to make sure the air quality samples came back okay. Larry Coryell explained the location of waste piles and doesn't think it would fit. Kathy Hooper of Lincoln County Environmental Health stated that there had been discussion of moving the green boxes from the ball park to the landfill as a possibility. There would be adequate space for those and the wood waste. Hooper stated that she has worked with McCoy and LeCours in the past. They have done this before in Libby and she is keeping track of the process to make sure it doesn't inhibit any of our landfill operations. LeCours advised that she would be available by conference call or in person to discuss or answer questions.

WATER LINE – PAUL PARSONS: Frank Votapka – Votapka introduced himself as the engineer for Paul Parsons waterline extension. Parsons would like to have the City put in the water line extension. The DEQ has approved the project. It would just be a matter of constructing it. Mayor Banning stated all other subdivisions have to pay for a main line into their subdivision. Banning advised Votapka to present a proposal to the City. Votapka stated at one time Parsons had asked for materials and he would to pay for equipment and pipe. Banning said he was on the Council then, and doesn't remember an agreement. Banning stated that the city crews can advise, but can't do the work. Financially, the contractor or owner must bear the expense. Votapka stated Parsons had asked for consideration due to paying for a meter pit on his property that he has no hook up to. But, you're saying if he wants to extend the line, it is at his own expense. Votapka advised Council that if they had any questions regarding the report he submitted, to call him. Phil Fisher advised Votapka that past and current water projects are to replace waterlines not to extend them. Votapka stated that it is his understanding that Public Works Director Dave Norman said he would put in a shut off valve near the meter. It is a big distance and a hydrant had to be put in which is by the county shop. Fennessy asked if a hydrant is on the line, which party would be responsible for this. If this is a main; the City would accept responsibility and maintain it. Banning advised Votapka to let Parsons know that when his proposal is ready to present it at the next available council meeting.

RIDE-ALONG PROGRAM: Gary Rose – It has come to the Council's attention that there are people in the community that are interested in law enforcement that would like a ride-along program. Gary Rose is on the committee to come up with a program. Rose stated that he used Libby's program for a model and added some language that the Chief of Police wanted to use and came up with the program he submitted to Council. Loretta Jones would like to have it stated that no family members could ride along and there should be a limit on how often the same person could ride. Mayor Banning asked if the program states that the Chief will decide who rides with what officer. Yes, it is up to the Chief. There is a ride-along agreement that states it has to be for good purpose, they can assist or can be dropped off at any time. Loretta Jones asked if there would be liability regarding assisting an officer. Mark Fennessy advised that after the policy is drafted; send it to MMIA to see if it would be covered. They also have guidelines. This was a big problem 10-12 years ago. Fennessy understands there is a statute that states the person can assist in action, but it is a liability. He said, it would be a good idea get more information from them and refer back to the committee.

TIME CARDS/OVERTIME: Gary Rose, Fran McCully- Fran McCully wants to start the process of redesigning the time cards; she has examples. They are concerned about overtime as well. McCully asked what the policy is as far as overtime if there isn't 40 hours. Any work over 40 physical hours worked within a designated work week, is considered overtime. When there is a union contract, that contract must be followed and may not be the same. Sometimes it includes call-out hours and standby hours. Phil Fisher asked if he could see a print out of accrued time on employees and asked if it can be carried over. State law states that an employees can accrue twice the amount of vacation given in each year, and an employee can accrue a ny amount of sick leave, but when the employee leaves the sick leave hours are paid out at only 25%. Mayor Banning said it is in the personnel policy. Fran McCully requested a copy of job descriptions and the personnel policy for each council member. Further discussion followed regarding payroll procedures and allotted overtime. Loretta Jones had questions regarding grants and overtime. It was stated that without the many grants that City had gotten the City would not be as far along as it is now without all them. Jones expressed that employee overtime may be more costly than hiring grant writers.

PINK APARTMENTS: Fran McCully- Council feels like it might be an appropriate time to eliminate the pink apartments. Loretta Jones feels that a municipality shouldn't compete with landlords. Mark Fennessy suggested looking at the difference between a private person owning it and the city getting the tax revenue versus the net revenue from the rent itself. Discussion followed. Fran McCully said she feels that the revenue is not enough to pay for the utilities, and maintenance. McCully said it may take a long time to sell and she would like to see it on the market. More discussion followed. Fennessy suggested checking with the assessor's office.

STOP SIGN AT 4TH & SPOKANE: Fran McCully asked to add 1st and Spokane and 1st and Kalispell also. She stated; that would take care of the blocks in the main town that are right of way intersections. Mayor Banning reminded council that a resolution for a stop sign at 1st and Spokane was voted down by past council at one time. Banning advised that it will take an ordinance change and that it will take 30 days after the last reading to become effective. Fran McCully would like to have all the changes on one ordinance. Mark Fennessy suggested having the chief of police survey the streets and report back. Mayor Banning feels it will still be ready to keep on the agenda for the council meeting on April 21, 2010.

DEPARTMENT REPORTS: Fennessy: *Rose Bud Flats subdivision* – wanted to remind council on the subdivision hearing. The next council meeting is when they need your input. Mayor Banning stated that he had talked to the fire chief and he approved. Fran McCully asked questions on the timeline. Fennessy explained that if there are issues that still need to be addressed; the council still has 30 days to approve the preliminary plat. Then it will go to final approval. If it is not implemented by a certain time, then the owner loses the approval and will have to apply all over. Fran McCully asked about the street and reiterated her understanding that the City will not be responsible for maintenance unless it becomes a dedicated street. Fennessy said yes, but it has to meet the City's specifications to become a city street. Fennessy advised

that the city has control over utility access, sewer, water, fire code, easements, street size, etc. The public hearing is where these questions need to be asked.

PUBLIC COMMENTS: None

Meeting adjourned 9:00 pm

Donald C. Banning, Mayor

ATTEST:

Sandra Johnson, Clerk