

**A COMMISSION MEETING OF FEBRUARY 17, 2015 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.**

**CALL TO ORDER**

Chairman Poss called the meeting to order.

**PLEDGE OF ALLEGIANCE**

Chairman Poss asked everyone to stand and say the Pledge to the Flag.

**ROLL CALL**

Present were Commissioners Byerly, Doney, Gremaux, Hewitt, Poss and Turk. Commissioner Putnam was absent.

**APPROVAL OF MINUTES**

Commissioner Doney stated that the word should be badge not bade in the courtesies. Commissioner Doney made the motion to approve the minutes for February 2, 2015 as corrected and Commissioner Hewitt seconded the motion. The motion passed unanimously.

**COURTESIES**

There were none.

**PROCLAMATIONS**

Chairman Poss read the following proclamation:

**FCCLA WEEK PROCLAMATION**

FCCLA Week, February 8 – 14, 2015

“Together We Are...”

WHEREAS, Family, career and community Leaders of America, the national nonprofit student organization for Family and Consumer Sciences student through grade 12, helps youth assume their roles in society through Family and Consumer Sciences education in areas of personal growth, family life, vocational preparation, and community involvement; and

WHEREAS, the organization extends classroom learning through chapter projects that develop leadership and initiative and helps young men and women learn how to plan, make decisions and carry out and evaluate programs of action as they work with other youth and adults in their school and community; and

WHEREAS, Family, Career and Community Leaders of America, offers members an opportunity to work together for common purposes for the improvement of themselves, their families and their communities; and

WHEREAS, The week of February 8 through 14, 2015, has been designated National FCCLA Week with the theme, “Together We Are...”.

NOW, THEREFORE, I, Kevin Myhre, Chief Executive Official, hereby proclaim the week beginning February 9<sup>th</sup> as NATIONAL FCCLA WEEK in Lewistown, Montana and urge all citizens to acquaint themselves with the activities and values of Family, Career and Community Leaders of America, to show interest in it and give help and encouragement to these young men and women who are working to achieve knowledge and experience that will help prepare them for future responsibilities as active and concerned adult members of society.

### **BOARD AND COMMISSION REPORTS**

Commissioner Byerly reported that he and Commissioner Hewitt attended the last Study Commission meeting. The next meeting is February 23<sup>rd</sup> and encourages everyone to attend. Commissioner Byerly reported that the Study Commission would like it if the minutes and agendas could be posted on the City's website. Commissioner Hewitt commented that they appear to be working on getting organized and two members will be missing from the next meeting.

Commissioner Doney reported that she was unable to attend the Study Commission Meeting on Friday and hope to be at the Monday meeting.

Commissioner Turk reported that she attended the February Library Board meeting. The Library Director requested funds from the Library's Central Montana Foundation fund in the amount of \$15,000. Commissioner Turk reported that there will be an Irish Heritage on March 12<sup>th</sup> at the Library. Commissioner Turk reported that the windows for the Library have been paid for and the Friends of the Library will be paying for the installation.

Commissioner Hewitt reported that she attended the Airport Board meeting. The School Board was going to see if the Airport Board would be able to submit a bid after the deadline because the Airport Board has to have a public meeting to approve submitting a bid. The School Board lawyer felt that was doable. One of the State contracts had to have some verbiage changed in one of the leases and everyone was agreeable to the changes. Commissioner Hewitt reported that the Airport Board has signed contracts with the farmer. Commissioner Turk asked if the contract was advertised. Commissioner Hewitt reported that it is a contract and there is an annual increase included. Mr. Gordon Kauffman came to the Airport Board and asked if he could put a storage container on his property.

Mr. Myhre reported that he attended the recent Park and Recreation Board meeting. The Park Board approved a traditional bow conference at East Fork at the end of July. American Legion Auxiliary was there and got approval to have the Fourth of July Color Run and approval to have mud wrestling at the Civic Center in September. The church revival was approved again for the fourth of July. The Park Board reviewed the Civic Center rates and made an increase to all of the rates. It is planned to post the rates on a sign at the Civic Center in the hopes of better informing citizens of the fees.

### **CITY MANAGER REPORT**

City Manager Kevin Myhre reported on the following issues:

The contract for the pool design with Interstate Engineering has been signed and City staff will be meeting with Mr. Brian Milne from Interstate Engineering later this month to review the updated plans.

Public Works continues to work with the Engineers on the design for the ADA upgrades to the corners along 7<sup>th</sup> Ave N. The grant funding will not be sufficient to complete each ramp along the street. Public Works is in the process of identifying the priorities along the route to assure connectivity for handicapped

persons. Public Works Director Holly Phelps has been asked to review her budget to identify possible funds to get the most amount of work done while we have the opportunity.

The League of Cities and Towns has requested support letters from communities for their efforts to draft and introduce legislation which would allow a local option tax much like the resort tax already used in several Montana towns. The City Manager sent a letter of support for the concept. The issues was addressed in the Leagues legislation resolutions that were passed at the annual meeting in October.

The City Manager has been working with the Fire Chief to review and make suggestions for changes to the Mutual Aid Agreement by which the Fire Department assists other departments. The city Manager has asked MMIA to review the previous agreement as it differs from state law and from other mutual aid procedures in place in Montana. The past agreement is signed by all of the fire departments in the county as well as the Sheriff.

As required by Montana State Law, the Lewistown Building Official has adopted the 2012 International building code with the amendments made by the state. The change was affective the end of January. The Fire Department is reviewing the requirements for adopting the 2012 International Fire Code.

With the warmer weather the Street Department crews have been working on repairs to storm drain inlets and will begin blading some of the gravel streets as weather and frost allows.

The roof in the center area of the Berg Lumber building collapsed in January due to the snow load. Only gravel was stored in that area and no equipment was damaged. Public Works staff have been working to clear out the dilapidated portion of the Berg Lumber building so that it can be taken down. Public Works Director is getting bids from contractors to do the work and build a wall on the west portion to enclose it for future storage. The west portion was built at a different time, is in much better condition, and has a concrete floor which is in good condition.

Recycle our Waste Lewistown (ROWL) recycling project has drawn up a memorandum of understanding (MOU) with Pacific Steel and Recycling for the purpose of collecting and baling plastic at their facility. This will allow residents to drop off their plastic recycling seven days a week. ROWL has asked the City to improve the main access road known as Lewis Land for entry to the building. The building is located outside the City limits so the City Manager has passed the information onto the County Commissioners.

### **CONSENT AGENDA**

Commissioner Hewitt asked that the claims be removed from the consent agenda and Commissioner Doney asked that the Civic Center rates also be removed from the consent agenda. Commissioner Hewitt asked what Better Body Fitness is? Finance Officer Nikki Brummond answered that is the only company that is able to repair the fitness equipment at the Civic Center. Commissioner Hewitt asked why there were two months' worth of invoices for Montana Broom and Brush. Ms. Brummond answered that it maybe two months but the multiple invoices are from different departments and when it was submitted for payment.

Commissioner Doney asked about the mechanism at the Civic Center to collect revenue. Mr. Myhre answered that rates being acknowledged tonight is to make sure the fees are in place and tracking the fees is still being worked on by the board. Mr. Myhre further commented that they are working on charging a fee to reserve the park shelter and charging fees at the East Fork campground.

Commissioner Gremaux made the motion to approve the consent agenda and Commissioner Byerly seconded the motion. The motion passed unanimously. The consent agenda consisted of the following

the acknowledgement of the claims that have been paid from January 30, 2015 to February 12, 2015 for a total of \$77,611.01 and the acknowledgement of the Civic Center fees set by the Park and Recreation Board.

**REGULAR AGENDA – Resolutions, Ordinances & Other action Items:**

1. Discussion and action on signing a letter of intent to purchase Ernie’s Auto property located at 411 East Main

Mr. Myhre explained that the City has received a letter from Chris Rindal asking the City to accept the land located 411 E Main and is currently registered with the State of Montana as having leaking underground storage tanks. The tanks were removed in 1997 and when the tanks were removed there was evidence of some leaking. The property has been not been utilized since 2000 when Mr. Rindal took it over. There is contamination but the amount is unknown and Mr. Rindal is concerned that he does not have the funds to clean up the contamination that is there. Mr. Rindal is looking to the City to help get the property cleaned up and available for commercial use. Mr. Myhre explained that he is asked for approval to sign a letter of intent to purchase the property after a comprehensive property assessment. This letter would allow DEQ to use some funds to assess the site and come up with some options on how to clean up the property. Mr. Myhre stated that the ultimate decision to take over the property would be done once the assessment is completed by DEQ. Mr. Myhre explained that he has received some letter of support from the surrounding property owners supporting the assessment and possibility of getting the property cleaned up for commercial use. Commissioner Doney made the motion to sign a letter of intent to purchase Ernie’s Auto property located at 411 East Main and Commissioner Turk seconded the motion. Commissioner Byerly thanked Snowy Mountain Development Corporation and DEQ for their work and feels this could be a win win situation and that piece of property could offer some positive development for Lewistown. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

2. Discussion and action on approving a County water and sewer development agreement

Mr. Myhre explained that the City of Lewistown has in both the water and sewer ordinances a provision that states when a developer develops water and sewer service through an undeveloped area, the City may enter into an agreement with the applicant to collect a payback charge from the area for a period not to exceed ten years, such payback charges used to reimburse the applicant for costs of making such improvements. IN no case shall the amount reimbursed exceed the actual cost of construction of the extension through undeveloped area. The City will administer collection of payback charges and may collect a reasonable administration fee, payable from such payback charges. The City shall be under no obligation to enter into any such agreement with any applicant. All agreements shall be subject to the approval of the City Commission. Mr. Myhre there is only one development agreement in place and that is the one with Stonewood. A development agreement would allow the City to collect an extra amount of fees to offset the costs of the developer. Mr. Myhre explained that the County Commissioners passed a levy to fund the extension of water and sewer services to the fairgrounds. The County Commissioners have asked the City to enter into a county water and sewer development agreement. Further discussion followed. Commissioner Doney made the motion to approve the County water and sewer development agreement with the correction to retire Fergus County Fairgrounds Bonds and Commissioner Gremaux seconded the motion. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

3. Discussion and action on approving and authorizing the City Manager to sign an agreement with the State of Montana

Mr. Myhre stated that he is removing this item off of the agenda. The agreement states that the City has reviewed all of the plans and at this point the City has not reviewed and approved all of the plans. Mr. Myhre would like to review the plans prior to having the Commission approving the agreement.

**CITIZENS' REQUESTS**

There were none.

**COMMISSIONER'S MINUTE**

Commissioner Byerly asked how the process with the new commissioner emails was going. Mr. Myhre explained that the process is being tested and hope to have them available by the end of the month.

**ADJOURNMENT**

Chairman Poss adjourned the meeting.

Dated this 17<sup>th</sup> day of February, 2015

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Rick Poss, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk