

**Troy City Council Meeting  
Council Chambers  
December 21, 2011  
7:00 pm**

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

Mayor Banning lead the Pledge of Allegiance.

**GUESTS:** David Norman, Payton Norman, Shelly Garrison, Robert Boren Sr., Less Teats, Donna Rugani, Jayne Brown, Linda Rose, Heather McDougall, Robert McLeod, Blayne Metz, Bob Welch, Joyce Welch, Crystal Denton, Joe Arts, Sharron Johnson, Steve Bowen, Katherine Miller, Caitlin Duve, and Emily Anderson

**MINUTES: Motion** to approve the Minutes of the City Council Work Meeting on November 10, 2011 was made by Phil Fisher, second by Gary Rose. Discussion: Fran McCully stated that she is opposed to the minutes as written because she feels the italics and underlines was somebody trying to make a point and were not necessary. **Motion failed.** Fisher – N, McCully – N, Rose – N, Clogston – N **Motion** to approve the Minutes of the City Council Meeting on November 16, 2011 was made by Phil Fisher and seconded by Gary Rose. Discussion: Fisher advised that he was not at this meeting and questioned how the pay for the Chief of Police will be figured as he is required by Ordinance No. 5 to attend the meeting. Mayor Banning said it is up to Council adding that if the council requests someone to be at the council meeting to give their report, under the union contract, they have to be paid. McCully stated that there are two different ways to be paid; one is a plan and the other is by call-out. Mayor Banning advised that this would not be call-out because we are aware of it. McCully stated; then only for as long as he gives his report. Fisher stated he would like to see that he get no more than an hour of pay for his time. City Attorney Evans brought up a section of the meeting in department reports where Mayor Banning had advised the council that the Police Department would no longer get standby time when filling in shifts for other officers, instead they would get overtime. Evans stated that he did not understand what that meant. Banning explained that if a police officer is asked to work a shift, he will work the entire shift. Again, Evans stated he did not understand. Fisher explained with an example. Evans stated; if that is the case, then shouldn't this be re-worded to reflect that. Fisher agreed. Discussion followed. Fisher added; it should be clearly stated for future reference. Bob McLeod explained that it was outside the regular 40 hour shift, in the past, instead of charging the city for overtime, it was on a standby wage, which only cost the city \$7.15 per hour for coverage, instead of overtime rate. Banning stated it will be handled how the contract states. McLeod continued, we are going to work the full shift now at the overtime rate when filling in for another officer. Discussion followed. Rebo advised that the Minutes cannot be changed once they are presented to Council. She will have to show corrections or additions on the current meeting's Minutes. Phil Fisher stated; I would like to see in the Minutes the section regarding Department Reports be clarified. Banning called for the question. **Motion failed.** Fisher – N, McCully – N, Rose – N, and Clogston – Abstained. *(This section was inserted to clarify what happened at the November 16, 2011 Regular council meeting. At the November 8<sup>th</sup>, 2011 City Council work meeting there was a question from council member Phil Fisher regarding standby time being paid to police officers and had requested the issue to be placed on the November 16, 2011 regular council meeting. Fisher had questioned why the police officers were being paid standby time when the union contract states they will not be paid for standby time. At the November 16, 2011 regular council meeting Mayor Banning stated that he had looked into it and it is in effect that the officers are not to be paid standby pay therefore will work the whole shift. Chief of Police Robert McLeod explained that when an officer is sick or is on vacation the officer that fills in for them is paid standby time. This was done to help save the City money. The officer would work for four hours at their regular rate of pay and then be paid minimum wage for the remaining four hours instead of*

being paid for the entire shift at overtime rate. McLeod stated that if the council would like to have the officers work the entire shift then he would have them do that. Banning stated that is what he said; the police officer would work the entire shift if they are filling in for another officer. McCully questioned how we would expect in the future the procedure would be if this happens again which you (Banning) being the executive would you allow it since it didn't come through here or your office. Banning stated it would be up to the department head. McCully asked Banning if he would be involved in it in anyway. Banning stated that if the department head had called and asked for his opinion he would give it. But, it is up to the department head to make the decision. McCully asked so it would be up to the department head to decide if it would be standby time. Banning reiterated it would be up to the department head if it would be standby or overtime. McCully said ok. Heather McDougall questioned the mayor that her understanding is that the Mayor did not authorize the charges for standby time. Banning answered that he would not need to authorize the time that is up to the department head.)

**DEPARTMENT REPORTS:** **Mayor:** Banning advised a change to the agenda regarding Item number one the EECBG Project. Fraser had asked the City to wait on taking action on the bid for the project until they can determine pricing for better quality windows. Clint Taylor advised that it is about the rebate from BPA. Banning advised that January 3, 2012 at 6:00 pm there will be a special meeting for the swearing in ceremony of the new council members. Following that there will be a special meeting to approve the appointment of Tracy Rebo as City Clerk/ Treasurer. Banning explained that the Council has the power departments report in their packet, he also said that he had spoke to the department heads and told them that if they were going to be in attendance on their own volition and give their report, they would not be paid for that. But if they are requested by the Council to attend the meeting then they will be paid. **Power Department:** Clint Taylor submitted a written report. **Public Works Department:** Dave Norman opted to give an oral report on his own time. Norman reported that his crew had been working on pothole patching, and building a road in the new section of the cemetery. He advised that they are in the process of putting a new gate at the cemetery along with rock work. He reported that with weather allowing they will continue to work on the O'Brian Creek road. Norman also included normal maintenance in his report. **Council:** None. **Police Department:** Chief of Police Robert McLeod read aloud his written report. McLeod added that he submitted a grant application to the Department of Transportation for a second radar unit for the patrol truck. The Montana Sherriff's and Police Officer's Association has approved the Troy Police Department for a \$5,000 overtime grant. He broke it down to 43 - four hour DUI patrols. McLeod reported on the high speed chase that went through town and advised that he will be submitting a stop stick policy. He reported on the feline problem on Grant Avenue, stating that all but about seven cats have disappeared. The veterinarian sent tests to Montana state lab and the felines had contracted the Corona Virus and Viral Meningitis, a Lincoln County deputy was bit by a cat and had to have surgery and take two weeks off work. McLeod also advised that there has been a vicious dog reported near the Silver Spur area and been unable to locate. McLeod advised that in his opinion, that Animal Control requires specialized training. He advised the cost of vaccinations to be around \$300 to \$400 per person. It is his recommendation to take the advice of the State Veterinarian to try to locate the deceased felines because they can host new diseases. Phil Fisher questioned the section of his report under traffic stops. He asked what the four labeled *other offences* were. McLeod answered; they may have been giving four citations.

## **NEW BUSINESS:**

**BUSINESS LICENSES:** Mayor Banning stated that there are three applications for business licenses and asked if there was anyone in attendance to answer questions. It was mentioned that the business license for Roxie Rubier had a written statement as to why she wouldn't be able to attend.

**Roxie Rubier:** Owner: Roxie Rubier is not in attendance. **Motion** to approve was made by Gary Rose and seconded by Fran McCully. Discussion: Fisher asked for clarification on the license

being janitorial. Rebo answered; yes. **Motion Carried.** Fisher – Y , McCully – Y, Rose – Y, and Clogston – Y

**The Peoples Tech:** Owner: Shandi Hilliard located at 120 E. Yaak Ave. Mayor Banning stated that this license has come before council two other times and the owner had been asked to attend, but is absent.

**The JOP Shop:** Owners: John and Kristin Orr Located at 192 Mill Rd. Banning advised that they are absent as well, so it will be brought up again next month.

**POLICE DEPARTMENT – Stop Stick Policy-Approval:** Chief McLeod explained he reviewed other city's policies and received the opinion of the City Attorney's before submitting his draft to MMIA. MMIA input was added and this is what they came up with on the final draft. McLeod explained the reasoning behind the need for a policy. He expressed his concerns of high speed chases resulting in possible injuries as from crashing into nearby housing. Phil Fisher expressed his concerns regarding liability. Evans stated that it has been approved by MMIA so they would assume responsibility. McCully asked if there was already a high speed pursuit policy. McLeod answered yes, it is in the SOP's. Heather McDougall stated her opinion that she does not like the location that was chosen in the past near residential areas. McLeod explained that they would be deployed as vehicles are exiting the city and gave the locations. **Motion** to approve the Stop Stick Policy was made by Fran McCully, and seconded by John Clogston. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, and Clogston – Y

#### **OLD BUSINESS:**

**SAFE ROUTES TO SCHOOL/CTEP PATH PROJECT–Approve Application Submission:** Fisher asked for clarification that there were no matching funds. Mayor Banning advised that there is a 13% match to the CTEP funds, which is \$4,960.00. Fisher made the **Motion** to approve the submission of the application, second by Fran McCully. Discussion, Fisher asked who the engineer was. Banning answered RPA. Fisher asked will Fraser be involved. Banning answered yes. Fisher asked has he billed us yet, or will he bill us as we go. Rebo answered; as we go. McCully asked what will be the total amount that the City will have to pay. It was answered; \$4,960.00. McCully asked does that amount include RPA and Fraser. Banning answered yes. Fisher asked Rebo if there is money in the budget appropriated for this project. Rebo answered yes. There is about \$80,000 for the project. Banning stated that he has been in contact with the School District for volunteers to serve on the task committee. Deadline for the application is December 31, 2011. Banning called for the question. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, Clogston – Y

**CLAIMS:** **Motion** to approve the claims in the amount of \$104,854.59 was made by Phil Fisher, second by Gary Rose. Fisher asked if the payment for Sterling Codifiers is the final payment. Rebo answered no, this is the payment after the draft. She added that they had sent a draft for review; the mayor and her reviewed it and sent it back. Fisher asked the draft; isn't that where we go through and omit or amend ordinances? Rebo answered you're not going to take action on the draft; you take action on the final draft. Fisher asked isn't the Council the ones that look through that and see if we want to change some of those ordinances. Fisher stated according to Montana State law, all ordinance changes or anything, is supposed to be done by the Council. Rebo answered there hasn't been any changes done to the ordinances. Once they get the book together, they will give you a draft. Gary Rose asked Rebo if she answered questions given by Sterling. Rebo answered yes. Rose continued isn't that changing something? Rebo answered no, I'm not changing anything. If you want to see the book, come into the office, look at it, and I will email them with your changes. Fisher stated from my understanding, when it came back to the questioning, the Council was supposed to go through it. Banning stated it is my understanding, that when it comes back in the form that it is going to be in, then the council takes a look at it, and if there are any changes, at that time they are taken care of; then it goes back to be printed for final. McCully asked how close it was to being printed. Rebo stated I'm not sure, but I think January. McCully asked then when would we get the opportunity. Rebo answered they are not going to print it until we tell them to. Mayor

Banning reiterated it is not going to be printed until the Council approves it. Fisher asked if it has all been answered and sent back to them to redo, why wasn't the council involved in that process. Banning explained that the only questions concerning resolutions and ordinances that duplicate the State statutes were answered. When it comes back, the Council will have the opportunity to decide what will be in the final Code book. Banning continued we are not authorized as administration to make change or delete ordinances. Discussion followed. Evans stated that he had been in contact with the codifiers, and it was his understanding that they were in the final draft stage. Banning stated that he was not advised of that by the codifiers. Evans expressed his concern over the added cost to the codifiers because now the Council has to go back and make their changes. More discussion followed. Fisher questioned the claim to Big Horn Consulting. It was for Dan Parks to help with the closing adjustments for the annual report. Heather McDougall asked how much was spent on the employee Christmas party. Banning answered \$839 paid for by the employees. Banning added; it was paid for by a check from the City but the money was put into the City account by the employees. Fisher asked about the claim to Galls. Chief McLeod advised that it was for boots. Fisher asked about the claim to DEQ for outfall payment was for. It is for the storm water permit during the water project. Fisher asked what the claim to USA Blue Book was for. It was for a restocking fee. McCully asked how often Burlington Northern right of way fees were paid. It is once a year. McCully asked why it is out of electric. The city's power lines are on their property. Banning called for the question. **Motion carried.** Fisher – Y, McCully – Y, Rose – Y, and Clogston – Y

**PUBLIC COMMENTS:** Joe Arts asked if he could receive a copy of all the resolutions and ordinances passed in the past year and a half. Rebo advised Arts to come into the office and fill out the request for public records form.

**ADJOURNMENT:** Meeting adjourned 8:12 p.m.

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Donald C. Banning, Mayor

ATTEST:

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Tracy Rebo, Deputy City Clerk