

**A COMMISSION MEETING OF APRIL 7, 2014 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.**

**CALL TO ORDER**

Chairman Doney called the meeting to order.

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

Present were Commissioners: Berry, Doney, Gremaux, Hewitt, Poss, Putnam and Turk.

**APPROVAL OF MINUTES**

Commissioner Hewitt explained that her comment during the board reports at the last meeting should read San Gabriel Tower not Sam Gabriel Tower. City Clerk Nikki Brummond will make the change. Commissioner Hewitt made the motion to approve the minutes for March 3, 2014 as amended and Commissioner Berry seconded the motion. The motion passed unanimously.

**COURTESIES**

There were none.

**PROCLAMATIONS**

Chairman Doney read the following proclamation:

**DECLARING MAY, 2014 AS MEMORIAL POPPY MONTH IN  
RECOGNITION OF ALL CENTRAL MONTANA VETERANS**

Proclamation:

Whereas, the poppy is a memorial flower of sacred significance that has become a living symbol for American war dead. The immortalized red blossom gained its international acceptance by the memories of returning servicemen who remembered the wild poppies which covered the devastated battlefields of France and Flanders during WWI where their comrades had fought and died in defense of freedom.

Whereas, the poppy has become a symbol to perpetually remind us of, and to unflinchingly teach coming generations, the value of the light of liberty, and of our debt to those who helped save it for us by paying the supreme sacrifice.

Whereas, the wearing of the memorial poppy is a fitting and effective way of keeping bright the memory of our veterans who gave their lives in the service of America;

Whereas, in 1921 the American Legion Auxiliary adopted the poppy as its memorial flower and encourages the wearing of the poppy by all citizens, especially on memorial day, and,

Whereas, the American Legion Auxiliary distributes memorial poppies that are made by disabled veterans to help veterans;

**It is hereby proclaimed** by the Lewistown City Commission that May, 2014 is declared to be Memorial Poppy Month in Lewistown and Central Montana and all citizens are urged to observe the month by wearing the memorial poppy of the American Legion Auxiliary in honor of our veterans who gave the ultimate sacrifice.

### **BOARD AND COMMISSION REPORTS**

Commissioner Hewitt reported that she attended the Airport Board and they have chosen to send out letters to hanger owners requesting proof of liability insurance for their hangars and are not concerned with proof of personal insurance. The School District is in the process of looking to purchase some land to relocate the bus barns. It will probably take up to one year to purchase the property and will be on the May ballot to vote on. The Airport Board is continuing to review and work on the airport land leases. Commissioner Hewitt further explained that the Aircraft Rescue and Firefighting (ARFF) truck is being built and the preliminary inspection is scheduled for late August early September. This is a very important inspection, because if there is something wrong this is the last chance to be able to fix it prior to finishing the truck. Commissioner Hewitt commented that typically as part of the bid the preliminary inspection is done by the owners of the truck. In this instance, that part of the bid was omitted and Mr. Joe Moline, Big Sky Fire, has agreed to pay his own way to attend the preliminary inspection and the Airport Board has agreed to pay for one fireman to attend the preliminary inspection. Commissioner Hewitt explained that it was discussed that maybe the City and County could split the associated expenses for the second fireman to attend the preliminary inspection. Mr. Myhre commented that he is aware of this and will discuss the issue with the Fire Chief to see what his thoughts are on the issue.

Commissioner Poss reported that he attended the recent City County Planning Board meeting and the Tax Increment Financing District (TIF) was reviewed and discussed. There was also some discussion and concerns regarding the abandoned vehicles on the streets.

Commissioner Turk reported that the Library Board meeting is typically on the second Thursday of the month but was moved because of the Montana Library Association meeting. The meeting will be held on April 17, 2014 and the Library Director's evaluation will be completed. Commissioner Turk commented that the Library Board has met on two separate occasions to review and discuss the Library Director's evaluation.

Commissioner Doney reported that she attended the Central Montana Health District Meeting on March 20<sup>th</sup>. The board reviewed job descriptions for the health officer and sanitarian because both positions are filled by interims. The board hopes to be advertising for the health officer and sanitarian positions soon. The board also adopted the 2013-2014 environmental budget.

### **CITY MANGER REPORT**

City Manager Kevin Myhre reported on the following issues:

The Central Montana Regional Water Project (CMRW) held a meeting in Lewistown on April 1<sup>st</sup> to discuss an application to the Montana legislature for funding to create a monitoring plan for their proposed well field in the Judith Gap area. They have drilled two wells into the Madison Aquifer and would like to proceed with their project to provide water to the towns of Moore, Hobson, Judith Gap, Harlowton, Ryegate, Lavina, Roundup etc. The City Manager asked them to include monitoring of Big Spring to make sure that we can document current condition and future changes to assure that the regional project does not have any effect on Big Spring. The CMRWA are preparing their grant application and may be requesting a support letter from the City of Lewistown in the near future.

The Lewistown Downtown Association is working to create an adopt a block program to help keep the downtown clean. There was an article on the project in the April 2 News Argus. The Lewistown RSVP program is also working to implement a clean cart program to utilize volunteers to assist in cleanup of the downtown area.

The Local Government Center from MSU will be holding the annual Elected Officials Training in Billings in May. If any Commissioners are interested in attending, please let the City Office know as soon as possible.

The Zoning Commission has been working on the necessary changes to address shipping and storage container use and storage within the City. The changes should be ready for the City Commission to approve at the April 21<sup>st</sup> meeting.

The renovation of the women's restroom on the main floor of the Civic Center has been completed and was able to be used during the recent Hoop-Fest Tournament held by the Elks Club. The City is still waiting for two water softening filters to be installed in the facility by our plumbing contractor. Once the filters are installed, the automatic flushing units and bathroom fixtures should be much easier to maintain and keep clean.

The Police Department and the Trails staff have been working to get debris left by transients removed from bridges in the City. Citations have been issued for littering.

Mr. Myhre explained that he has been monitoring the snow melt in the Snowy Mountains and as a result has been looking at what steps the City could take to prepare for spring flooding. Mr. Myhre further explained that all the City's reservoirs are permitted by DNRC and overseen by NRCS. Mr. Myhre stated that if any changes are made then it must be approved by both DNRC and NRCS and if lowering the reservoirs would help then he will work to get approval and then bring a policy or some type of procedure for approval by the City Commission at the next meeting. If the City lowers East Fork Reservoir then it would build some capacity for spring melting.

Commissioner Berry asked about what is being done on Park Street. Public Works Director Roger Kruckenberg explained that there was a water break on Park Street and the water and street departments are working on it.

### **CONSENT AGENDA**

Commissioner Hewitt asked that the claims be removed from the consent agenda.

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

Commissioner Hewitt asked what some of the items that were purchased by the water and sewer departments. Mr. Myhre explained that they are fittings that are used by the water and sewer departments. Commissioner Hewitt asked who lost the book that the City had to pay for. Commissioner Gremaux explained that it is a wash through situation that the City would pay to replace the book and then the patron that lost the book actually is charged for the lost book. Commissioner Hewitt asked if the discharge permit was for the Peccia project. Mr. Myhre answered no that the discharge permit is a permit that the City has to have in order to discharge into Spring Creek and is part of the operation at the treatment plant. Commissioner Doney asked if there were any other questions. There being none, Commissioner Turk made the motion to approve the acknowledgement of the claims that have been paid from March 14, 2014 to March 31, 2014 for a total of \$144,280.77 and Commissioner Putnam seconded the motion. The motion passed unanimously.

1. Discussion and action on approving a City business license for Central Plumbing & Heating Inc.

Mr. Myhre explained that City code states that a plumber must have a surety bond and as a result the bond and business license must be approved prior to issuing a license. Mr. Myhre further explained that a temporary license has been issued until the City Commission approves the license. Mr. Myhre stated this is a sub contractor working on a project in Lewistown and at this point in time is not planning to open a store front. Commissioner Turk made the motion to approve a City business license for Central Plumbing & Heating Inc. and Commissioner Putnam seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and those voting in favor were Commissioners: Berry, Doney, Hewitt, Poss, Putnam and Turk. Commissioner Gremaux abstained. Commissioner Doney asked Commissioner Gremaux if this was a conflict of interest and Commissioner Gremaux answered yes.

2. Discussion and action on Resolution No. 3842, a resolution to authorize wastewater system funding applications for Riverdale Sewer Improvements for the City of Lewistown, Montana

Mr. Myhre explained that the City of Lewistown would like to move forward with the wastewater improvement upgrade for the Riverdale subdivision. Mr. Myhre further explained that the City is going to be applying to the Treasure State Endowment Program for a \$500,000 grant, to the Department of Natural Resources and Conservation for a \$125,000 grant. Mr. Myhre stated that both of those grants are ran through the Montana Legislature and need to be submitted in May to go on the docket for consideration during the 2015 legislature. The project is estimated a \$1 million dollars and the City is looking at funding approximately \$400,000 of the project by applying for a loan through the Intercap program. The loan will be applied for if the funding is needed because of the receipt of the other funding. Mr. Myhre explained that the difference between the State Revolving Fund (SRF) program and the Intercap program is the SRF program is a set rate at approximately 3% and the Intercap program is variable rate at 1%. Mr. Myhre explained that after discussion with the Finance Officer they felt the Intercap program is viable for this size of project, however, if the Commission has a preference please let him know. Commissioner Poss made the motion to approve Resolution No. 3842, a resolution to authorize wastewater system funding applications for Riverdale Sewer Improvements for the City of Lewistown, Montana and Commissioner Berry seconded the motion. Commissioner Doney 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 Resolution No. 3843, a resolution to approve preliminary engineering report and accept preliminary engineering report recommendations for Riverdale Subdivision in Lewistown Montana

Mr. Myhre explained that the City of Lewistown and Fergus County along with a grant program commissioned the preparation of a preliminary engineering report (PER) water and sewer improvements in the area of the fairgrounds and the Riverdale Subdivision. Mr. Myhre stated that this is just a preliminary engineering report and it not a final copy or anything you would submit or put out to a contractor to bid on. The PER is prepared to be used to apply for grants as a requirement of the grant process. The PER is also used as a planning document to move forward with improvements. Mr. Myhre commented that he is requesting the approval of the PER by the Commission. Commissioner Poss made the motion to approve Resolution No. 3843, a resolution to approve preliminary engineering report and accept preliminary engineering report recommendations for Riverdale Subdivision in Lewistown Montana and Commissioner Turk seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

4. Discussion and action on Resolution No. 3844, a resolution of acceptability of environmental assessment to allow proceeding with proposed action for Riverdale Sewer Improvements in Lewistown Montana

Mr. Myhre explained that the engineering firm has completed an environmental assessment and checked into the possible effects of the Riverdale subdivision. There were a few comments and one is that the flood plain is on the edge of this project. The City and County flood plain managers have been contacted. Further discussion followed. Commissioner Gremaux made the motion to approve Resolution No. 3844, a resolution of acceptability of environmental assessment to allow proceeding with proposed action for Riverdale Sewer Improvements in Lewistown Montana and Commissioner Putnam seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

5. Discussion regarding maintenance on unimproved Lewistown streets, community decay, and on street long-term storage (parking) of vehicles and trailers

Mr. Myhre explained that Planning Director Duane Ferdinand has been working with the Planning Board and the Zoning Commission and brought this concern to the department head meeting last week. The need to work on the issues is obvious, but the level that we work on these issues varies depends on the amount of complaints that are received. Mr. Ferdinand explained that at the most recent City County Planning Board several titles of City codes came under discussion. The Zoning Commission did want to bring the items discussed to the City Commission for possible action. Some of the concerns are the long-term parking on City streets, the evidence of violations of the community Decay Ordinance and the issue of lack of maintenance on some of the City's unimproved (gravel) streets. Ms. Marla Gies commented that North Daws street is horrible and a disgrace and needs to be bladed. Ms. Gies stated that she has lived here 22 years and nothing has been done to the street. Ms. Gies commented that the City has all these nice walking trails, which is great and makes Lewistown pretty, but the City should make where people live pretty, which would help encourage people to move here. Ms. Gies stated that she has lived here 22 years and the same potholes are here and she could drive around Lewistown blindfolded and know where she is at because of the potholes. Ms. Gies stated that the streets need to be fixed. Ms. Gies further stated that the sidewalks around the mini mall needs to be fixed. Mr. Myhre answered that every during the fair Daws Street is bladed and millings are put down and mag chloride the road to help with dust. Further discussion followed regarding the process of paving streets. Commissioner Putnam commented that people are not complaining about the trailers and recreational vehicles parked long term on the streets. Ms. Gies answered that she knows a couple of people that have called the Police Department regarding the issue. Police Chief Cory Birdwell explained that we have a half time code enforcement officer and a half time animal control officer and works strictly on a complaint basis. Mr.

Myhre commented that there are ways to solve these issues and the City does not have the personal to go out and address all of the issues in a day. Commissioner Berry asked if the City needs to look at going to a full time code enforcement officer. Mr. Myhre answered that yes, maybe it does need to be looked at. Discussion was held regarding the parking issues and enforcement of parking limits. Mr. Myhre explained that the bar needs to be set and then determine how you are going to maintain or get to that bar. Mr. Myhre commented that the citizens who have a gravel street are the first to call and complain about the street but do not want to pay to have the streets paved. Mr. Myhre thinks that the since the maintenance for a gravel streets is more than a paved street and maybe the City should charge more street maintenance for those that live on a gravel street. Ms. Gies asked about the garbage on the streets. Mr. Myhre answered that neither the City nor the Chamber of Commerce contract to have the right of ways cleaned. Commissioner Doney thanked Ms. Gies for coming and her concerns. Commissioner Doney stated that the Mini Mall building has not been ignored by the City Commission, but have been working with the court to be able to move forward with repairs. Mr. Myhre explained that the contractors have started demo the basement of the mini mall building and working to put up a tent system to keep the sidewalk covered.

#### 6. Discussion and action on purchasing a patrol vehicle for the Police department

Mr. Myhre explained that the Police Chief put out a bid to replace one of the police sedans. The Police Department received three bids. Mr. Myhre explained that two of the bids were from Sparks Chevrolet and they can submit as many bids as they chose as long as they meet the bid specs and the third bid was from Snowy Mountain Motors. Mr. Myhre further explained that the Police Department is asking approval to purchase the interceptor in the amount of \$27,240.81 from Snowy Mountain Motors. Commissioner Berry asked if this will be the last car to be replaced for a long time, because she was under the impression that was the case the last time a vehicle was purchased. Mr. Myhre answered no, that the Police Department purchases a vehicle every year. Commissioner Berry asked if we could move away from that and stretch vehicles out four years before replaced. Mr. Myhre explained that if the vehicles are ran four years, then have a lot more miles and are not as reliable. Commissioner Gremaux asked if a car was being traded in. Police Chief Birdwell answered no that the vehicle that is being replaced is not in any shape to be traded in. Police Chief Birdwell commented that his main reason is for safety purposes that if a domestic call comes in the officers can respond timely and safely. Further discussion followed. Commissioner Putnam made the motion to purchase a police car from Snowy Mountain Motors in the amount of \$27,240.81 and Commissioner Turk seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

#### 7. Discussion and action on Resolution No. 3845, a resolution approving and adopting the Montana Municipal Interlocal Authority revised and restated workers' compensation program agreement dated July 1, 2014

Mr. Myhre explained that the City's workers compensation program is through the Montana Municipal Interlocal Authority. There were some changes that were made at the legislature and the documents discussed reflect those changes. Commissioner Turk made the motion to approve Resolution No. 3845, a resolution approving and adopting the Montana Municipal Interlocal Authority revised and restated workers' compensation program agreement dated July 1, 2014 and Commissioner Hewitt seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

#### **CITIZENS' REQUESTS**

There were none.

**COMMISSIONER'S MINUTE**

Commissioner Berry commented that because of the nice weather last week she walked the trail and three of the five nights that she walked she was attacked by dogs on the trail. Commissioner Berry stated that she did call one of the dog attacks and an officer responded to an aggressive dog. Commissioner Berry further commented that there appears to be an issue with people letting their dogs run at large and maybe the City needs to look into a full time animal control officer.

Commissioner Doney explained that she received a letter from the Public Service Commission that Northwestern Energy is going to have a meeting to look at raising rates up to 8.9% higher for a minimum of ten years. This increase would help to purchase some dams that Northwestern Energy is looking at purchasing.

**ADJOURNMENT**

Chairman Doney adjourned the meeting.

Dated this 7<sup>th</sup> day of April, 2014

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Gayle Doney, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk