

**Troy City Council Meeting
Council Chambers
July 21, 2010
7:00 pm**

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

Mayor Banning lead the Pledge of Allegiance.

GUESTS: Lisa Oedewaldt- Lincoln County Planning, Kristin Smith- Lincoln County Planning, John Clogston, Robert McLeod- Chief of Police, Ken Davis and John Konzen.

PRELIMINARY PLAT FOR CALLOW TRACT AM. LOT 29 FOR GARY MCCABE: Lisa Oedewaldt presented council with a land plat outlining the lots that will be in the plat. Proposed are two residential lots on a little bit less than one acre. There were eleven standard county conditions that involve access, roads, and covenants. Oedewaldt referred to items one through four of the conditions regarding the road. The road is known as McCabe Drive and has to comply with the 2006 road standards. This is because it would have five accesses. Conditions five through seven regards a change in use permit that is currently with Montana Department of Transportation, and a road sign. Condition ten pertains to compliance for any zoning or ordinances you have for any junk vehicles. These need to be complied with before final approval. Oedewaldt stated it is a simple split, just splitting this lot into two. Kristin Smith stated because of statutory deadlines, you need to make a decision tonight. Ken Davis brought up the name of the road. He asked if the name was okay. It was council's consensus that it is okay. Davis asked if the City is going to require the junk vehicles be moved before approval. Fennessy advised, yes. Kristin Smith advised that there needs to be a motion for removal. Phil Fisher made the **Motion** to approve the subdivision subject to the above conditions and the removal of junk vehicles. Gary Rose seconded the motion. Ken Davis stated that the road has been repaired and the owner is signing it off. Davis asked if the city goes out to review the road now. Fran McCully asked is it automatic that we accept the road. Kristin Smith answered, that at final plat approval. It defaults to County Planning when you don't have your own standards. The County will show this, it will not be a city road. Phil Fisher answered Ken Davis's question; no, it's not going to be a city road, we won't need to review it. Mark Fennessy showed concern regarding the water, sewer and power easements. Ken Davis stated that they created a wider easement for the back lot sewer line, but it is not installed. The easement goes from one lot to the other. Fennessy advised that the easement go down the road. Kristin Smith advised there should be sufficient easement with forty feet. Fennessy stated it may be easier for McCabe to provide the easement rather than put it in the road and having to move the power. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

E911 ADDRESSING LINCOLN COUNTY: Kristin Smith – Kristin Smith summarized the memo sent previously in March identifying the problems with the addressing for 911 protocols. Smith had made some recommendations and asked if there were any questions regarding them. Phil Fisher asked; we have an East and a West on Riverside and Mill Road, and you want to make it just one or the other. Smith answered, because there is no First Street on that side of town indicating where the numbers start. Loretta Jones asked if there are two options, is it up to the council to choose the option. Kristin Smith answered, yes. We suggested the preferred option but identified an alternative. Robert McLeod advised that numbers would also have to change and Loretta Jones pointed out that odd and even numbers are on the same side of the road in places. Discussion followed. Lincoln County planning notifies their hub, the utility companies, the post office, and the homeowners with instructions. Phil Fisher stated that he prefers the option B with no East and West. When you come to Third Street, it would go all the way to the end. Phil Fisher

made a **Motion** to approve problem one, option B. Gary Rose seconded the motion. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

Kristin Smith summarized problem two recommending a West Yaak Avenue. **Motion** to accept this was made by Phil Fisher and seconded by Gary Rose. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

Kristin Smith summarized problem three concerning South Seventh Street and Callahan Road. It has two names, part of it is in the city and part of it is in the county. Mark Fennessy advised that the road was annexed in up to Sixth Street from Highway 2. Phil Fisher made the **Motion** to accept the recommendation to change all the addresses to Callahan Creek addresses. Loretta Jones seconded the motion. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

APPOINT NANCY WAGNER TO POLICE COMMISSION: Robert McLeod stated that he had spoke with Keith Wagner; Nancy is not present due to helping someone at the hospital. She had planned on attending. **Motion** to approve the appointment was made by Gary Rose and seconded by Phil Fisher. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y. Don Banning announced that this appointment completes the police commission.

BPA- NT CONTRACT ROLLOVER (DRAFT): Sandra Johnson reviewed what Clint Taylor had brought to the Budget Work Meeting regarding the charges for transmission of the power. Mark Fennessy explained; BPA is changing how they bill us. We have three megawatts that we can draw on without any change in the rate structure through BPA. In the past BPA would have to give us what we didn't use if we requested it. Now they won't have to. Fennessy reiterated that Power Manager Clint Taylor didn't want to sign the 30 year contract, instead making the transmission contract expiring at the same time as the usage contract. Loretta Jones made the **Motion** to accept the BPA contract. Gary Rose seconded the motion. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

KOOTENAI SENIOR CENTER MEMORANDUM OF UNDERSTANDING: Phil Fisher made the **Motion** to accept the Kootenai Senior Center Memorandum of Understanding. Gary Rose seconded the motion. **Motion Carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

FAMILY DAY PROCLAMATION: September 27, 2010 – Phil Fisher made the Motion to approve the proclamation of Family Day to be September 27, 2010. Loretta Jones seconded the motion. Mayor Don Banning read the proclamation. Motion carried. Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

WATER PROJECT PHASE II:

RPA Engineering – Pay Request No. 11 for \$10,948.52- Phil Fisher made the **Motion** to approve RPA Engineering Pay Request No. 11 for \$10,948.52 and Loretta Jones seconded the motion. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

Fraser M & C Invoice No. 37-2010 for \$1,350.00- Phil Fisher made the **Motion** to approve Fraser M & C Invoice No. 37-2010 for \$1,350.00 and Gary Rose seconded the motion. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

S & L Underground Pay Request No. 5 for \$197,807.10- Phil Fisher made the **Motion** to approve S & L Underground Pay Request No. 5 for \$197,807.10 and Loretta Jones seconded the motion. Discussion: Phil Fisher asked if the city had quit pumping water into the ground. It went down considerably, but still has leakage issues, mostly from private property owners. Residents are now being charged for overages. The City's leakage has gone down appreciatively. Mark Fennessy advised that once it was all connected, they could tell by the water levels that there

was significant water savings. The SCADA will not be installed and completed until the end of August. Phil Fisher asked if Ryan Mitchell had checked to make sure they had pressurized every line. There is a punch list that still needs to be completed. Fran McCully requested Ryan Mitchell be present at the next meeting to answer questions. Guest John Clogston stated that he still has bubbles and chalky residue 30 days after project. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

MINUTES OF COUNCIL BUDGET WORK MEETING JUNE 9, 2010, WORK MEETING, JUNE 15, 2010, REGULAR COUNCIL MEETING JUNE 16, 2010, SPECIAL MEETING JUNE 18, 2010, AND SPECIAL MEETING JUNE 23, 2010: Loretta Jones made a **Motion** to approve the above stated minutes. Phil Fisher seconded the motion. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

CLAIMS: A **Motion** was made to approve the claims in the amount of \$301,058.51 by Loretta Jones and seconded by Gary Rose. Discussion: Gary Rose questioned the claim for the dugout roofs. Don Banning explained that the first payment was for materials and some of the work, the second payment was for the remainder of the work after completed. Gary Rose stated; I went down and looked at the materials involved in that and we checked on the prices. Fran McCully stated; we have some numbers for prices for material. McCully quoted the break down the material costs and questioned how long it took the contractor. Gary Rose stated; we wanted to talk about it and we want to be notified next time. Mark Fennessy stated; you don't have to bid it, it is less than \$50,000. Discussion followed. It was Council's consensus that the city crew could have done this. Don Banning stated that there has been money in that fund since the baseball fields were put in and it is from the past budget. Gary Rose stated; it should have been put on the agenda. Mayor Don Banning suggested having Dave Norman come to the next meeting to address their questions. Mayor Don Banning addressed the council and stated; the budget is prepared by the chief financial person and the chief administration officer; council approves it or reject it, and then make changes. It is not your budget to prepare. City Attorney Mark Fennessy stated once it has been approved you don't have anything to do with it. You have been here for six months working on the last the FY budget. Discussion followed. Guest John Clogston stated that about the if you put the city crews to doing that, then there is something else that they are taken away from. John Konzen stated that the county works with a lot of departments and budgets. Once the budget is set, we try not to micro manage, but you need to work together and address the issues. Departments have the right to purchase, but should know if this would be a problem. Konzen mentioned the sign regarding the alleys, Gary Rose stated the alleys are in terrible condition. The way to repair them would be to bring in gravel. It was council's consensus to have it on a regular maintenance schedule.

Phil Fisher questioned the claim named refunds. It is State LIEAP funds received for residents for power usage that were not used and has to be sent back.

Phil Fisher questioned the Davis Surveying claim. It was for an easement.

Phil Fisher asked what the claim was for deposit refunds. A deposit is required on all utilities. If a resident come in and moves, and their utilities are paid, they receive a refund of their deposit. John Konzen asked Mayor Don Banning if he had planned on budgeting for sprinkling and oiling this summer. If so, he needs to know. Banning asked if he had talked to public works director Dave Norman. Konzen answered; no. Banning stated; I'll have him get in touch with you. Konzen stated that a truck of oil is about \$15,000 to \$16,000 and the County will provide the chips. Konzen added, and if you need gravel for the alleys. Discussion regarding the budget for sprinkling and oiling followed.

Motion carried. Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y and Loretta Jones – Y.

DEPARTMENT REPORTS: McLeod: presented report from June 15th, 2010 through July 17th, 2010. Nathan White graduated with high marks from the academy, within a couple tenths from the top of his class. The 4th of July went well, with no large problems. The Blue Grass Festival went well, also. McLeod reported on issued citations but also let it be known that the County is writing citations in Troy; so city officers can see the charge, but the tickets are entered into the

County's system for the City court. Report: 2 criminal mischief, 2 DUI, 7 speeding, 2 disorderly conducts, 1 stop sign violation, and 1 partner assault. The dispatch center logs show: 45 traffic stops, 11 citations, and 22 animal control complaints. Loretta Jones thanked Bob McLeod for his report and stated; it's nice to be able to see what the officers are doing out there. Phil Fisher also thanked McLeod for quick response to a personal situation. Discussion followed regarding purchases of bicycles. A follow-up will be done on who paid for the bicycles. **Banning:** notified council that he has talked to the department heads about coming in to give reports to council at meetings. **Fisher:** gave budget committee update. Meeting was on July 2, 2010. The committee's findings are there will probably be a wage freeze. No unnecessary traveling or schooling. A time study has been implemented. The Committee directed Mayor Don Banning to get in touch with John Brown regarding the park benches. Fisher stated the Mayor has to do it and get letters of interest to be able to order the benches. Banning advised that John Konzen and John Brown said it was dropped and monies were returned to donators. Discussion followed. It was asked of the committee members if they had a copy of the minutes from their meeting. Phil Fisher advised that he would bring them in tomorrow. Mark Fennessy advised Fisher that these are concerns that can be brought up at budget meetings with an approval process rather than doing a separate approval. Discussion followed. Chief of Police Bob McLeod asked about wage increases for the employee that met the training requirements for the increase. It was Council's consensus that the increase would stand. **Fennessy:** advised Council not to take the codification out of the budget. He stated; it needs to be done; it's been needed for eight years. Mayor Banning asked Fennessy if an ordinance was needed for posting signs for traffic to slow for children playing. Fennessy said no it's a cautionary sign, not one that would be a criminal violation. Fennessy advised that the City of Whitefish has florescent green signs posted right on the road. Bob McLeod stated that he has something he is putting together to present.

PUBLIC COMMENTS: Bob McLeod: He voiced his concerns regarding wage freezes and he stated that they are mandated for continuing education for certifications. Fennessy asked if he had that in the preliminary budget. McLeod answered; yes. Fennessy stated that the procedure should be in the budgetary process. The department heads should know what those numbers are. If the Council feels that any one of those budgets has too much in them, before the final budget is approved, Council need to advise the department heads that they are going to make a cut, and give them the opportunity to lobby for it. Loretta Jones asked who informs the department heads, the Mayor or the Council. Fennessy answered; anyone can. Discussion on budget procedure followed. Fennessy advised; there is a real short window when you get the numbers to start making decisions. **Fran McCully:** Asked when do we get the time studies. Mayor Banning answered; you asked for a week and that's not up yet. McCully was advised that the City Hall department's is finished and they will be put them in their boxes.

Meeting adjourned at 9:00 p.m.

Donald C. Banning, Mayor

ATTEST:

Sandra Johnson, City Clerk/Treasurer