

**Troy City Council  
Work Meeting  
Council Chambers  
May 18, 2010**

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

**GUESTS:** Glenn Garrison, Danette Fisher, Robert McLeod, David Norman, Payton Norman, Wayne Maffit.

Pledge of Allegiance was lead by Mayor Banning.

**DEBBIE WELCOME: Request Yaak Avenue Closure -** Debbie Welcome was not present. Request will be put on the May 19, 2010 agenda. Dave Norman, public works director, brought up the condition of the road. Paving should begin soon and complete within a week. With rain delays construction could go beyond May 30, 2010.

**WAYNE MAFFIT: Mobil Home Ordinance-** Presented council with pictures of property in question. The trailer was just recently moved in. The property needs to be cleaned up. Maffit stated that the Mobile Home Ordinance needs to be re-done to include travel trailers that are being used as a permanent dwelling. Maffit asked council if they plan to do anything about the ordinance. Dave Norman stated; the original ordinance missed the RV part. Fran McCully said that there is nothing in the ordinance stating he can't be there. Phil Fisher wanted to know what would happen to people that are there all the time before this went into effect; you can't control people coming and going to a premise whenever they want. It was stated that anyone at that time would have been grand-fathered in. RVs were not considered in the ordinance because they are not intended to be a permanent residence. Gary Rose suggested Maffit to put in a complaint. Fran McCully suggested enforcing the trash and rubbish ordinances that we do have instead of trying to re-write an ordinance. Discussion continued. Maffit stated that he had put in complaints and it is still not cleaned up. Don Banning advised that in the past we have sent out letters to the owners giving a time limit to comply with their property cleanup. If it isn't done, they are billed for the cleanup. Robert McLeod stated that he will look at the City Ordinance regarding trash and rubbish.

**LEONA WOOD:** Not Present.

**RIDE-ALONG POLICY:** Gary Rose stated that John Cummings at MMIA had sent a couple examples, and a draft was sent to Fennessy and Chief McLeod to review and comments. Fennessy advised to have certain language removed regarding a waiver. McLeod stated that he wanted to keep the agreement and that it was not a problem. Officer McLeod also wanted the language of "helping" an officer taken out. Fennessy did say what had currently been done was fine. Mayor Banning stated; when approved a copy will be sent to MMIA for their records. Officer McLeod will get a full policy to us for our records. So far two high school students have requested to ride along.

**COUNCIL:**

**FOURTH OF JULY- Fran McCully:** Fran McCully spoke for council stating; we don't want any major project to be scheduled the week before the 4<sup>th</sup> of July so the Public Works Department can assist the Chamber of Commerce in setting up for the event. Mayor Banning advised that the Chief of Police McLeod and he met with the Chamber of Commerce about security and their next meeting will be on the set-up. Dave Norman advised that generally we have some concerns; stakes can only go in certain placed because of the sprinkler system and they generally move the bleachers. McCully stated; this is only about making sure things that happened in the past can be avoided. Dave Norman advised that the few days prior to the event

are usually aiding the chamber anyway. McLeod stated that he will be in touch with the County. They gave us four reserve officers last year. Dave Norman advised that with the new baseball field, there may have to be some adjustments to the fireworks. McCully brought up that the tree planting may be an issue with fireworks as well. Mayor Banning stated we have discussed this with the fire chief Larry Chapel and it is all taken care of. The public works department has done this before and knows what to do. Mayor Banning stated; as far as the City's responsibility, it has been taken care of.

**TIME STUDIES- Loretta Jones:** Loretta Jones stated this goes back to the time cards and the budget. We get the job descriptions, and they are pretty involved. We want some sort of time study, just for a couple weeks, where people keep track of what they do and how long it takes to do things, and then go from there. Loretta Jones spoke for council stating; we would like to make it more efficient, and we can't just say we want it more efficient unless we know how time is being spent. Gary Rose stated we need project progress reports monthly from the utilities. We want to know where you're at and what you've done. We don't have anything. Dave Norman asked; like a diary? Gary Rose stated; yes and used McLeod as an example. He shows what has happened at the end of the month. We want to know what you're working on, when is the projected end of it, and how much time you've spent on it. Fran McCully stated it gives us an idea of what you do. She stated that Dan Clark advised to do it quarterly for all seasons. We would need to come up with a form for it. It would be a lot like a time card, and have all the employees put their time. Loretta Jones stated it shouldn't have to go on day after day. Gary Rose stated a monthly report would be good. McLeod asked; what is the purpose of it. McLeod stated his feelings. In the past when he used to do a daily log sheet, all he found is that it bogged him down. Loretta Jones stated; I'm concerned with efficiency, and I want to see how time is spent for a certain amount of time. McLeod continued with examples of duties and not enough time for writing, instead he has a voice recorder. Jones was asked if there was a form at her job with the County Youth Detention that they used to for this information and the employees filled out. Loretta replied; no, because our job is so repetitive. You do so many different things. I don't know how long it takes you to do the time cards. I don't know how long it takes you to do the minutes. Fran McCully - this is why we need a quarterly thing, we need a comparison. Loretta Jones said; we need to know how much time you're spending on grant writing, so we can have someone else do something you can't get to. Fran McCully stated it is about efficiency and that's our goal. Before you cut you become efficient. Discussion followed. Loretta Jones stated time should be appropriate to the fund it is coming out of. Dave Norman stated: park budget is very small. 60%-70% of sewer and water is calls or call-out. Right now we are spraying and watering. Phil Fisher stated; some of the issues right now are that people are coming to us and not Don Banning. I really do want to give an answer. Fran McCully stated; we as a council wanted to have long and short term goals for our term and the city. We do not want to be re-active.

**TIME CARDS- Phil Fisher:** We want to make up a new time card. Electric Department is a little different. It should have each department on there and put down the time you spend on this for each department. Phil Fisher brought up Tracy Rebo's time card and asked Sandra Johnson why she had overtime on the same day she took sick leave. Johnson explained, it isn't overtime, it is time worked and because of the work load that had to be completed, she had worked through lunch and had left two hours early. Phil Fisher stated; you shouldn't be paid nine hours for an eight hour day. Loretta Jones agreed. Fran McCully added; if she had worked through her lunch hour and had not went home it would have been overtime, and all overtime has to be authorized. Phil Fisher asked Johnson questions regarding a training week in Billings. He asked if the driving time documented was a scheduled work day. Johnson replied; no, but there is a MCA stating that you provide that time if they go to any training. Fisher asked Johnson how someone that takes a day off before that scheduled training trip can run into overtime for the work week. It wasn't overtime; a day of vacation was taken. You only get overtime when you physically work over 40 hours. Johnson stated; you didn't want me to take vacation then? Phil Fisher answered; you are allowed only 40 hours worked in a week, no matter how it is broken up. Johnson stated; I don't know what you are getting at. It is standard payroll procedure. Phil Fisher stated; you both took an extra day. You have 40 hours worked plus a vacation day and Tracy took a sick day. Loretta Jones stated that with her personal job, she can take a vacation day, and

then if she was called in, it is overtime. Johnson stated; she will call Wage and Labor board to get a determination and follow up with Council. Phil Fisher asked what the two hours on Sunday night were for. Johnson explained that it was a class that is mandatory to attend to get your CEU's. Phil Fisher asked Sandra Johnson why there was a difference in the time reported for travel between her time card and Tracy Rebo's time card. Sandra Johnson replied; I must have figured something different than she did. Phil Fisher stated; well you're the one that signs the time cards, you should notice that. Johnson replied; I thought it was okay. It was me that was putting a half hour less than real time spent. In other words; you guys got my half hour worked for nothing. Phil Fisher stated; no, she got us for another half hour. Fran McCully stated; you can look at it two ways I guess. Mayor Banning stated; that is not necessarily true. Sandra may not have spent three hours in a meeting and Tracy three and a half hours. There are several meetings going on at the same time. Loretta Jones stated that she doesn't understand Kathy Foote's time card. Sandra Johnson explained that Kathy Foote writes up to the minutes worked, so you take the minutes and divide by 60 to get the hours worked. Fran McCully asked questions regarding Sandi Sullivan's time card. She stated that she reported time after 5:00 p.m. Fran McCully continued; I thought we decided the door would be locked by 5:00 p.m.; apparently she didn't get the message. She should be out the door at 5:00. Don Banning said; unless there is somebody in the office conducting business. Fran McCully said; but not continuously. Don Banning stated; maybe there was, you will have to ask her, but it could happen. Fran McCully replied; well, possible, but improbable. Discussion followed. Fran McCully requested information on how much training costs are for budget. Johnson explained it is for registration, the lodging, and the meals. Phil Fisher reiterated; that's in the new budget? Yes, that will be in the budget, the department submits the documentation and council reviews it. Council doesn't put in the actual numbers; that is all done by the department heads, and then Council will see if it fits financially and in the scope of work. Discussion continued. McCully said are you saying that the council has no input as far as what they desire what goals to fund for the City for the next year. Johnson replied, I'm not saying that you don't have any input. The figures have to be real as a part of the budget. Gary Rose asked; what do you mean it has to be real. Sandra Johnson replied with a question; what do you want to put in there? Fran McCully answered, at this point we don't know. Johnson replied, that is why the numbers are put in by the department heads. Loretta Jones stated we can make a request; we have to find out if there is money for it, and can okay it or not okay it. Discussion followed regarding budget funds. Discussion followed. Fran McCully asked Dave Norman how much time is spent on the sewer on an average day. Dave Norman replied; I probably spend the most time because I do the sewer reports and take the samples. We take turns doing the rounds. Most of the rounds consist of checking the lift stations. Gary Rose asked Johnson; what is the problem with the sewer fund. Johnson replied; it's not taking in enough revenue to meet the expenditures. Gary Rose asked why is that. Johnson replied; in the twelve years, everything has gone up; fuel, lab fees, and wages, etc. Dave Norman explained future mandates and added; there will be even more testing and more hours of lab work that will need to be done. McCully we will look at the budget very seriously, eliminate unnecessary things and try and get this back on the track to where wages come out of the place where the employee works. Don Banning asked Dave Norman; is it possible that all three of you will work on the sewer for three hours, making nine hours from the sewer fund. I know you have spent 30 hours in one day on the sewer before. And it's the same on water jobs. Dave Norman agreed and explained that during different times of year more time is spent in different departments. Discussion followed. Dave Norman advised that he would have his crew break down their time on a notebook and put down on their time card what and where it would come from.

**PIPES AT THE PARK: mud bog area - Gary Rose:** wanted reassured that the water project contractor will be moving the pipes before the event. Gary Rose asked Dave Norman if it was in the contract that the contractor keeps the scrap. Dave Norman replied; yes however I requested a few hydrants and a couple other things be kept by the city. All other scrap is the contractor's. Mayor Banning advised we have talked to them. McCully asked if Beth Schweitzer had contacted her to be put on the May 19<sup>th</sup> agenda. No, as Dave Norman advised that he met with the museum director and the water project contractor regarding the sprinkler system and concrete steps. Dave Norman talked to County Commissioner Konzen on Friday the 14<sup>th</sup> of May. The DOT already gave their okay for the Right of Way. Norman stated that he would like to see a

good portion of the sod back. McCully wants a motion done to say this will be done. A motion is not needed for this. Dave Norman stated; we need to see how it will be when it is done. If not, we can do something else.

**DRY WELLS - Maintenance- Fran McCully:** McCully asked if the city is going to keep the dry wells. Dave Norman replied; they usually do it for us free grads. McCully asked if Norman would ask the State to bring their truck up. Dave Norman replied; yes, when they have their truck, we can ask.

**NO PARKING ON HIGHWAY: Phil Fisher:** after the recent accident on Highway 2 by Odie's Café, maybe not have any cars parked on the highway. Chief of Police Robert McLeod stated that he has documented this and has asked the DOT for a site study. McLeod took pictures to show how the road is obstructed. Fisher asked; do we have to post a sign. McLeod replied it is a State problem that we can't do much about. Dave Norman added; this is even more of a problem in the winter for snow plowing.

**PRELIMINARY BUDGET MEETINGS-** McCully asked what if Council has a problem with all the dates set for budget meetings that are shown on the budget schedule. She asked if Mayor Banning had to be notified if there is a problem. It was explained that there are certain deadlines that have to be met. If you want to change the date of one of those meeting just let him know. The dates that are not in bold are work meeting discussions. The dates printed in bold need a vote; so a full quorum is required. Discussion followed.

**PINK APARTMENTS- Gary Rose:** Rose asked if Sam Shupe called regarding the apartments. Mayor Banning advised that he had called him May 17<sup>th</sup> and left a message and Mr. Shupe had not returned it as of today. Banning added that Shupe had previously let him know that someone was interested. McCully asked if the City had entered a contract with him. Mayor Banning replied; no. McCully asked if the City had to publish anything before a sale. Yes, the City needs to publish and take bids to give everyone an equal chance to purchase any property.

**BLEACHERS AND ROOFS-** McCully asked if we were still going to order the benches for the soccer field. Banning stated that he told John Brown as soon as he brings the money in, the city would order. McCully asked if we were going to be able to put roofs over the baseball dugouts. Banning advised that the City has been looking into that for the last few years. The city is looking into possibly hiring the same contractor that put the roofs on the dugouts at the other fields. Fran McCully asked if it is something the city crew can do. Banning answered; time is an issue, but yes, if there is time to do so.

**CITY HALL TREE MAINTENANCE-** Loretta Jones asked if something can be done about the weeds around the new trees that have been planted around City Hall. Mayor Banning stated that we have already gotten bricks to put in the tree squares and weed control cloth. These will be installed by the city crew. They have already pulled out the dead tree and will put in another one soon.

**BANNER POLICY- Fran McCully:** Fran McCully asked; what is the policy for hanging banners. Mayor Banning replied; they just ask Clint, and he does it. Phil Fisher said so there is no policy then? No, not that we're aware of. They can only hang for a certain amount of time, and we do not hang anything that advertises products for sale. McCully stated; we are going to make a policy and have them advise a week in advance before we can put up the banner. Mayor Banning stated; we should be thinking about charging for some things. Fran McCully replied; the people in this town pay taxes, they should get some services for that. Banning stated we hang banners for a lot of events.

**GOOD SAM'S - Fran McCully:** asked how much we charge the Good Sam's Club for park usage. The city is getting about \$125.00. McCully would like to be assured that they do have insurance. Discussion continued pertaining to liability insurance. Fisher asked if the Good Sam's organizer comes into the office. Johnson, replied, Yes, they do. Fisher stated; when they come into to office, you're going to be responsible to make sure they provide insurance. Yes.

**CITY X BUSNIESS- Fran McCully:** asked how much time it takes to do payroll for dispatch. It depends. The city gets \$2,000 per year to do it. Fisher stated; we need to know how many hours is spent to do this. It's about 1 ½ hours for 26 pay periods a year.

**INFO TO PUBLIC POLICY- Phil Fisher:** Phil Fisher spoke for council; stating we are going to change the policy of charging citizens the cost of copies for the public information they request. Fran McCully reiterated; we are talking about and charge nothing or the 5 or 10 cents to cover the cost. The policy of 25 cents per page was because people were bringing in their own

information, i.e. recipe books and wanting them copied. Fran McCully stated; that's not even what we are talking about. Phil Fisher stated; it's about the right for people to know the public information on the city. Fisher continues; we can't charge labor to make public information known. Are you talking about the W2 request? Fran McCully answered; yes, we are. Johnson stated; it took a long time to go back to 1998 to the present to get W2's for employees, copy the information, white out the personal information, and copy it again. McCully stated; the simplest thing for that would to have given the council the information to begin with and an extreme measure wouldn't have been necessary to get the information. Fisher stated; you still charged a tax paying citizen. Johnson advised that anyone that would have come in with the same request would have been charged. Johnson continued; we wondered whether or not we should do that and city attorney Mark Fennessy advised to charge for the service. Phil Fisher stated; well, we are going to make a policy that we are not going to charge taxpaying citizens labor costs Discussion followed. Mayor Don Banning interjected asking people to keep their voices down. Accusations of yelling were exchanged. Generally, if the information is readily available we will just send the information requested with no charge; however, with something that takes extensive time, we charge. Fran McCully brought up the request that council made in the past to get the same information requested and Johnson had refused. Johnson said there was a difference in the information you requested. She requested that the personal information be redacted. Fran McCully said; and how much time would it take to redact. It took about four or five hours to complete the request. The process was explained. Gary Rose asked; you don't just have a computer file to redact. Johnson answered; you can't redact on a computer file. Once the data is there on that kind of record you cannot change it. Fisher stated that he would be in to pick up the policy. Johnson addressed council asking; if we spend five hours getting the information; and our schedule for the week is 40 hours, five of it was spent doing something we are not ordinarily scheduled for, what do we do about that. Fran McCully stated; it wouldn't have been necessary in the first place, it was to point out by law that you are required to give the information. This was brought on, and I feel like it was an isolated incident that will never happen again because now we know we get the information. We should forgive all but ten cents a copy to cover the ink and the paper. Loretta Jones stated; if the policy is 25 cents, I think we should keep it 25 cents. People pay for biomass reports and police report is five dollars. Bob McLeod defined the police report. Discussion on the policy change followed. Mayor Don Banning advised that it will have to go through the city attorney, and reminded council that charges were advised by City Attorney Mark Fennessy. McCully stated; we'll just do a new policy and this won't happen again. Mayor Banning explained the process he took to verify with Fennessy that the information could be given out since two of the employees were no longer employed by the city. Gary Rose asked why Johnson's overtime was not broke down per category like the other employees. Sandra Johnson replied; in general fund under city hall, there is no category for overtime. McCully asked if it possible to put it in. Sandra Johnson replied; yes. Gary Rose said; just a line item. Loretta Jones stated; it's because it's not included in the budget, it's under wages. Discussion on overtime followed. Gary Rose asked questions regarding a former employee's overtime. Johnson advised that there are different types of overtime for police officers. Discussion followed. Chief of Police Bob McLeod explained that there are different types of overtime, some is scheduled DOT. He added; if he is working a case goes beyond his scheduled 5:00 p.m. shift end, he can't just tell the people to come back tomorrow morning. He continues working the case and most of the time when he goes over, he still writes 5:00 pm on his time card. Sandra Johnson stated; me too. Discussion followed.

**CLAIM CLIPBOARD TO BE AT WORK MEETING-** Don Banning asked if this has been taken care of. McCully said; it's here, and asked to see it.

**RECEIPTS- Fran McCully:** McCully stated; this is the same thing as having the clip board available. Discussion on agenda items brought up and given to the Mayor. Mayor Banning referenced Dan Clark stating that two council members can also request something be put on the agenda and he would like to see that done rather than a detailed list like the one given for this meeting. Discussion followed regarding agenda and open door policy.

#### **PUBLIC COMMENTS:**

*Chief of Police Bob McLeod* wanted to state his feelings regarding the open door policy. McLeod stated; I deal with a lot of people all day long. I never lock the door, but I give the courtesies to the

first person and then see the next one. If on a sensitive case, I'll close the door. He stated; that he has seen a lot of tension and would like to see a different way to communicate.

*Glen Garrison*; brought in a copy of the BNSF Right-of-Way signed in 1924 regarding the dump area. Garrison stated; if the DEQ cuts through their ROW, then the City can be sued. Gary Rose replied; not if it is outside the 75feet. Garrison reiterated; not if it is outside the 75 feet. Gary Rose replied; then there is problem then. That's good to know. Garrison continued; there are two lots, they are a total of 4.2 acres. Gary Rose stated it was very important that we know what we can do. The cell is 2 acres. Discussion on the DEQ checking into it continued. Gary Rose stated as long as the City is outside of the ROW, BNSF cannot do anything about it. Garrison stated his feelings that the DEQ should have had more documented research before requesting this site from the city. Discussion continued. Gary Rose stated; before we enter into this, we'll be sure we look at everything and take into consideration the input you are giving.

Loretta Jones made a **Motion** to adjourn the meeting. Gary Rose seconded the motion. **Motion carried.**

Meeting adjourned 9:48 pm

---

Donald C. Banning, Mayor

ATTEST:

---

Sandra Johnson, Clerk