

**Troy City Council Meeting
Council Chambers
September 15, 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: Robert McLeod-Chief of Police, David Norman-Public Works, Payton Norman, Linda Rose, Danette Fisher, Clint Taylor-Power Manager, John Brown, Dennis Dupuis, Canda Harbaugh-Western News, Heather McDougall, Sharon Johnson, and John Clogston.

CONSENT OF APPOINTMENT FOR CHIEF OF POLICE: Mayor Banning presented to the council consent of appointment for Robert McLeod for Chief of Police. Gary Rose made a **Motion** to approve Robert McLeod as Chief of Police and Loretta Jones seconded it. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones - Y

NEW BUSINESS LICENSE: East Precinct- Owners Keith and Nancy Wagner located at 914 Missoula Avenue in Troy. Business will be a snack-shack and smoke-shack located in their current Ranch Motel office and Coffee Coral. Owners were not present. Loretta Jones made the **Motion** to approve the new business of East Precinct and Phil Fisher seconded. Discussion: Guest Heather McDougall asked why they couldn't use the existing business license for the new business. If it is a different type of business, a new business license is required. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones - Y

WATER PROJECT PHASE II: Fraser Management Invoice No. 50-2010 for \$975.00- Loretta Jones made the **Motion** to approve the Fraser Management Invoice No. 50-2010 for \$975.00 and Phil Fisher seconded. Discussion: Phil Fisher asked if this invoice was for the contractor. Clerk Sandra Johnson replied; yes. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones - Y

BPA VOTE: Phil Fisher made the **Motion** to approve a yes vote for BPA and Gary Rose seconded the motion. Discussion: power manager Clint Taylor reminded council of the discussion at the work meeting. There were only two things that would affect Troy, and only if Troy had a substantial increase in usage. Taylor recommended a yes vote. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones - Y

BPA NT AGREEMENT: Transmission contract- Clint Taylor reviewed revision No. 1. with council. BPA has changed the way they do scheduling and it has to be requested. They have always done the scheduling in the past, and Taylor recommended keeping it the way it is. Troy has been asked to schedule now to keep it running efficiently. Loretta Jones made the **Motion** to accept the BPA NT agreement and Phil Fisher seconded it. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones – Y

WINDJAMMER COMMUNICATIONS: Pole Agreement- Mayor Banning reviewed with council the power companies request to increase the \$8.00 fee to \$10.00 that was discussed at the September 9, 2010 work meeting. Loretta Jones made the **Motion** to approve the new windjammer communications pole agreement. Phil Fisher seconded it the motion. Discussion: Fran McCully wanted clarification. Heather McDougall asked if it cost the city any more to justify the increase. Clint Taylor advised materials have increased in cost. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones – Y

ANIMAL CONTROL OFFICER: Bob McLeod advised that he had met with Kootenai Pets for Life, Debbie Rogers, and Kathi Hooper, Lincoln County Animal Control. The letters he presented to them were those reviewed by council at the work meeting with the exception that in Debbie Roger's letter, the word "temporary" was removed. Also it was asked that the letter be put into the form of a one year contract. McLeod asked for permission to start the processes of hiring an animal control officer. Phil Fisher made the **Motion** to proceed with the process of the contracts and hiring an animal control officer. Loretta Jones seconded the motion. Discussion: Fran McCully asked if it was just for the KPFL contract or all of them. Robert McLeod answered it is for all three contracts and explained the process of detaining the animals. City Attorney Mark Fennessy wanted clarification that there will be three contracts and an animal control officer. Robert McLeod answered; yes, three contracts for the people named in the letters presented to council at the work meeting on September 9, 2010 and an animal control officer that will only patrol within the city limits. Mark Fennessy advised that the contracts would have to come back to council for approval. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones – Y Chief McLeod explained the procedure for hiring an animal control officer will be the same as hiring a police officer with the exception of utilizing the police commission. Mark Fennessy advised McLeod to hold off with the hiring of an officer until the contracts are approved. Guest Heather McDougall asked if budget approval is needed before hiring an officer. Mayor Banning advised it is already in the budget.

RESOLUTION FOR AGENDA ITEMS: Gary Rose made the **Motion** to present the resolution. Phil Fisher seconded the motion. Discussion: Gary Rose asked City Attorney Mark Fennessy if the motion is indeed illegal like he has previously stated. Fennessy advised that he didn't think that it was illegal but may have some inappropriate language in it. Mayor Banning stated that he was advised to proceed with it, but there may be some items that need to be changed, but that is when it goes back to the attorney to finalize the resolution. He will come back with a recommendation. Gary Rose asked what would it changed, do you have any idea? Mark Fennessy answered not at this time, but I think it would be subject to a veto like any proposed ordinance or resolution, but at this point and time, it is whether you want to pass it at this time. Phil Fisher asked that if passed it is effective immediately. Fennessy answered; yes, subject to a veto of the mayor. Guest Heather McDougall asked Fennessy if the mayor veto's the resolution, would it be on the next meeting agenda. Fennessy answered; the mayor has 30 days. Loretta Jones asked if that would be the end of it in that case. Fran McCully stated we can override it with two thirds vote . Mayor Banning stated that everything has to be in writing. Mark Fennessy added it can be an outright veto or a line item. Mayor Banning called for a vote. Loretta Jones asked Fennessy if there was any wording that would affect anything that we should wait on. Fennessy stated; it's not up to me. **Motion carried** to approve the resolution as presented. Fisher – Y, McCully – Y, Rose – Y, Jones - Y

URBAN FORESTRY GRANT APPLICATION: Mayor Banning asked council for a motion to proceed with a grant application. Phil Fisher made the Motion to proceed with the Urban Forestry Grant Application. Gary Rose seconded the motion. Discussion: Phil Fisher stated that it is a 50/50 grant and doesn't feel the city has the funds or need for the trees at this time. Guest Heather McDougall asked how much the grant would be fore. Phil Fisher answered; up to \$20,000 but the city would have to match it. Mayor Banning called for a vote. Motion failed. Fisher – N, McCully – N, Rose – N, Jones – N

CITY ATTORNEY POSTION: Mark Fennessy notified council that he will not be seeking reappointment for the next term effective December 31, 2010. Fennessy stated that he originally thought his term ended at the end of the calendar year, but found out that it wasn't up until the end of the fiscal year in on June 30, 2011. He will still be resigning by December 31, 2010. Gary Rose asked if he had a letter of resignation. He answered; I've never had a contract with the city, it's always been an appointment.

CLAIMS: Phil Fisher made the **Motion** to approve the claims in the amount of \$60,543.91. Gary Rose seconded the motion. Discussion: Phil Fisher questioned why there was a wage claim for Carolyn Smith and not for any other employees. Sandra Johnson answered; Smith is not an

employee, she is a contractor. Gary Rose asked for explanation of the BPA rebate. Taylor advised BPA has a lighting program that the Lincoln County Shop #2 met with their new updates. It has to be administered through Troy Power, but was actually from BPA. The amount of the rebate goes back to Lincoln County. Phil Fisher asked about the First National Bank claim. This is for the reimbursement of the petty cash fund, the cash is then put back in the petty cash fund. Phil Fisher asked about the claim for water and sewer for city hall. The amount is half as it is split with the County. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones - Y

FY10/11 FINAL BUDGET APPROVAL: Resolution Numbers 624, 625, and 626 Phil Fisher made the **Motion** to approve Wage and Salary Resolution No. 624, Tax Levy Resolution No. 625, and Annual Appropriations Resolution No. 626. Gary Rose seconded the motion. Discussion: Phil Fisher referred to training for the Central Office Fund. The amount is \$4,200 and would like to see it at \$2,850. Fisher added; and if Fennessy is not going to be here, he doesn't need to go to the MLCT training, so we would like to take \$600 out of the attorney budget. Mark Fennessy stated; I would suggest for the future, not to as it is extremely valuable training. Fisher also stated that the wages for the attorney are still at \$20,085, it should have been \$19,500. The items will be changed.

Mayor Banning called for a vote to approve the final budget for fiscal year of 2010/2011 contingent upon the above discussed changes. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones – Y

Guest Heather McDougall asked for public comment. Mayor Banning allowed discussion at this time. McDougall stated that there is \$13,000 in the budget for an animal control officer and she feels it is not needed as it is a waste of taxpayer money. Mayor Banning stated that the council just approved the budget that included an animal control officer. Heather McDougall stated; it doesn't do any good to talk about it now because you didn't discuss it before the vote, so it doesn't matter how the public feels then? Mayor Banning answered; yes it does matter how the public feels. Discussion followed. City Attorney Mark Fennessy stated; there was a public hearing on the budget a week ago. Did you make a comment at that time? McDougall answered; yes, but there wasn't a quorum at that time. Fennessy stated; you don't need a quorum for a public hearing. Discussion followed. Sharon Johnson stated she had several comments and questions tonight myself, but I didn't feel it was appropriate to ask. I never knew I could say or ask anything at a council meeting. Perhaps there would be a better way to let us know if and when we can communicate. Mayor Banning apologized and stated; I assumed, because we have always let anyone discuss and ask during the meetings, that everyone knew they could speak. Sharon Johnson then asked why we need a dog catcher when we've never had one before. Mayor Banning advised it is under state statute. Chief McLeod advised that Troy has had an animal control officer since way before 1995. This is the first time we haven't had an animal control officer in years. McLeod explained the position duties. Discussion followed. McDougall asked why we need one if we have police officers. McLeod answered saying there is specific training involved that police officers don't have. McDougall added, I would rather see police officers out catching dogs rather than sitting in on council meetings. Mayor Banning let it be known that Chief McLeod is not being paid right now, and is a citizen of this city, and he can be here just as much as anyone. McDougall stated; I was under the assumption that he was getting paid. Robert McLeod answered; no, I'm here because I'm on the agenda. He added; anytime there is a meeting that involves my department, I want to be here to speak on its' behalf. Mayor Banning stated there wasn't a vote to hire an animal control officer, Council voted to proceed with that.

MINUTES: Minutes of August 17, 2010 Work Meeting, August 18, 2010 Council Meeting, August 23, 2010 Special Meeting, August 25, 2010 Budget Meeting, and August 27, 2010 Special Meeting- Gary Rose made the **Motion** to approve the above stated minutes. Phil Fisher seconded the motion. Discussion on August 23, 2010: Gary Rose questioned the vote for approval for the new work meeting time and date, where he abstained. Gary Rose requested to go on record as approving the change and not abstaining. Mayor Banning called for a vote. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones - Y

DEPARTMENT REPORTS:

Police Department: Chief of Police Robert McLeod advised that his department reports will look different. He reported total calls for each type: abusive person; 1, agency assists; 6, alarm calls; 2, ambulance calls; 24, animal complaints; 26, civil complaints; 5, criminal mischief; 4, criminal trespass; 3, disturbances; 10, drug and drug paraphernalia; 1, fire; 9, fish and game; 5, forgery or bad checks; was 4 but add 10 to that for current investigation, found or lost property; 13, harassment; 2, missing person; 1, phone trace; probation violation; 2, public assist; 15, public safety; 24, suspicious circumstances; 8, suspicious persons; 3, suspicious vehicles; 2. McLeod advised that there were 78 traffic stops that had four shifts that required during a holiday weekend by DOT for DUI patrol. McLeod continued his report: thefts; 4, traffic accidents; 9, traffic violations; 10, TROs; 4, and welfare check; 1. There were 286 calls and he gave the number of citations written. Phil Fisher asked what the difference was between a DUI and a Felony DUI. McLeod explained that after the 4th in a lifetime it goes to district court, which is the county attorney's office. Heather McDougall asked what a TRO call is. Officer McLeod defined it as a Temporary Restraining Order. An alarm call can be anything from a business alarm or utility alarm for water pressure. McDougall asked if private alarms have their own security. McLeod explained that it goes to a centralized dispatch center and that center calls us. The only direct call is the utility alarms. Dave Norman explained that it calls dispatch and him at home.

Public works: Dave Norman advised that he has been proceeding with road maintenance and recently had two community servants that are working off fines. Last week he worked on a land lease agreement with Environmental Resources. We have never had a formal agreement and they have been using the property up at the dump site. They have a new supervisor in the area, so we are getting that taken care of. The water use agreement should be straightened out as well. Fran McCully asked what he meant by the water. Norman explained that there are bulk water sales and there are about four 3,000 gallon trucks that are making about 10 loads a day to calculate to about \$240 a day in water sales. They are using the O'Brian Creek water. Norman also advised that he is working with the School District regarding the sprinkler system. We are having some problems with hose clamp fittings. Big Sky Sprinkling will fix everything, but Norman advised that he told Brady Selle that the city will maintain it. Norman advised that there was a baseball tournament in town last weekend with 14 teams with some all the way from Kalispell.

Power: Clint Taylor advised that the power department is still assisting Northern Lights with their fish study. The underground line up Copper Mountain was just energized, which is part of the rebuild they do. They are starting the tree trimming for winter, working from the rural area to town. Gary Rose had questions regarding fishing for Northern Lights. Taylor explained that there are three categories with Northern Lights. He gave an example of 9am. since it is regular work for them, they have a rate they charge Northern Lights plus additions. It isn't an overtime rate; it is just to offset workman's comp and benefits. We also check 9pm at night. 1am in the morning is where Northern Lights reimburses the city for overtime hours. Fran McCully asked if the fish study is every year. Taylor answered; no, it is a onetime thing for bull trout. It ends the end of this October and started in May of this year. Discussion followed. Dave Norman advised that he has also been working with people on their water meters. Phil Fisher had questions regarding his own meter. Norman advised that he would look at it.

City Hall: Sandra Johnson advised that Dan Parks will be in next week to go over some of the annual report financials for FY09/10. We are in the process of hiring the janitor. Clint Taylor, Loretta Jones and Tracy Rebo will be on the interviewing panel for the position.

Mayor: Mayor Banning advised that he talked to the Local Government Center and MMIA and they will do the separate meetings. They advised that they could meet with Council on Thursday at 9:00 a.m. on September 30th, then after that the combined meeting. Banning added that he will do the Wednesday evening on the 29th of September .

PUBLIC COMMENTS: John Brown stated that he received a letter from the Labor Relations in Helena. It was also signed by Governor Brian Schweitzer. The letter was to let me know that the final investigation was done and the law enforcement investigator was very pleased by the transfer of power between the late chief and the new chief.

Heather McDougall asked about a water feature at Roosevelt Park. Gary Rose advised that he is on the committee. He advised that he has met with Dave Norman twice to discuss plumbing and removing some ground so when the county moves rock in, they have a place to put it. Gary Rose

also mentioned that he and Norman had looked at rocks at the Forest Service Pit that are large round river rocks that will work great for what they want to do. Norman stated he didn't know whether to move forward with this or not. We have some outdated parts that we can use for a fair amount of cost savings. It is just to start building it and go from there. Gary Rose stated it is basically going to be a lot of rock and natural material and not a lot of expense. John Clogston asked if they were trying to do a tumbler for aeration or what was the purpose. Loretta Jones answered, no, it's for beatification mostly. Gary Rose added that there will be two small ponds that come off the falls, and hopefully we can get a roof with some tables under it so you can look down into the falls. The city has some used material to use for the structure. Rose also stated that they are waiting for the County; they have indicated that they will move rock over there and he had marked rock by Kilbrennan Lake and flat rock from across the river for the falls. Clogston asked if he checked with Fish and Game to see if it will bother the fish in the pond. Gary Rose stated that it shouldn't change anything. Heather McDougall asked what time frame we are looking at. Gary Rose advised that with his discussion with John Konzen, he indicated that sometime this fall he would start moving rock and the city crew should be able to help later when things slow down. Discussion followed. John Brown asked Rose if they are locked into the funding they have for the feature. Gary Rose stated; we have \$5,000 to do it. The County hasn't promised any funding.

John Clogston asked if there was any more word on replacing the evergreen trees. Mayor Banning advised that he hasn't heard any more from DNRC. Norman advised that it wasn't anything the city did wrong. Fran McCully asked if they are not replaced, does the city stand a loss from this. Mayor Banning advised that the grant was 100% and didn't cost the city anything. DNRC was very understanding and will make sure they are replaced.

Phil Fisher made the Motion to adjourn at 8:20 p.m. and Gary Rose seconded it. Fisher – Y, McCully – Y, Rose – Y, Jones – Y

Donald C. Banning, Mayor

ATTEST:

Sandra Johnson, City Clerk/Treasurer