

**Troy City Council  
Work Meeting  
Council Chambers  
January 13, 2011**

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

**GUESTS:** John Clogston, Deanise Killingsworth, Robert McLeod-Chief of Police, Gabriel Hall, Erin Tallmadge, Steffany Rogers, Lynn Ward, and Wayne Maffit.

**ATTORNEY POSITION: Discussion with Committee-** Mayor Banning read aloud the committee's recommendation letter to appoint James Reintsma to become Troy's new City Attorney. The following reasons were outlined in the letter:

1) He has an in-depth knowledge with more years of experience as an attorney in the areas of prosecution and civil litigation with research involving land use and county management issues.

2) He scored higher in all areas of the performance skills evaluation used as part of the interview processes.

3) He received high recommendations from former employers with regards to being a good team member.

4) He presented himself in a professional manner and with the demeanor that would represent the City of Troy with confidence, integrity, and respect.

5) He gave good assurance and sincere commitment to meet the needs of City of Troy as the City Attorney by way of establishing regular office hours at City Hall.

6) He would work well with the Troy City Judge in the process and prosecution (regarding pre-arranged agreements).

Mayor Banning advised that the appointment would be on the agenda for the next regular council meeting and if any council members wanted to meet with the committee they had until then to do so. Phil Fisher asked if discussion was available now. Committee member Deanise Killingsworth answered; that is why I'm here now; the other committee members must not have been able to make it. Phil Fisher asked Killingsworth if there were any concerns that Reintsma was also the attorney for Libby. You don't think that is going to affect his ability to be ours, too? Killingsworth answered; no, we got a sense from him that he understands what the job needs, he also has abilities to set boundaries where they need to be set with relationship to the other job, and also give both city's the time that they need. Killingsworth continued; that boundary was very evident in the other candidate's reason for not being able to work in Libby any more. He (Reintsma) demonstrated better that he could establish those boundaries; that work wouldn't overlap and he would be able to give Troy the hours that are needed. Gary Rose asked how could he come to that conclusion when he never sat at the helm of a city. He has never sat with the council or the mayor, so he is presenting himself as somebody that has all the qualifications, but has never been there. Deanise Killingsworth answered; he has been in the business long enough with the prosecutorial side with the County. Gary Rose stated; but he has never sat at the helm of the City, right? Killingsworth answered; no, but he has worked from the point of view of having to do things that relate to what the City would need aside from the court. Gary Rose asked; how can he have more qualifications in that area if he has never been there? Killingsworth answered; what we heard from the other candidate, in regards to Libby, is that she spent most of her time on the prosecutorial side. Killingsworth added; I really don't want to get to the point of comparing the two, but what we did as a group is look at the overall picture for each candidate and found that; overall, his experience is broader as far as being an attorney for a longer period of time and working with different entities. Discussion followed. Killingsworth added; references from previous employers and team members played a big part in our decision. Mr. Reintsma overall, the way he presented himself, and the way he talked about the duties of this job, presented a more organized picture that would give us the time that we need here. He would be very easy to work with. Gary Rose asked; so he is going to work for the City of Libby, and his own practice, and for us, too? Rose stated; it seems he has himself stretched too thin. Fran McCully brought up the chance of

an increase of work load in Libby, and asked if that was discussed. Killingsworth answered; no, it wasn't a direct question that we had for either one of them. McCully asked; where did you come up with the questions and were both candidates asked the same questions. Killingsworth answered; they were asked exactly the same questions. Judge Dye came up with some of the questions, along with some from the internet. Mayor Banning asked if there were any other questions for Mrs. Killingsworth. Fran McCully answered; no, and asked for assurance that the other committee members would meet with council as well. Killingsworth answered; yes we will get together as a group with the council and be glad to discuss our recommendation. Discussion followed regarding calling a special meeting. It was decided that there will be a Special Meeting on Monday, January 17, 2011 at 6:30 p.m.

**STERLING CODIFIERS CONTRACT:** Mayor Banning directed council toward their packet information. Fran McCully asked if it was to be on the next regularly scheduled council meeting's agenda. Banning answered; yes. Phil Fisher had questions regarding the costs. The contract includes five hard copies (books). Phil Fisher suggested getting an estimate for additional copies, probably ten. There was discussion on the wording "subject to change". This would change only if you ask for other things. Discussion followed regarding the timeline and review time. This contract is less expensive than the original estimate. Discussion followed regarding the cost difference between having the codifiers update the online code book or having the City's web designer put it on the City's page. The clerk will follow up on this request..

**RESIGNATION OF LORETTA JONES FROM COUNCIL:** Mayor Banning read aloud the resignation letter presented to him by Loretta Jones on January 9, 2011. Banning referenced the MCA 7-4-411 *Filling a Vacancy* and instructed the council to appoint a person within 30 days of the vacancy to hold the office until another successor is elected and qualified. Banning advised that the position has been published in the newspaper and read aloud the publishing. Banning advised that after the deadline of 5:00 p.m. on January 28, 2011, he will call a special meeting to go through the letters, ask questions of the interested persons, and vote the same night.

**PUBLIC COMMENTS:**

Guest stated that she is glad that the Troy Codes will be on line and she likes Troy's current website.

Gary Rose asked if he could speak of the veto. He was advised that any objections to the veto need to be in writing, but notes of his comments can be taken now. Discussion on the veto timeline followed. Gary Rose read aloud from the MCA's Resolution Veto Procedure. Clarification was made on the veto timeline. It is an Ordinance not a Resolution. Fran McCully read aloud the MCA's Ordinance Veto Procedure. Phil Fisher stated his understanding is that the council has to vote to override the chief executive's veto at the same meeting. It is the Mayor understands that the council has till the next regularly scheduled meeting, stating it isn't officially vetoed until January 19<sup>th</sup>, which is the next meeting; you have till the following regularly scheduled meeting which is February 16<sup>th</sup>. Fran McCully spoke for the entire council by stating; we are going to act when you present it at the next meeting because we are not going to take the chance that your interpretation is wrong on this and we had failed in our duty to act at the meeting that we were required to act. Discussion followed. It will be on the January 19, 2011 agenda.

Fran McCully asked Bob McLeod if they would be getting a report from Animal Control regarding the letter that he received on this date. McCully asked McLeod if it was fact that the person was charged but the animals weren't impounded. McLeod answered; we took possession of the animals. McCully stated; but they weren't impounded and we didn't pay anybody to impound them. McLeod answered; somebody still has to pay to get them altered. McCully asked; are they being altered? McLeod answered; they have to be. They will be altered through KPFL. He explained the incident and advised that it is being investigated. Fran McCully wanted clarification on why they were charged an impound fee when the animals didn't stay in a holding facility. McLeod stated; if that is the complaint, then he will refund the impound fee's and the City will have to pay for the alterations. McCully asked; so the people that have the animals know that

they will have to be altered. McLeod answered; yes, they have to be. Discussion followed regarding the impound procedures.

Gary Rose asked McLeod if there was any way to break down his CAD report to separate and see who did what. McLeod said he could but it was a long process. McLeod asked Rose if he had a specific question about a certain report. Rose said no, but gave an example that it would be nice to see what officers did how many arrests. Phil Fisher added; just on your monthly report, not a yearly. Rose added; just like an evaluation. McLeod advised that he can't put quotas on the guys. Mayor Banning stated that the evaluations are done by the Chief of Police. McLeod added that the evaluations are in process and they will be getting them at their next safety meeting. Rose asked if council will be getting a copy of the evaluations. McLeod stated that he is not sure he can give personal information to them. It was advised that they generally aren't distributed publicly.

Gary Rose asked if they could also get the judges financial report each month. It was advised that the court system falls under a different system. It was asked if council gets anything. Rose and others said no. A follow-up will be done.

Rose also asked for a police policy manual. McLeod stated; we have standard operating procedures. He asked for a copy to be given to council. McLeod will follow-up, and asked Rose if he had a specific question. He stated that he doesn't want the public to see specific things because it would give away confidential procedures. Gary Rose asked if Troy has its own policy. McLeod answered; no. It states in the personnel policy, that the police department follows the State SOPs (Standard Operating Procedures). Discussion followed. Rose asked McLeod if he still intended to introduce a log book into the police department policy. McLeod stated that he doesn't necessarily agree with an hourly log. It would slow the department down. Rose asked; doesn't every police department require log books. McLeod answered; not in any of my experiences, and not with the sheriff's office. McLeod continued; our activities are documented on the SWIFT system, unless it is surveillance work. Rose stated; but that doesn't give us any information; being council of Troy, don't you think that we may have a little interest in what's happening in the police department? McLeod asked Rose, is this is just all of the sudden? As far as I knew the council hasn't had a problem with the police department.

Discussion followed regarding council's request for payroll information including employee's vacation and sick leave. Fran McCully stated to print it one time and let us take a look at it and see if that is what we want for the information. It was asked for what purpose do you need the information? Fran McCully answered; for personal information. Why personally? Fran McCully answered as council person then. We just want the knowledge of what is in that report. Fran McCully advised that she had gone on line to the Black Mountain Software site. She asked if we have the accounting module. Yes, but not the one that gives the detail that you want. Council was advised of the BMS programs used and that it was all in their budget review. Phil Fisher had a comment regarding the use of the payroll information requested by council. He stated the dollar amount isn't his interest; it is the breakdown per department that their wages come from. Discussion followed. Fran McCully advised that the County had given her asked her about a previous employee; up a temporary employee that filled in for an officer in 1994 and questioned his payroll information. Johnson advised that she didn't work for the City in 1994 and has no explanation why that information could not be found, and had advised the county of this on their form and wondered why the county had involved her.

Gary Rose asked McLeod if he kept a vehicle valuation report. McLeod answered; there is a monthly vehicle log and any work being done on the vehicle is written there. Both Expeditions have had warranty work done, but the warranties have since expired. Discussion followed.

Mayor Banning advised there will be a special meeting on Monday the January 17, 2011 for the council to ask the committee questions as to their recommendation of a city attorney submitted to the Mayor for the City Attorney position.

Meeting adjourned at 8:05 p.m.

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Donald C. Banning, Mayor

ATTEST:

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Sandra Johnson, City Clerk