

**Troy City Council Meeting  
Council Chambers  
November 17, 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:** John Brown, Stacey Shaffer, Michael Lee, David Norman-Public Works Director, Janine Price, Robert McLeod-Chief of Police, Robert Boren Sr., Josie Fisher, John Clogston, Vel Shaver, Susie Taylor, Clint Taylor-Power and Lights Manager, Joe Arts, Linda Rose, Maggie Anderson-MTCCP, James Reintsma, Linda Newstrom, Tina Stone, Dennis Stone, Sharon B. Johnson, Craig Johnson, Steve Bowen, and Shelly Warrick.

**MINUTES:** Fran McCully made the **Motion** to table the minutes until the next meeting. Gary Rose seconded the **motion. Motion carried.** Minutes tabled until next council meeting. Fisher – Y, McCully – Y, Rose – Y, Jones - Y

**DEPARTMENT REPORTS:** *Dave Norman-Public Works:* completed the generator project with a roof over the emergency generator and working on the snow plows; getting ready for the season. He advised council that if they have any questions on the plowing procedure to please ask him. Phil Fisher asked if he plowed around the school. Norman answered; yes, but they have their own contractor for their parking lots. *Clint Taylor-Power and Lights:* Have been doing some tree trimming and replaced a telephone pole for the phone company in exchange for some underground cable. The Generator project is almost complete, the electrician will be in and have most of the wiring done tonight. The fishing study is complete and had an emergency action plan meeting with Northern Lights. It is part of the five year plan. Nothing changed, they liked the plan. We've been working on alleys. The Christmas tree is re-wired and all the circuits are working. We will be hanging the Christmas decorations up this week. *Robert McLeod-Police Department:* He reviewed his report that was included in the council packet. Department activity; Nathan White graduated from Domestic Violence Training. Colin is at the Montana Law Enforcement Academy, he will be graduating Friday the November 19, 2010 and will be certified on the Intoxilizer 8000. McLeod advised that the positive ticket program is working well. He advised that he did Eddie the Eagle at Headstart to promote gun safety awareness, and has been contacted by elementary classes as well. Fran McCully had a question regarding "other offense" on his report. McLeod advised that it could have been a disturbance that came into dispatch that an officer wasn't on scene. *Sandra Johnson-City Hall:* Codification research is almost done and we have been in contact with them. We have copied all the Ordinances to send to them and they will be getting a green code book as well. Phil Fisher asked why they don't get the Resolutions. Sandra Johnson answered; because they are not law. Mark Fennessy added; they are not statutory, resolutions are considered more administrative. Fran McCully asked; isn't part of the purpose of codification to have cross references when you're looking for something? Fennessy answered; the City Codes are similar to the Montana Statutes. The resolution would be more like the administrative rules. Once you see the updated version, it will be substantially different then what you see now.

**REPORTS OF STANDING COMMITTEES:** None.

**PRESENTATION OF PETITIONS, COMMUNICATIONS:** The Mayor asked if there were any petitions to be presented to the council. None.

## **NEW BUSINESS:**

**Resolution No. 630 - ROBERTS RULES OF ORDER:** Mayor Banning read the Resolution submitted by the council. Roberts Rules of Order, latest edition, is to be used as the parliamentary procedure to be used at all the City Council meetings. City Attorney Mark Fennessy stated in the past councils have found this very hard to work with. The rules are very convoluted and extremely difficult to do, especially since we are such a small city. Most cities around the State have adopted a simpler set of rules. Fennessy advised that he tried to get in touch with the person that gave a simpler set of rules at Montana League of Cities and Towns. Fran McCully asked can't this be as complicated or as simple as we make it? Fennessy advised there are simpler procedural rules to follow instead of adopting this one. Discussion followed. Fennessy stated rather than adopting that specific set of rules, you can get them much simpler. Phil Fisher stated that doing research on the computer, he always gets answers back referring to Robert's Rules. Don Banning advised that in the past, we have given everyone a chance to speak. Robert's Rules would limit this. If this is passed, you will see it being different. Phil Fisher made the **Motion** to approve the Resolution adopting Robert's Rules of Order. Fran McCully seconded the **motion**. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones – Abstained.

**COUNCIL PRESIDENT'S AUTHORITY:** Loretta Jones stated that council just wants a simple answer from legal counsel, so we can move forward. Gary Rose stated; I guess we need to know what *preside* means. Mark Fennessy said when he looked at this, the council president's authority, the charter and the Montana Statute are different. The Charter states..., the council president shall preside in the Mayor's absence. The Montana Statute language says the president will preside, and performs other duties. I would say, the language of the charter would mean to say that the president's duties are to preside over meetings in the Mayor's absence. If the Mayor is disabled to the point where he can't function, then you would appoint another Mayor. If the Mayor is out of town temporarily, there is no point of having someone else preside, but yes, it would be courteous to advise when the Mayor is out of town. Loretta Jones asked Fennessy how council would go about changing it from whichever way we are going to the other way. Fennessy advised that he can see what other cities are doing. It is the same for everyone. I can report back to you. Loretta Jones asked, who decides as a group, which way we want to go? Fennessy answered if the Charter prevails, then you would have to change the charter, and in order to do that, you have to take a vote of the people. Phil Fisher said, but the charter doesn't state, will preside at the meetings, it only says will preside when the Mayor is absent. Fennessy replied; the City Government Center interprets this to mean at the meetings, then added, in general, the Charter usually reflects exactly what is reflected in the Statute. Don Banning stated that the Local Government Center is in the middle of writing new Roles and Responsibilities. It is a guideline, unless the legislature adopts it, but this is looked at as being fairly significant to Montana Cities. Banning asked if it would help to contact MLCT. Fennessy advised that he can contact other Cities and see how they interpret it, which would be the fastest and easiest way to do it.

## **OLD BUSINESS:**

**ANIMAL CONTROL:** Mayor Banning advised that the Animal Control Position was posted in the newspapers and at the job service. It closes on December 3, 2010. Chief McLeod will go through the applications and appoint an interview committee. Phil Fisher said, I thought at the last meeting, we discussed moving ahead with just the contracts, but that hiring would be with further discussion, and the only thing that we've had was just the approval of the contracts. Mayor Banning answered; yes, the contracts have been approved. The department head requested the hiring of an Animal Control Officer. I agreed, and the first step is to advertise for the position. Fran McCully made an objection, and stated her feelings that she doesn't feel there has been anything presented on what is planned to do. She doesn't feel there should be an animal control officer patrolling when there are three police officers. We haven't seen anything as far as a plan. Mayor Banning stated; the department head and the Mayor got together and decided there would be an Animal Control Officer on a part time basis. Robert McLeod said I understand your concerns. Troy has had an animal control officer for years. I'm looking at this as hiring a replacement for the position. We tried to tie in with the County, and that didn't work, so now we have to hire for the position, not create a new one. Fran McCully asked if the animal

control officer patrol? McLeod answered, yes. McCully asked why would they patrol when we have police officers patrolling? McLeod answered I researched what the County officers do, and they are not allowed to have animals in their patrol car, they aren't properly trained or immunized for animal control. McCully said providing the service to the citizens doesn't mean there has to be an overlap of patrolling. All that was discussed was to have an on-call animal control officer. Chief Robert McLeod stated; so you want to change the entire animal control position from what it has been through the years. Fran McCully stated that all of the discussion in the beginning was only to have an on-call animal control officer. Robert McLeod stated; but if you look at our reports, there hasn't been one month that Animal Control didn't top the list of complaints. Mayor Banning stated; there is no motion on this. It is in the Budget for an animal control officer. Fran McCully brought up the budget process. She stated we were told we had to put it in the budget in case we decided to hire, but we didn't have to hire. Mayor Banning stated; yes, and we've decided to do it. Heather McDougall said she was at a meeting a couple months ago when the council asked for more clarification on the motion. Then it was decided that they were approving the go ahead with the contracts, but not hiring an animal control officer. So they were involved with part of the procedure, but now you're telling them they are not involved. Mayor Banning advised that the Council is not involved in the hiring decision. Gary Rose asked Mark Fennessy if he said the contracts were ok, but there was no specification of hiring. Fennessy answered that a contract doesn't specify hiring. As I recall the council approved those contracts. The Mayor Banning stated, council approved the contracts, but the hiring is done with the department head and the Mayor. Chief McLeod stated I think asking the Police Officers to double as the animal control is a huge liability. We are not trained and don't have the equipment to do it. Gary Rose stated I don't think we are asking you to do the animal control, but if you are out patrolling, and you see a dog, you have a radio, call the on-call officer. Why spend 20 hours a week paying an animal control officer. McLeod answered; I think it's actually a lot more involved. There are rabies, and cat traps and other things I can't be involved in. Fran McCully stated; you don't see what we are saying. Let the animal control officer do all that, but they don't need to spend their time patrolling. Loretta Jones said I don't think you can find someone to fill just an on-call position. Fran McCully answered, it wouldn't just be that, there would be reports, too. Robert McLeod stated that would be like me patrolling from home; call me if you see someone doing something bad. Heather McDougall stated; I think Ordinance 510 would require the Animal Control issue to be put inside the police committee that is made up of part of the City Council. Mayor Banning stated; there is no police committee at this time. Heather McDougall stated; but Ordinance 510 establishes one. Mayor Banning stated that is on the agenda; we will get to that. Mayor Banning stated; moving on to the next item.

**BNSF CONTRACT/WALKING PATH:** Mayor Banning advised that the city has been working on a contract with BNSF regarding the walking path from the historic museum to Roosevelt Park. There was a onetime \$1,800 fee for 25 years included in the contract that was approved and returned to BNSF. When BNSF sent it back, the fee was changed from the onetime \$1,800 fee, to \$1,800 yearly for 25 years. We then contacted them and told them that is not what was agreed upon. BNSF came back with another offer of \$250 yearly for the next 25 years. I'm bringing it in front of the Council tonight to see if they want to accept the offer. Loretta Jones made the **Motion** to accept the above stated revised contract of \$250 per year for the 25 year contract with BNSF. Gary Rose seconded the **motion**. Discussion: Fran McCully asked for clarification of the \$1800 in the first contract. Mark Fennessy explained that BNSF is saying, there was a mistake in the first contract when they offered it to the City for \$1800 as a onetime fee for the entire 25 years. It was supposed to be \$1800 annually for 25 years. We had talked to them about it early on, and I was under the impression that it was \$1800 for the life of the lease, which is similar to the permit we had to get for the sewer line. So we asked them to correct it, they've come back and said it would be \$250 a year. Fran McCully asked questions regarding the language with maintaining the walking path. Fennessy answered; I don't think it is a big deal; we reviewed it with the city crews. We have to use a certain type of material when constructing it and post some signs. Discussion followed. Fran McCully showed concern about the language of maintaining it for 25 years. Phil Fisher read part of the contract involving further insurance needed. Mark Fennessy clarified that the insurance does not need to be obtained as we already have it. John Brown asked if a security fence has to be put up. Clint Taylor advised that the

fence is part of the project anyway. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones - Y

**ALLEY MAINTENANCE SCHEDULE RESOLUTION No. 628:** Council had submitted this resolution and Mayor Banning presented the Resolution to the Council. Phil Fisher made the **Motion** to approve the Alley Maintenance Schedule Resolution. Gary Rose seconded the **motion**. Discussion: Phil Fisher asked Mark Fennessy if the Resolution was illegal. Fennessy stated; no, I think it is legal, and I stated that in my Letter of Opinion. I think the more appropriate way is to go through your road department and let them make up the schedule for it, that's their job. Don Banning read aloud the letter from Fennessy as to the question of legality of the above resolution. Clint Taylor advised that he read the resolution and had talked to some council members about the date on getting the power poles replaced, saying I don't think it is realistic. I have it scheduled in my 5 year plan for certain areas. I just want it to be known, that getting it all done by December of 2011 may not be feasible. Fran McCully stated; I'm one of the council members that you talked with, and said that isn't even a thought. Clint Taylor replied; it's in the Resolution though. Fran McCully said; no it's not. Clint Taylor read from the Resolution stating that repairs had to be completed by December 31, 2011. Fran McCully stated; well, we meant was with a schedule. Clint Taylor stated; I guess I interpret it differently, but it would be difficult to do, especially with Missoula to Grant. You don't want to turn resident's power out in the winter. If it is only a schedule, I can do that, but when December 31, 2011 comes around and someone says, how come you don't have all the poles replaced and you're in violation of a resolution, then I have a problem. Fran McCully stated, well, it wouldn't be just a schedule, it would be a schedule and to show progress. Clint Taylor replied; yes, showing progress, and part of my department report today was to let you know we did an alley. It is fit into the schedule, but it's a priority thing. Phil Fisher suggested changing the wording to eliminate the completion date if schedules are made up and we get progress reports. Phil Fisher stated, an alley is a street. Dave Norman asked Fisher; if an alley is a street, and you were to do a subdivision with Lincoln County, and you told them you wanted to put 15' wide streets with all the utilities within that 15' easement, would they let you do that? No, it's not a street; it's not wide enough for public travel. It is what it is. I don't care how it reads. An alley is not a street. Phil Fisher answered; well I'm just going by the law of Troy, it's what it is classed as. I'm not saying you have to go make a 40' wide alley. There are at least 40% of residents that access their home from the alley. Dave Norman asked for their names, so he knows what alleys are priorities. Phil Fisher stated, it's the entire system of keeping them maintained. So we are going to make a Resolution that states there is a schedule and we expect it to be done at the scheduled time. Fran McCully questioned the procedure of the motion to exclude the deadline for the power department to comply with. Fennessy explained the procedure using Robert's Rules of Order. Loretta Jones suggested tabling the motion until the language can be changed. Fran McCully stated; all that has to be done is strike that one sentence. Mayor Banning called for a vote on the motion to approve the alley maintenance schedule Resolution. **Motion failed.** Fisher – N, McCully – N, Rose – N, Jones – abstained. Phil Fisher made the **Motion to amend** the Alley Maintenance Schedule Resolution taking out the language *and the initial alley repair must be completed by December 31, 2011.* Gary Rose seconded the **motion**. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Jones - Y

**CHAMBER'S 4<sup>TH</sup> OF JULY ORDINANCE No. 629:** Fran McCully made the **Motion** to adopt the Ordinance. Gary Rose seconded the **motion**. Discussion: Maggie Anderson stated it was her understanding that this would be tabled and go to committee. I'm surprised that this is back on the agenda. What is the hurry to pass this tonight? Why can't we form a committee? Discussion continued. Mayor Banning asked for the existing Ordinance No. 611 on park rules and regulations. Mayor Banning read the Ordinance. Banning asked City Attorney Mark Fennessy if he had read the new ordinance. Mark Fennessy stated yes, a draft of it. It seems to me what is proposed would be a permitted use of the park. Mayor Banning stated I have been in the process to get a committee together. I've asked council for names of people that may be interested, and only received a few. Loretta Jones said, I think this is just a stop-gap and it would cover it in case we don't get a committee, then they can make the changes. Mark Fennessy stated; it could be a Resolution, which means that you can change it. If it passes as an Ordinance, it becomes law and the only way to change that is to pass another Ordinance. A resolution is probably the better

way to do it. Mayor Banning asked Fennessy if there has to be a penalty attached for violation of the ordinance. Fennessy replied; No, not necessarily. These are just rules, Ordinance 611 already establishes this, you just need to change the rules. Fran McCully stated; it is one day, do we change the rules of the park for 365 days for a one day event? Maggie Anderson stated; we were proposing a community event, not singling out the 4<sup>th</sup> of July, and we weren't saying that nothing in that proposed ordinance was valid. Discussion followed. Heather McDougall stated to Mark Fennessy; part of the reason we went to this ordinance, is because you are allowed to drink alcohol in the park every day of the year right now. We need to be able to enforce no drinking in the park on that day and that is why it needs to be an Ordinance rather than a Resolution or rules. I feel this Ordinance should be supported by everybody to keep down underage drinking. Discussion followed. Maggie Anderson stated; this would be good research basis for an Ordinance or Resolution. John Brown stated; this was talked about in a committee years ago as a public safety issue. I suggest you have a committee again with one council member, one chamber member, and community members. The council can establish rules for the park at any time. In the past, if it is an alcohol question, we would rely on the State because it falls under the alcohol use permit. Fennessy suggested, instead of doing an Ordinance, just simply propose it as rules for use of the park. McDougall asked how it would be enforced. Fennessy answered; it would fall under the State rules. It is a permit process. Bob McLeod read aloud the MCA 16-4-301 pertaining specifically to the Chamber of Commerce. Steve Bowen stated; that doesn't state that nobody can drink outside the area if they bring their own. Discussion followed. Mayor Banning asked Council if we could dispose of this Ordinance and appoint a committee to establish some rules and procedures to be reported to the Council by a specific date, Fran McCully stated; no. Loretta asked who would get it together. Mayor Banning stated; I would. Loretta replied; we could sit her for six months and not get names. Banning replied, I have some names, I could appoint them tomorrow if you want. Fran McCully stated; we have a motion on the floor, so I call for the question. Mayor Banning stated; the question has been called. A guest asked Mayor Banning; who he had asked to be on the committee. Banning replied; I asked for suggested names to be submitted to me. Fran McCully stated; point of order, we've called for the question. Mayor Banning stated; on the question to adopt the Ordinance. Fisher – Y, McCully – Y, Rose – Y, Jones – N. **Motion carried.** Mayor Banning stated that he will be submitting a Veto at the next meeting. Mark Fennessy advised; it isn't in effect yet, it has to have a second reading. Heather McDougall asked; when does it get published. Fennessy answered; now, after the first reading. It has to be posted in three public places.

#### **THE FOLLOWING ARE ITEMS THAT WERE NOT DISCUSSED AT THE REGULAR COUNCIL MEETING ON OCTOBER 20, 2010:**

**INDEMNITY FOR WATER FEATURE:** Mark Fennessy advised that MMIA hasn't gotten back to him as to whether or not the City would be covered. Gary Rose asked if he understands why he wanted to know. He stated that he is under the impression that it could be a liability and if MMIA doesn't cover it, it could go back on the architect. I don't want to be in that position. Fennessy advised; that is why we are trying to get information back from our insurance carrier. Discussion followed. Fran McCully asked Fennessy if Gary walked away from it and the city crew does it. Mark Fennessy will ask MMIA if it is feasible if the City Crew does it. Discussion followed. Don Banning asked to have it on the agenda for the next council meeting.

**APPOINTMENT OF SECOND MEMBER OF POLICE COMMITTEE:** Mayor Banning stated; this is in conjunction with Ordinance 510. He stated that there is no Police Committee appointed currently. This was ruled illegal the last time it was brought to a council meeting because Mark Fennessy had a conversation at the council at the time and stated it was an invalid Ordinance. Gary Rose stated; it's hard to understand why an Ordinance that is invalid gets written. Fennessy answered; at the time there was a conflict going on with the then mayor and the then chief of police. The mayor was trying to get the chief of police to do some illegal acts. The council requested we do this ordinance to take away the authority of the mayor to administer the police department, and the mayor signed it. Fennessy continued; you can't invalidate the Charter or the State Statute by trying to pass another Ordinance. Gary Rose asked; where does it violate the Charter. Fennessy answered; where it says that the police committee shall be

responsible for supervision and discipline of the police department, and that is administrative. Gary Rose stated; it says the mayor supervises through ordinances of the council. Fennessy replied; to me, you are removing administration. Discussion followed. Bob McLeod stated; I don't have it with me, but there is a Montana Statute that the Mayor is responsible for the police department. Fran McCully states; so the dilemma is then, someone needs to challenge the Ordinance and take it through the system, or we abide by the ordinance. Congress makes lots of laws that go through the challenge process, so we have an existing ordinance. Mark Fennessy states; or you rescind the Ordinance. Fran McCully laughed. Phil Fisher again read aloud the another ordinance regarding mayors. Mark Fennessy stated; it says he has supervision. Phil Fisher reiterated; it says also, that he must enforce all ordinances. Fennessy advised; that is where the conflict is with the supervising powers of the Mayor. Gary Rose stated; we don't have an illusion of supervising the police department, in fact we feel the police department is being managed well, but when you run into these things it's difficult to understand. Fennessy reiterated, well, the only reason I can see why it was passed was to deal with a specific problem they were having at the time. Phil Fisher stated; it was my understanding that there was a police committee established after we were sworn in. It was Gary Rose and Larry Coryell. Mayor Banning stated; no police committee was ever appointed. Discussion followed. Phil Fisher stated; there was a conversation with you, where you had asked if anyone was interested in being on the police committee and I said yes, and assumed I was. I remember, after we were sworn in, you said you would have Gary Rose be on the police committee instead of me. Don Banning replied; I don't recall that. There was discussion as to when Larry Coryell turned in his resignation. Mayor Banning stated; regardless, there is no police committee established at this time, and I think with codification there will be many things that may be inconsistent and there will be a recommendation to remove them. Fran McCully added; but the council then, determines what stays and what goes. Mayor Banning answered; right. Fran McCully stated; but right now it exists. Fennessy added; but a lot of the time, with codification, they will recommend the inconsistencies be removed. McCully answered; but in the mean time, we have an Ordinance and it says there will be two people on the committee and an alternate. Fran McCully stated; there was a committee established, there just needs to be a second person put back on to replace Coryell, and an alternate. Mayor Banning reiterated; there was no police committee appointed, so we will check the minutes. It is still in violation of statutes, and I cannot violate State Statutes. Gary Rose asked how it was in violation. Banning answered; because it says in the statutes that the mayor has the responsibility of supervision and discipline of the police department and the Ordinance is trying to change a state statute. More discussion continued. Gary Rose asked; to repeal this, don't you have to have the Attorney General rule? City Attorney Mark Fennessy stated; I would have to see if the Attorney General would even rule on something like this. Fran McCully asked; what is the resistance to appointing a second person to the police committee. Mayor Banning answered; because the Ordinance is illegal. More discussion followed. Phil Fisher stated; we would really like a ruling on this. Mark Fennessy stated; I will make a call. Mayor Banning asked to have this added to agenda of the next council meeting.

**HOURLY DAY WORK SCHEDULE:** Fran McCully stated; we talked about this at the work meeting. In the mean time, you put the women in the office on 4 - 10 hour work days as well, so it looks like it is beyond us no matter what. We just had an opinion on how productive and costly it was when part of the time is dark time. Banning advised that he had explained to Council the reason why he changed the office hours and stated they would try it out to see how it's working, and it is working very well, there are zero hours of overtime in City Hall. Fran McCully stated; we brought it up about the public works department that works outside during the winter. Mayor Banning asked Power Manager Clint Taylor how it came about that they went to 10 hour work days. Taylor answered; it is a negotiated agreement between the employer and the union. Fran McCully reviewed what she had read in the minutes in which she stated Laura Schrader was opposed, Larry Baker was opposed, Larry Coryell asked for it to be tabled, and I talked with Jim Hammons and he was opposed. Mayor Banning asked Clint Taylor if he remembered everyone being opposed to it. Taylor read aloud a letter mailed to Jim Hammons from the IBEW stating it would be a benefit to all and thanking him for working with the employees and union. Fran McCully stated; there is no record of it ever being brought back up at a council meeting. Don Banning stated; that is because it doesn't involve council, it is an administrative decision reached

by the Mayor. Discussion followed regarding getting 50 hours of coverage for 40 hours worked. Dave Norman explained and added that it is an advantage to City. More discussion followed. Heather McDougall asked if there is extra coverage needed on Mondays and Fridays so now Sandi Sullivan has to cover. Don Banning answered; she has always worked two days a week. Heather McDougall asked; 10 hours a day? Don Banning answered; she works 8 hours on Monday and 8 hours on Friday, which is 16 hours and she is allotted about 20. Fran McCully asked if her yearly hours figure to 20 hours a week. The city clerk advised; no, I would have to look it up, but she doesn't even use what is allocated for her.

**FOLLOW-UP ON DONATIONS FOR PARK BENCHES AT SOCCER FIELD:** John Brown advised that he had come in last spring about some people in Troy that wanted to donate funds for Roosevelt Park for benches at the soccer field and covers over the dugouts. I discussed it with Mayor Banning and he had stipulations like wanting to know what would be done with them at night. I advised that they could be set in concrete like park benches. He wouldn't allow the concrete. John Brown also stated that Mayor Banning told him that he would only accept cash, not checks. Mayor Banning denied that statement. Brown continued; I went to businesses and the Troy Area Park Board to gather the donations and when I went to City Hall, the girls told me they would not accept the cash. So, the project is done. John Brown stated that not a thing I said is a lie, it is all truth. Public Works Director Dave Norman stated; I'm the one that recommended that we don't put them in concrete because we have other events there. There was discussion between John Brown and Dave Norman regarding their prior discussion on ordering the benches. Fran McCully stated; when we had talked about this as part of a finance and budget committee meeting, we decided that if there was still money out there for this, we wanted it pursued. The committee brought it to Council and the Council at that time instructed a request to the Mayor to get in touch with John Brown and find out who the people were that were willing to donate and the clerk could contact them to see if they were still interested in donating. This was back in April or May and it has gone nowhere. Mayor Banning asked John Brown if he was saying that he denied him the opportunity to collect donations from people. John Brown answered; I'm saying that you required me to put cash in, and when I took cash to the office, they denied my cash. Mayor Banning asked the clerk if that is what happened. She answered; I wasn't there, so I don't know. Discussion followed. Mayor Banning stated; the reason why I couldn't get the information for Council is because Brown refuses to meet with me. More discussion followed. Heather McDougall asked if there was a directive on the floor that the money has to be re-gathered by the city government so the benches get done. Banning answered; the person that wanted to do that doesn't want to do it anymore (John Brown). McDougall asked if the council is requiring the Mayor to get the list of the names and get the donations from the people. Fran McCully stated; we did it about 5 months ago. Mayor Banning stated; there is no reason why the Council can't go to Mr. Brown and get that information. I am not going to Mr. Brown to get the information, even though it means you are giving me direction to do so; based on the fact that he does not want to communicate with me.

**CLAIMS:** Mayor Banning called for a motion. Loretta Jones made a **Motion** to accept the claims in the amount of \$47,563.59 and Gary Rose seconded the **motion**. Discussion: Phil Fisher asked what the tax statement was for. The city pays a fire district tax. Phil Fisher stated; but I don't see it on here. Johnson replied, then it was missed. Phil Fisher asked; does the City pay Buck Kidder's fire district taxes. The clerk stated, no, we don't, it's not for fire district. That is a piece of property the city purchased from him for the water project, but the County hasn't taken his name off yet. Mayor Banning called for the vote. Fisher – Y, McCully – Y, Rose – Y, Jones - Y. **Motion carried.**

**PUBLIC COMMENTS:** Guest Sharron Johnson stated; as a general note, I am embarrassed, appalled, and disappointed at the lack of accord within this group. It seems to me, Mr. Fennessy that three or four issues are on your plate to resolve. Are you going to get them done before you retire? Fennessy answered; I hope so. Sharron Johnson continued; on a positive note, I am so pleased that Troy got the grant for the recycling bin. I use it and think it is a fabulous addition to our town. Mayor Banning let Johnson know that it was a grant to the County; three cities in the

county received the bins. Michael Lee stated; it has been brought to my attention that the recent talk around town about horses is because of me. Since this was brought to my attention, I've been thrown statements like *intent of the law* and *letter of the law*. It has been brought to my attention that Bud Campbell purchased the Right of Way from Burlington Northern. A lease that is still current, paid up. I live on that right-of-way, and the pasture that the horses are in, is over half on it. I need some more time to investigate this to see if I need to move the fence back to the right-of-way. Mayor Banning asked Lee; who is after you about this. Lee answered; it was brought to my attention that Council had a problem. Fran McCully stated; I brought it to Chief of Police Robert McLeod because it was brought to me. Lee continued; mine is not the only horse down on that right-of-way; this could cause problems for other people. We have other problems in the area as well. Basically, I have a wrecking yard at my back yard. I have noxious weeds that I went to the owner of the property about and he gave me full land use of his property in the case I wanted to level the weeds. There are still weed and vehicle laws on the books. Lee asked who he would address these issues to. Fran McCully stated; you go to the Mayor, she added; you may have a sweet horse that everybody loves but the City has an Ordinance. Discussion followed. A guest asked if the park host was going to lose his job. Mayor Banning answered; the park host is still employed. The guest asked; do you think it is safe. Mayor Banning answered; yes. She asked; you think it is safe to have firearms in a public park. Mayor Banning stated they aren't there anymore. The guest stated; I have seen them. Michael Lee stated; I took them out myself. The guest asked; for now there aren't any, but what if he is allowed to have firearms again. Discussion followed. Mark Fennessy stated; it is up to the Council to establish the rules in which this guy is hired. Fran McCully read aloud the minutes of the last meeting where it stated that the Mayor stated it would be on the next council meeting. McCully asked why it wasn't on the agenda. Mayor Banning stated; because we have to have his permission to discuss it. Fran McCully stated; I think we need to have a special meeting. Banning reiterated; we do not have his permission at this time. Fran McCully stated; then I think we need to call a special meeting and ask him to be there and ask if he wants the meeting open or closed. Mike Lee stated; doesn't he have to be proven guilty of something? Mayor Banning stated; he is innocent until proven guilty. Mark Fennessy stated; it is a personnel issue that needs to be dealt with him and he has that option. If the Council wants to end his tenure, then he must be present. Mayor Banning stated; I would think a meeting with his supervisor and the Mayor is the first step and that has to been done. This will be the end of that discussion until we decide what we do. Fran McCully asked; the Council will never enter into this then. Gary Rose answered; it depends on if he is considered a risk. Mayor Banning advised; we have gotten the ruling from MMIA and they say that it happened in the County and has nothing to do with the City. The City has no liability where this is concerned. Discussion followed. Loretta Jones let it be known that they had 22 volunteers that replaced the lights on the Christmas tree, and they are trying to get a tree lighting ceremony together. The clerk advised that it has always been done on the first Saturday in December. Fran McCully wants it on record that at the last meeting when the Mayor Vetoes the Resolution, it was not on the Agenda, so I feel it is a violation. Discussion followed.

**ADJOURNMENT:**

Meeting adjourned 9:52 p.m.

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Donald C. Banning, Mayor

ATTEST:

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Sandra Johnson, City Clerk/Treasurer