

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

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

Mayor Don Banning lead the Pledge of Allegiance.

**GUESTS:** Robert McLeod- Chief of Police, Janine Price, Payton Norman, Shelly Garrison, David Norman, Robert Boren, Joe Arts, Gary Kreshel, Linda Rose, Jayne Brown, Jean Meyer, Lisa Oedewaldt, Clint Taylor, Susie Taylor, George Snyder Sr., George Snyder Jr., Donna Rugani, and Heather McDougall

**MINUTES:** Gary Rose made a **Motion** to approve the minutes of: City Council Work Meeting of June 9, 2011 6:30pm; City Council Meeting June 15, 2011, 7:00pm; City Council Special Meeting No. 1 June 23, 2011 6:15 pm; City Budget Meeting June 23, 2011 6:30 pm; and City Council Special Meeting No. 2 June 23, 2011 7:30 pm. Phil Fisher second the motion. No discussion. **Motion Carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y, John Clogston - Y

**DEPARTMENT REPORTS: *Public Works Department-*** Dave Norman reported installation of drywells that were purchased last budget year and is looking into possibly installing more. Pot holes were fixed with hot mix. He reported that he is planning on working with Kootenai Paving to overlay areas around town. He also spoke with the County Road Forman Dave Kyriss regarding chip-sealing Riverside Avenue. Kyriss advised that it would be late September, after they have completed their own projects. The crew worked on the sprinkler system. Norman contacted Jack's Waterworks to inspect the sprinkler system in the new baseball field. The ball fields have been fertilized and also the school's field at the cost of the school. Norman received a quote of \$90 per ton to have Kootenai Paving do a three inch overlay in places. The water meter pit was installed at the residence in question at the last meeting. Council Fran McCully requested Norman to come to the next budget meeting. She has questions on the cost of possibly stalking up on pipe for future repairs, and the possibility of ordering it from the mine to save costs. Norman advised that with public water systems, everything they purchase has to be stamped AWWA, it can't be any other type of pipe. There are two different suppliers in Kalispell. Norman stated that he can get a quote at any time; he will put information in the Council's boxes regarding the prices. ***Power Department-*** Clint Taylor advised that his crew worked on the alleys, transferring lines and tree trimming. He reported installing a new underground service. The helped with the 4<sup>th</sup> of July Celebration, moving bleachers and portable power. Taylor reported the little extra work at the hydro's for Northern Lights. The crew also worked on street lights. They helped Public Works with the dry wells with the digger truck. There were a few power outages due to wildlife. Taylor advised that they ordered some wild life protectors to see if helps. ***Police Department-*** Chief of Police Robert McLeod reported the number of calls that came through Troy Dispatch. He advised that Animal Control has been attending to the cat problem on Grant Avenue. The 4<sup>th</sup> of July Celebration was without incident.

**NEW BUSINESS**

**BUSINESS LICENSES:**

**Taylor Hot Dogs** –Owner George Taylor, location is 208 E Missoula Ave, in Troy. Business type is a Mobil Concession stand. Phil Fisher made the **Motion** to approve the business license and Gary Rose second. No discussion. **Motion Carried.** Fisher – Y, McCully – Y, Rose – Y and Clogston – Y

**Lake Creek Inn** – Owner Don Giannini – Stone Bridge Homes, LLC, in Post Falls Idaho. Business type is a motel; previously the Ranch Motel located at 914 E Missoula Ave. Phil Fisher made a **Motion** to approve the business license, and Gary Rose second. McCully asked if this license covered all the businesses that were located at this address. She was informed it was only for the inn. **Motion Carried.** Fisher – Y, McCully – Y, Rose – Y and Clogston – Y

**FRASER MANAGEMENT AND CONSULTING PAY REQUEST: EECBG GRANT-** Phil Fisher made **Motion** to approve the pay request for invoice No. 36-2011 for \$1712.50 and Gary Rose second. Discussion: Fisher stated that there are charges for an architect, and feels it may be duplicate request. Banning advised that City Hall will verify and bring it back next month. Phil Fisher withdrew his Motion and Gary second. **Motion withdrawn.**

**S & L UNDERGROUND PAY REQUEST No. 9: Phase II Water Project-** Phil Fisher made a **Motion** to approve the final pay request No. 9 for S & L Underground in the amount of \$4000 and Gary Rose second. Discussion: Fisher asked why there was a percentage held back. That goes to the State of Montana for the 1% gross wage, it comes out of S & L's pay request. **Motion Carried.** Fisher – Y, McCully – Y, Rose – Y and Clogston – Y

**BPA: Revision No 1, Exhibit E Point of Delivery-** Phil Fisher made the **Motion** to approve Revision No 1, Exhibit E of the BPA contract and Fran McCully second. No discussion. **Motion Carried.** Fisher – Y, McCully – Y, Rose – Y and Clogston – Y

**NORTHERN LIGHTS CONTRACT FY 11/12: Clint Taylor** – Gary Rose made the **Motion** to approve the Northern Lights Contract for FY 11/12 and Phil Fisher second. Discussion: Fisher questioned the difference in vehicle cost compared to the policy manual. Taylor explained. **Motion failed.** Fisher – N, McCully – N, Rose – N, and Clogston – N. Discussion followed. Fisher questioned the Northern Lights flat rate. Taylor explained that it was based on the 16 man hours per week including, workman's comp, insurance, etc. for two men. Fisher stated that he would like to see the monthly flat rate amount changed to a minimum of \$4,000. Discussion followed. Fisher made a **Motion** to change the monthly rate to \$4000 instead of \$3788. Gary Rose second the motion. Discussion: Clogston expressed his feelings that it should be higher, Rose agreed with a higher amount stating that there is room to negotiate. Heather McDougall stated I would start higher. Phil Fisher made a **Motion** to amend the previous motion and increase the Northern Lights Contract from \$3788 to \$5000 and Gary Rose second. **Motion Carried.** Fisher – Y, McCully – Y, Rose – Y and Clogston – Y

**IBEW CONTRACT:** Gary Rose made the **Motion** to approve the IBEW contract and Phil Fisher second the motion. Discussion: McCully requested explanation of the process of contract negotiation. Mayor Banning stated that all council members received a copy of the contract and have had it for two weeks. You have had conversations with the IBEW business manager to answer the questions that you've had, and you've been given the opportunity at the work meeting to offer any questions or suggestions to the Mayor's office and there was nothing given to me at that time. McCully expressed her opinion that the general public should have input or notification of how the process works. Mayor Banning said the negotiations were between IBEW and the City of Troy. Clogston asked who negotiated for the City. Banning answered the Mayor. City Attorney Evans met with the union's representative Larry Langley. He advised that the position of the Council is to either approve or disapprove. If they disagree they should submit in writing, the specific areas they do not agree with or the changes that they want made. Then it would go back to the Mayor and the Union to discuss your requests. If it couldn't be negotiated to a degree acceptable to Council, it would go to mediation. A mediator would make a recommendation. McCully reiterated; so the general public has no opportunity to know anything about this contract until it is done. Evans replied; in this meeting is where the general public is notified about the contract. This is a public document and can be examined at City Hall as a draft. The present contract has been ratified and submitted to Council so it is considered public documents. Discussion followed. **Motion failed.** Fisher – N, McCully – N, Rose – N, and Clogston – N

## **OLD BUSINESS**

**BUILDING AT 230 E KOOTENAI AVENUE:** George Snyder – Phil Fisher made the **Motion** to approve the purchase of the building at 230 E Kootenai Avenue and Gary Rose second Discussion: Fisher stated he doesn't feel the City can afford to purchase the property at this time. McCully agreed. Snyder offered to reduce the size of the payment. Fisher stated again he doesn't the City has the funds to do it. **Motion failed.** Fisher – N, McCully – N, Rose – Abstained, and Clogston – N

**EMERGENCY OPERATIONS PLAN:** Lisa Oedewaldt – met with Council at the work meeting on July 14, 2011 and nothing had changed. Phil Fisher made a **Motion** to approve the Emergency Operations Plan and Gary Rose second. No Discussion. **Motion Carried.** Fisher – Y, McCully – Y, Rose – Y and Clogston – Y

**WATER RATE FOR NON-RESIDENTS:** Phil Fisher made the **Motion** to charge all non-resident water users \$34.50 per month and Gary Rose second. **Motion Carried.** Fisher – Y, McCully – Y, Rose – Y and Clogston – Y

**PARK HOST CONTRACT:** Mayor Banning informed Council that he forwarded information he obtained from MMIA to the City Attorney. He advised council to submit their ideas and stated no contract has ever been done for the park host. The wording on the agenda should be stated as a job description, not a contract. City Attorney Evans stated according to the Montana Codes, employment consists of providing something that isn't monetary, that brings it under the wages and hours division and also subjects it to the possibility of having to pay unemployment and workman's comp. Evans advised that he is still investigating and would like to seek clarification from the State before continuing.

**ORDINANCE NO. 263:** Phil Fisher made a **Motion** to amend Ordinance No. 263 pursuant to the draft and Gary Rose second. Discussion: Evans mentioned to Council; all of the items that you have in your amended ordinance are almost word for word set forth by Statute. Evans asked; since you already have them in Statute, do you still want to have them in Ordinance. Rose answered this one we do. Mayor Banning stated to Evans that during the work meeting, you wanted to contact the codifiers and did he find out any information. Evans answered he spoke with them, and they would like to take the statutes out of the ordinances as well, and she sent a questionnaire to the city that had not been returned. It was advised that it has been completed and returned. Discussion followed. Mayor Banning informed the public of the 15 sections of Ordinance No. 263. Phil Fisher read the amended Ordinance 263 aloud as the first public reading. **Motion Carried.** Fisher – Y, McCully – Y, Rose – Y and Clogston – Y

**CLAIMS:** Gary Rose made a **Motion** to approve the claims in the amount of \$98,922.32 and Phil Fisher seconded. Discussion: Fisher asked what the Victim's Witness Advocate Program claim. It was explained that by MCA we have to pay it. It comes out of the City Court surcharges as well as other yearly dues. Question on the claim to Bear Tooth Mechanical. Banning explained that the toilet at the restroom at the park was no longer being made the City needed to hire a licensed plumber to install a new retro-fit commode. Rose asked about the premium payments to MMIA. It was explained that it is a yearly payment. McCully asked about the Jacks Water Works claim. She asked if they were hired to maintain all the sprinkler systems in the park. Mayor Banning explained it was a onetime claim to correct the system in the new field. Rose asked what the American Safety Utility claim was for. Mayor Banning explained that it was for the crew's safety shirts and vests. **Motion Carried** for the approval to approve the claims for the above amount less the \$1712.50 claim for Fraser Management Consulting. Fisher – Y, McCully – Y, Rose – Y and Clogston – Y

**PUBLIC COMMENTS:** Heather McDougall asked what Mr. Evans found out from MMIA about the water feature. Evans advised that he just received the information today, so he will be presenting that to them. McDougall asked if Mr. Meloy was in the claims. No, that it is not in the

claims. McDougall questioned when it will get paid. Evans advised that Meloy's fees haven't been determined at this time.

Mayor Banning advised that the preliminary budget meeting will not be held on July 27<sup>th</sup> as scheduled. It will be rescheduled.

**ADJOURNMENT:** Meeting was adjourned 8:45 p.m.

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Donald C. Banning, Mayor

ATTEST:

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Tracy Rebo, Deputy City Clerk