

**Troy City Council Meeting
Council Chambers
January 19, 2011
7:00 pm**

The meeting came to order at 7:00 pm. Present: Mayor Banning, Council: Phil Fisher, Fran McCully, Gary Rose, and Deputy City Clerk Tracy Rebo.

Mayor Banning lead the Pledge of Allegiance.

GUESTS: Keith Wagner, Caleb Dowell, Nancy Wagner, Joe Arts, Robert McLeod, Linda Rose, John Clogston, Clinton Taylor, Susie Taylor, Payton Norman, Rachelle Nicholls, David Norman, John Brown, Dennis Strong, Royce Pemberton, Ida Pemberton, Bobbie Amell, Jim Amell, Janine Price, Becki Garrison, Betty Jamison, Wayne Maffit, Steve Bowen, Larry Coryell, Linda Newstrom, Sharon Johnson, Gerald Hays, Linda Hays, Sylvia Maffit, Katie Davis, Craig Pierce, Heather McDougall, and Glenn Garrison.

ATTORNEY APPOINTMENT: Mayor Banning read aloud from the MCA 7-4-406. He advised the public that a committee had been appointed. Wayne Maffit, Lynn Ward, Cam Foote, and Deanise Killingsworth were appointed to that committee. Banning read aloud the letter submitted back to him with the committee's reasons for recommending James Reintsma as the new city attorney. Banning asked for a **Motion** to accept the appointment of James Reintsma as the new Troy City Attorney. No Motions were cast. Mayor Banning again called for a **Motion** to accept the committee's recommendation of James Reintsma as the new city attorney. **No Motions were cast.** Mayor Banning advised Council of the consequences of leaving the City with no attorney and the courts are pressured now to get some action. We can let the cases go or turn them over to the County, as we have no prosecuting attorney. Gary Rose asked if he could make a comment. Mayor Banning stated there is no motion on the floor to comment about.

MINUTES: Phil Fisher made the **Motion** to approve the Minutes of December 9, 2010 Council Work Meeting, December 15, 2010 Council Regular Meeting. Gary Rose seconded the **Motion**. Discussion: Fran McCully had a correction in the December 9, 2010 Work Meeting Minutes. She wanted the wording corrected from "is required to pay" to "is not required to pay" when speaking about the FLSA 10 hour work day. Mayor Banning advised that the recording will be reviewed and make the changes if they are warranted. Banning asked for any other comments on the minutes. Fran McCully asked if they would be approved as amended. Tracy Rebo answered; it would show the correction in this meeting's minutes. Mayor Banning asked for a vote on the motion. Fran McCully directed a question to the other council members asking them if they heard what she said. Mayor Banning interrupted and stated; please, you wanted to go by Robert's Rules of Order, that's what we are doing. Fran McCully spoke again and Mayor Banning told her she was out of order. Banning called for a vote on the approval of the minutes as amended. **Motion carried.** Fisher – N, McCully – Y, Rose – Y.

DEPARTMENT REPORTS: *Police Department-* Robert McLeod: McLeod advised of 186 calls, 8 arrests, and 15 citations. He also reported on the December and January logs for Animal Control. *Public Works-* Dave Norman: Norman advised that the SCADA has been installed and is working properly. The second well is also wired into the system. The road department has been keeping up with the plowing, and excess water. There will be a lot of road repairs to do in the spring. *Power-* Clint Taylor: Taylor advised that the Christmas lighting is down and put away for the season. The crew has been busy maintaining the water levels at the hydros that occurred with all the recent run off; working on the Iron Creek outages, and tree trimming. *City Hall-* Mayor Banning stated that City Clerk Sandra Johnson is excused from tonight's meeting as she is ill.

NEW BUSINESS:

WATER PROJECT: PHASE II – RPA request No. 15 for \$3891.29 - Mayor Banning advised that this is the last payment to RPA for Phase II of the water project and called for a motion. Phil Fisher made the **Motion** to accept the RPA pay request for \$3891.29 and Gary Rose seconded. Fisher asked; when will the contractor have to come in. Mayor Banning answered; we have to hear from RPA again because they go around with the contractor to check off the punch list items. Until that work is done, the project is not complete, and they won't get their final payment. Fisher asked; and that is the 10% held out by State requirement. Banning answered; yes and called for a vote. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y

STERLING CODIFIERS CONTRACT: Mayor Banning called for a motion to accept the contract from Sterling Codifiers. Fran McCully made the **Motion** to table the contract until council can talk to the city's web designer. Banning advised that the web link is not part of the contract. That is a service that they can also provide. Tracy Rebo read aloud the Publication of Final Code No.2: Code On the Internet: "Sterling uses web based only technology for its codes. At the request of the City, Sterling will also host the City code on our server using our own search engine. For the City's protection and to ensure accuracy, Sterling does not release the electronic files." Phil Fisher asked; so that means we couldn't have our own web page. Tracy Rebo answered; we can have a link to the web page. Fran McCully stated; point of order, I made a motion and we are entering discussion. Mayor Banning stated; I wanted to let you know we had an answer to the question for the reason of your motion. Phil Fisher seconded the **Motion** to table the sterling codifiers contract. Mayor Banning called for a vote on the Motion to table. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y. Mayor Banning asked McCully; what date did you want it tabled until. McCully answered; until we have our new member seated on the council. We thought we could have a discussion about it once we get our new member seated, so it could be a special meeting right after we swear in our new member. Mayor Banning stated; motion is tabled.

OLD BUSINESS:

PUBLIC COMMENT ON PARK ORDINANCE NO. 629: VETO- Mayor Banning advised that there are copies of this Veto for those interested. He read aloud the Veto to Council and the public, then asked for public comment. Steve Bowen stated; I've heard that the regular rules for the park are good enough. I'd like to ask, how many days of the year are there 5,000 plus people there. There has to be more in place. If it becomes a free-for-all, we aren't going to be able to do it anymore. Keith Wagner asked what Ordinance 611 was, and if there was a copy that can be read. Mayor Banning answered; it is the ordinance in existence right now. Tracy Rebo referred Wagner to the City's website as well. Wagner also stated his feelings that the reason for the celebration is freedom, and it is now restricted. He continued; there has been over 5,000 people in the park before with little incidence. Craig Pierce commented that it was wise to appoint a committee to work on it. Ordinance 611 doesn't cover everything, but putting through an ordinance specific to the 4th of July, and the way it's been handled appears to be inappropriate and counterproductive to the long term good of the community. Heather McDougall stated that Ordinance 629 was introduced to the council in September and was supposed to have its first reading in October but it was delayed until November and December and now they are having the veto discussion. This has been going on for over four months. It is time to make a decision and move on. I think if you look at the legal requirements, it's been more than met. People have had enough time than is even required. It is time to make a decision. Dennis Dupuis stated to the Mayor; I do support you and I think that by looking at the amount of people in this room, that the people of the community are talking and you're listening and I appreciate that. Linda Hays stated; I agree with the last statement and am happy to hear that a lot of the community is involved in making decisions because it is not to be made by personal opinion. The council is about voting what the community wants not what they personally like or dislike. Larry Coryell stated; I appreciate the Mayor's veto on this and I urge the Council to accept the veto and not vote to override it. Louis Garrison stated his feelings, that if he cannot bring his own food and drinks into the park he might as well purchase them someplace else and not come to the park at all.

VETO OF PARK ORDINANCE NO. 629: Mayor Banning called for a motion to Override or Concur the Veto of Ordinance No. 629. Fran McCully made the **Motion** to override the Veto. Gary Rose seconded the **Motion**. Discussion: Fran McCully stated; we can either support the chamber who puts on the celebration or we can micromanage them and tell them how to do it and see it die, or somebody else; if they feel they can do a better job with less restrictions, they can step up and take it over. Out-of-town people come from for the celebration, so obviously somebody is doing something right. The Chamber needed help to keep this going, and without it they feel they can't do it. It is either help them, or do you want to see it die. Is somebody else going to do the work. Phil Fisher stated; if there was a committee appointed since September, their first meeting wasn't until last night. They should have had ample time between September and last night to have other meetings so they would have more reports to present. The Committee wasn't about this ordinance; it was to make changes to Ordinance 611. Mayor Banning called for a vote on the motion. **Motion carried.** . Fisher – Y, McCully – Y, Rose – Y. Mayor Banning stated; **the veto has been overridden** and Ordinance No. 629 becomes affective 30 days from today.

Mayor Banning advised that the rest of the Old Business items on the agenda were presented to him by council.

ONE YEAR PLANS: Mayor Banning stated; one year plans by the department heads is an administrative issue and will be taken care of between the mayor and the department heads. He advised council that if they have an issue, they can meet with him and he will take it to the department head. Fran McCully stated; I was reading the minutes from the October meeting and this was something that you wanted to be brought for the year beginning January 2011 from the department heads. We are requesting to see the one year plan. You've already seen them. Dave Norman has already submitted his, and Clint Taylor has already submitted his. McCully stated; no we haven't. Tracy Rebo stated; and we just received Robert McLeod's. Banning stated; there were copies of them put in your box. Phil Fisher stated; the one year plan we received from Dave was on the allays. Fran McCully continued; he is the department head for water, sewer, parks, and streets. Dave Norman stated; all you wanted was the one for the allays; that was in the resolution right? Fran McCully answered; this was a whole separate discussion, it is in the minutes from the October meeting.

WEB PAGE UTILIZATION: Fran McCully stated; we want to meet with our city web page designer and see what he can do as far as utilizing the webpage to get information to the people in town and with the new codification, we might possibly be using it to put some of that codification on. So we felt it is the time to meet with him and we would like to do it with the new member when he is seated. This would have to be a special meeting because it would possibly be a quorum and conduct business. The city policies are the same thing. If we meet as a council, it would have to be a special meeting. So these are requests for a special meeting. The Robert's Rules information session, would be logical to wait until the other council person is seated. Mayor Banning suggested waiting until they get the other council person sworn in and then you can decide at council work meeting how you want to proceed. McCully stated; I'm fine with that except the web page utilization, because we've tabled the codification contract for a month because we would like to see if our designer can meet some of these needs, or we can just wait on the codification for two months. Phil Fisher stated that it would cost \$500 to publish the codification on line and I believe that isn't included in our cost. Mayor Banning stated; it is not included in the contract as of right now. Phil Fisher stated; this is the contract, and it shows it. Tracy Rebo read aloud the section in question. Mayor Banning stated; that section B is not part of the contract. Fran McCully stated; then I would like that clarified then before we enter into a contract and I would like to see if our website designer can do any of this through him and utilize our website if we can. Mayor Banning stated; the points that you have submitted are administrative assignments. They are not legislative assignments, and the administration will take care of these things, and you will have an opportunity after we take care of them, to approve the contracts.

Mayor Banning asked if there were any other items to be discussed. McCully answered; log books and newsletter. Banning reiterated; they are administrative and we will take care of them. Gary Rose stated; excuse me? Mayor Banning moved on.

LOG BOOKS: No discussion.

NEWSLETTER: No discussion.

CITY POLICIES: No discussion.

ROBERT'S RULES OF ORDER INFORMATION SESSION: No discussion.

CLAIMS: Fran McCully made the **Motion** to approve the claims in the amount of \$81,983.86 and Gary Rose seconded the **Motion**. Discussion: McCully asked about the truck payment made to First Montana Bank. In the description it says sewer utility, but the fund code says water utility. Tracy Rebo verified that it does come out of water and the wording on the description will be changed before the check is printed. McCully questioned the claim to the Jason Group, Burlington Northern, and Forest Service. They show overages in spending. Clint Taylor explained that the Forest Service's line agreements payment policy has changed. Instead of getting charged at the end of the year, they want it at the beginning of the year now, so it was unexpectedly doubled this year. Taylor added; as far as the enterprise funds go, it's the bottom line that we look at, that is what we pay closer attention to. Phil Fisher asked about the electrical for Burlington Northern. Rebo clarified that the power company has poles on Burlington Northern property and has to pay for the ROW. Phil Fisher asked about a meter deposit refund one is made out to the customer and the other page is also, he asked if it is the same person. It was explained that one refund goes to her as her deposit return, and the other is made out to DPHHS because it is what was left of state fuel assistance. Gary Rose asked if anyone had followed up on the cost of different labs for water and sewer testing. Mayor Banning answered; yes, and Dave Norman answered that at the last meeting. Rose stated; no he didn't. Mayor Banning continued; Dave Norman had called around to a couple labs, and Kalispell still seemed like the best deal because of the closeness in proximity. Phil Fisher asked Clint Taylor about; the power for the Tetra Tech shop bill; is that separate from the office? Taylor answered; no, it should all be in the agreement they made with them when the new meter base went in. There is a separate meter. Phil Fisher asked how much we raised the rent because the billing seems high. He was advised that to an exact amount couldn't be given without looking it up. Phil Fisher asked why the tenant bought their own parts to repair their toilet. Mayor Banning asked public works to go by and check the work to make sure it is repaired properly. Mayor Banning called for a vote on the motion. **Motion carried.** . Fisher – Y, McCully – Y, Rose – Y

PUBLIC COMMENTS: Dennis Dupuis stated that he is involved in both the fire department and the car club. He explained how much he is involved in volunteering and it is wrong to say that only two people do everything for the 4th of July. Fran McCully replied; that she could have been more specific by saying it is the volunteers and the Chamber that puts the celebration on. She stated; I appreciate what you do. Janine Price expressed that it does take the whole town and half of the county to put this celebration on. Because this particular ordinance impacts all of us, we've taken part of the heart-feeling out of it for me and my family. It is a little bit overboard for a small town to feel they have to make a law on how we celebrate this holiday. Heather McDougall stated we asked for this ordinance because we didn't feel like we could control what was going on down there. When there are so many elements and 7,000 people there has to be some sort of management. Discussion followed. Fran McCully stated; it comes down to money. Start charging admission. Gary Rose stated; when (the ordinance) first administered, the car club couldn't bring anything in, we amended that and then they could, so I don't know what the car club has to holler about. Discussion followed regarding dogs and coolers. Linda Hays stated; the problem is the ordinance is done and over, so we have a new 4th of July without the car club because they have voted not to attend.

Mayor Banning advised council that there was a cancelled check on the back page of the claims. Phil Fisher stated; I questioned it, but it was part of the claims and they were approved.

ADJOURNMENT:

Meeting adjourned 8:06 p.m.

Donald C. Banning, Mayor

ATTEST:

Tracy Rebo, Deputy City Clerk