

**Troy City Council Meeting
Council Chambers
April 20, 2011
7:00 pm**

The meeting came to order at 7:00 pm. Present: Mayor Banning, Council: Phil Fisher, Fran McCully, Gary Rose, and John Clogston, and City Clerk Sandra Johnson.

Mayor Banning lead the Pledge of Allegiance.

GUESTS: Don Whedon, Denise Whedon, Chris Hartzmann, Brittany Bradbury, Anastasia Hines, John Thrasher, John Brown, Michael Amelsberg, Dawn Rich, Erica Bonifas, Jennifer Bonifas, Robert Boren Sr., Janine Price, Donna Rugani, Jayne Brown, Jean Meyer, Darlene Jo Smith, Linda Rose, Neil Rose, Barbara Pence, Payton Norman, Rachelle Garrison, David Norman, Clint Taylor, Susie Taylor, Robert McLeod, Rachel Guether, Kody Foote, D.C. Orr, Allen Olson, Heidi Desch, Jeffrey Rebo, Tracy Rebo, Joe Arts, Dennis Dupuis, Cecil McDougall, Heather McDougall, Kristin Smith, Carrie Dawn Denton, Janet Boren, Leona Wood, and Charles Evans

MINUTES: Gary Rose made the **Motion** to approve the minutes of March 2, 2011 Budget Meeting, March 10, 2011 Work Meeting, March 16, 2011 Regular council Meeting, March 21, 2011 6:30 pm Special Meeting, March 21, 2011 6:40 Special Meeting, and March 21, 2011 6:50 Special Meeting. Phil Fisher seconded the motion. **Motion carried.** Phil Fisher – Y, Fran McCully –Y, Gary Rose – Y and John Clogston – Y

DEPARTMENT REPORTS:

Police Department: Chief of Police Robert McLeod submitted the report for the police department. There were 254 calls. This was up from last month, but still average. For animal control there were 55 complaints. Phil Fisher asked McLeod if Animal Control complaints were different than his own. McLeod advised that it depended on the cut-off dates for the reports and if it is out of City jurisdiction, it is referred to County Animal Control.

Power Department: Power Manager Clint Taylor advised that he had received word from CT Beede, BPA that the REP agreement did not pass. Taylor advised that the outage last Thursday was due to a transformer at the VFW pole; he has a few more outages scheduled for next week in town and on Iron Creek. City Hall was put on generator backup, and it held fine during recent outage. There is power to the new baseball field now. The crew worked at the hydros; unit one went down. Northern Lights is still working on it. Taylor also advised that he completed the employee evaluations.

Public Works: Public Works Director Dave Norman advised of the ongoing battle with roads and potholes. The crew worked on the alleys, and is getting the baseball fields ready for the season. Norman advised that he did a test, and shut off the main from the museum to Iron Creek and there was no water loss in one hour. He stated that half of the town is really not in bad shape. His plan is to continue isolating specific areas so we can find where the leaks are. John Clogston asked if he could tell some of the guests what we are pumping. Dave elaborated; at one point we were pumping 700,000 gallons per day, and now down to 500,000. Norman advised we should keep patching or replacing the lines to take care of the leaks, now that detection may be easier. There is only 100,000 gallons being used by the customers, so 400,000 gallons are going into the ground. John Clogston asked; can we get reports so we know. Mayor Banning advised, there won't be any improvement until we start replacing mains. Norman answered; we've only been able to read the last few months to know how much we are pumping at this point; it is going to be an expensive, long process to get the leakage down. There is a cost to running pumps, it is a concern to all that we keep costs down. Fran McCully asked; did the test you did clear between Callahan and Lake Creek. Norman answered; no, in fact it told me that the leaks are in this part of town. It told me that everything between Callahan and Lake Creek isn't that bad. it's in the other part of the town that shows leakage. Discussion followed.

City Hall: City Clerk Sandra Johnson advised that the auditor would be in the first week of May..

NEW BUSINESS:

City Attorney – Mayor Banning advised that he had a meeting with Charles Evans. Evans met with him and Judge Dye. Mayor Banning advised that he would appoint Charles Evans subject to approval by Council. He asked Evans to attend this meeting to answer questions from Council. Gary Rose asked Evans how long he has been in Libby, and Evans answered; since 1985. Rose asked Evans what he specialized in, and Evans answered; primarily in real estate and state planning, adding he had been a city attorney in Libby for 41/2 years. Fran McCully asked; how would you see how Council interacting with you. Evans answered; I'm always available to Council, Mayor, and Judge and welcome calls at my office or home. Phil Fisher stated; I'm sure you have read the papers, my question is; do you want to do this and get things straightened out. Charles Evens replied; I like to bring people together. I don't play favorites, and like to see the different points of view. Mayor Banning called for a Motion to approve the appointment of Charles Evans. Phil Fisher made the **Motion** to approve the appointment of Charles Evans as Troy City Attorney, and Gary Rose seconded it. Discussion: Guest Leona Wood asked the Council why they didn't approve the other attorney. Phil Fisher answered; we didn't want to share an attorney with Libby, and a court clerk and judge advised that they wouldn't want him as an attorney. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y, and John Clogston – Y Mayor Banning advised Evans that they will get together to review the contract. Phil Fisher asked to include in the contract; after six months, if Evans wants to leave, he can give a 30 day notice.

Declaratory Judgment Action - Fran McCully brought up that this was presented last month and hasn't moved forward. Mayor Banning advised that a number of calls were put in to Amy Guth, and she has not responded.

Union Negotiations – Fran McCully stated; we made a motion at the last meeting to hire attorney Daniel Johns to represent the City in union negotiations. Is it time to get in touch with him now, or do you wait until the month that we start it? Mayor Banning advised that Mr. Johns called him and advised that he was not interested, as he has other things taking priorities.

OLD BUSINESS:

Dog Ordinance Variance – Denise Whedon, Christine Hartzmann: Fran McCully made the **Motion** to approve the Dog Ordinance Variance for Don and Denise Whedon, and Christine Hartzmann. Phil Fisher seconded the motion. Discussion: Fran McCully stated that Whedons presented their case very well. Phil Fisher asked if the court date was extended. Denise Whedon answered; it was extended. I have to see the judge again. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y, and John Clogston – Y

Mike Fraser Contract for EECBG Grant – Gary Rose made a **Motion** to approve the Mike Fraser Contract for the EECBG Grant and Phil Fisher seconded it. Discussion: Phil Fisher asked if this was for basic services. Are we required to have a consultant? Since this is an ARRA Grant, It is advised that the City is required to have an engineer because of what is being done to the building, and an architectural engineer because of the historical elements. The city will have to make sure that specific instructions are followed. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y, and John Clogston – Y

McDougall's Trailer Court Expansion Subdivision – Final Exhibit Approval – Kristin Smith, Lincoln County Planning Director, advised that the preliminary approval was granted to McDougall in April 2008. Smith advised that preliminary approvals have three years that the developer can complete the improvements and demonstrate that the restrictions imposed are completed. Mr. McDougall did do that mostly satisfactorily. Smith advised that there was one item from the City's letter that was missing. That was a hydrant in the park. It looks like the Fire Department has waived that requirement. She advised that as a Council, you can move to approve the final exhibit with the amended change. Mayor Banning read aloud the letter from the Fire Department. He then read Power Manger Clint Taylor's and Public Works Director Dave Norman's response stating that requirements have been met. Phil Fisher made the **Motion** to approve the Final Exhibit to McDougall's Trailer Court Expansion Subdivision and Gary Rose seconded it. Discussion followed. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y, and John Clogston – Y.

Kristin Smith advised that it had been about a year since there was discussion regarding an Interlocal Agreement between the County and the City for planning services. She presented the draft. Mayor Banning will have this on the agenda for the next work meeting, May 12, 2011.

CLAIMS: Phil Fisher made the **Motion** to approve the Claims and Gary Rose seconded the motion. There were two items for discussion: Fran McCully stated; we held out per diem for travel. We wanted to see the motel invoice. I see with what is here this month, we can go ahead and pay the rest of it; but, that would only pay part of the per diem and I see we also have another claim for future travel and training and that would definitely put us over budget if paid. When we did the budget we set specific amounts for travel and training. McCully stated she was opposed to both claims. She asked; with the current Motion, do we need to amend the Motion to hold these claims out. Sandra Johnson advised she can state the exceptions that are not to be approved. McCully stated this is on claim #110335 for \$331.80 and claim #110417 for \$555.00 on Page 5, the registration for the Billings MMCTFOA training. Gary Rose asked for more information on the claim for the Building Inspector stating; isn't he County. No, he is the City of Libby's inspector, so we only pay half. Gary Rose asked questions regarding the Black Mountain Software. This is annual maintenance fees, including updates. Phil Fisher questioned the cancelation for Workman's Compensation. This was an incorrect amount; there is documentation attached. There was discussion on a previous MMIA claim deductible. **Motion carried.** Phil Fisher – N, Fran McCully – Y, Gary Rose – Y, and John Clogston – Y

PUBLIC COMMENTS: John Brown said now that Mr. Evans will be working for the City when will he be sworn in so he can accept paperwork from other attorneys, and if he would be willing to start taking paperwork tomorrow. Evans answered; I can assume responsibility tomorrow, yes. Phil Fisher stated; I think we should wait until he is sworn in. John Brown advised that he will be getting paperwork soon. Jeffrey Rebo asked if there is an alternative room for council meetings if more people show up. Banning answered; Yes, they have been held at the Senior Center; but it depends; we never know how many people will attend.

ADJOURNMENT: Gary Rose made the **Motion** to adjourn at 7:55 p.m. and Phil Fisher seconded it. **Motion carried.**
Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y, and John Clogston – Y

Donald C. Banning, Mayor

ATTEST:

Sandra Johnson, City Clerk