

A COMMISSION MEETING OF NOVEMBER 19, 2012 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Gremaux called the meeting to order.

ROLL CALL

Present were Commissioners Doney, Gremaux, Hewitt, Phillips, Putnam and Turk. Commissioner Berry was absent.

APPROVAL OF MINUTES

Commissioner Putnam made the motion to approve the minutes for November 19, 2012 and Commissioner Doney seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that she attended the Central Montana Health District Board meeting. The main discussion was personnel issues. They are short handed and have one in training so it is very hard to get all of the work done.

Commissioner Gremaux attended the most recent Library meeting. The upcoming events for the upcoming year were discussed.

Commissioner Putnam reported that she missed the last Park and Recreation Board meeting because of a conflict. Commissioner Putnam also stated that the meetings have been changed quite a bit and it is making it difficult for her to attend.

CITY MANAGER REPORT:

City Manager Kevin Myhre reported on the following issues:

The City Manager has denied the request to restrict traffic to one direction in the alley between West Watson Street and Janeaux Street and between 5th Ave S and 6th Ave S. the majority of the adjacent property owners to the alley opposed the restriction. The users of the alley also opposed season closure of the hill in the alley. A copy of the letter sent to the citizen who requested the restrictions is in the commissioner's packets.

The City Manager have received an email from the City's attorney indicating that Ms. Haugen is willing to enter into the standard Rail Corridor lease for an area that was identified behind her residence by City staff. The area is protective of the City utilities but will afford Ms. Haugen an area of use and privacy in

the rear yard are of her residence. The lease will be brought before the City Commission for final approval and if approve will allow her to build a privacy fence on rail corridor property.

In the spring of 2012, the City Commission voted to table action on an offer of \$105,000 to purchase the Berg Lumber site property. Since that time, an appraisal was completed on the subject property indicating that is value is approximately \$275,000. The intent of the interested party was to purchase the property for residential development. The City has submitted a final cleanup report to MDEQ and has received a request for changes and amendments to the report document before it can be approved. DEQ has stated that a “No Further Action” designation won’t be given until the site is reclaimed and revegetated. A survey of the critical right of way points within the property has been completed. The realtor has requested a letter from the City with a response to the offer.

The City has completed the required to transition to narrow band frequencies in the Police and Fire Departments. Public works still needs to amend their licenses and upgrade their equipment. All agencies are required by the FCC to be on narrow band frequencies by January 2013.

CONSENT AGENDA

Commissioner Putnam asked to have the acknowledgement of the claims to be removed from the consent agenda in order to discuss a claim. Commissioner Putnam asked about the rural development loan payoff and would like to verify that this is part of the refinancing of the wastewater loans. Commission Hewitt asked what carton boxes are? Mr. Myhre explained that banker boxes are purchased for retention purposes. Commissioner Hewitt made the motion to approve the acknowledgement of the claims that have been paid from November 1, 2012 to November 15, 2012 for a total of \$117,612.16 and Commissioner Phillips seconded the motion. There being one further discussion the motion passed unanimously.

REGULAR AGENDA – Resolutions, Ordinances and Other Action Items:

1. Discussion and action on Resolution No. 3804, a joint resolution establishing a process whereby Fergus County and the City of Lewistown appoint a representative to serve on the essential air service board; and providing for the duties and responsibilities of the person appointed; and fixing a term of service

Mr. Myhre explained that currently the Essential Air Service (EAS) representative Bret Carpenter has decided to resign as that representative. Mr. Carpenter has been the representative for ten years. Mr. Myhre stated that Mr. Carpenter had indicated to County Commissioner Seilstad and himself that he would like to resign as the EAS representative earlier this year. Mr. Myhre at that point it was unknown how to appoint a EAS representative and that is why this resolution is being put in place. There needs to be a process on how a representative for the EAS is selected. The EAS representative needs to look out for the best interest of the community. Further discussion followed. Commissioner Turk made the motion to approve Resolution No. 3804, a joint resolution establishing a process whereby Fergus County and the City of Lewistown appoint a representative to serve on the essential air service board; and providing for the duties and responsibilities of the person appointed; and fixing a term of service and Commissioner Doney seconded the motion. Commissioner Gremaux 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 Resolution No. 3805, a resolution affirming and covenanting that any proceeds received from the Montana Department of Transportation as a result of the sale of airport right

of way property for the Lewistown – West overpass project will be used exclusively for developing, improving, operating, or maintaining the Lewistown Municipal Airport

Mr. Myhre stated that Fergus County and the City of Lewistown are joint owners of the Lewistown airport. The airport is adjacent to the state highway and the Montana Department of Transportation (MDT) wants to widen the highway. In order to be able to widen the highway the MDT needs to be able to purchase some property from the airport. Mr. Myhre explained that there is a covenant in place that any funds received from the sale of airport property must be put back into the airport. Mr. Myhre further explained that this resolution outlines the details of the covenants of the sale of airport property. Commissioner Putnam asked if this resolution should include the sale of all airport property or should be done for specific property as it is currently stated. Mr. Myhre answered yes, that the resolution is specifically stating what piece of property is being sold and the reason why. Mr. Myhre further commented that the sale of airport property should be done on a case by case basis and a resolution like this will probably be required each time that would specify what is being done. Commissioner Turk asked where does the lease money for the properties at the airport go. Mr. Myhre answered that lease money is for the funding of the airport. Commissioner Phillips asked how many acres are being sold. Mr. Myhre answered that it is between seven and ten acres. Commissioner Doney made the motion to approve Resolution No. 3805, a resolution affirming and covenanting that any proceeds received from the Montana Department of Transportation as a result of the sale of airport right of way property for the Lewistown – West overpass project will be used exclusively for developing, improving, operating, or maintaining the Lewistown Municipal Airport and Commissioner Putnam seconded the motion. Commissioner Gremaux 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 a request for \$5,000 to help fund the feasibility study for the convention center

Mr. Myhre explained that the City of Lewistown, the Port Authority, Snowy Mountain Development Corporation (SMDC) along with some individuals from the Super 8 and the Yogo Inn are working together on a feasibility study for a convention center in Lewistown. Mr. Myhre commented that SMDC put together a request for qualifications and received four different requests. Those have been reviewed and have ultimately selected Conventions, Sports & Leisure International. Mr. Myhre explained that compensation has been negotiated and it has been determined that it will cost approximately \$72,000. However, the funding has been negotiated with specific points along the way that the project can be stopped if it is determined to not be feasible and then some of the funding would not be spent. Mr. Myhre explained that by approving this request you are authorizing the money to be spent out of Commission reserves and a budget amendment will be done for the funding. Further discussion followed. Commissioner Turk made the motion to approve a request for \$5,000 to help fund the feasibility study for the convention center and Commissioner Phillips seconded the motion. Commissioner Gremaux 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 a memorandum of understanding between the City of Lewistown and Montana Fish, Wildlife & Parks for the removal, installation and maintenance of a vaulted latrine at Brewery Flats

Mr. Myhre explained that earlier this year the commission already approved Fish, Wildlife and Parks (FWP) to move the latrine from the Brewery Flats fishing property to City property, but it was never determined how that would be done or how it would work. Mr. Myhre explained that FWP put together the memorandum of understanding between the City of Lewistown and FWP and is a ten year agreement. FWP will be responsible for the costs associated with moving the latrine and retain ownership and the

City will be responsible for maintaining the facility. Further discussion followed. Commissioner Doney made the motion to approve the memorandum of understanding between the City of Lewistown and Montana Fish, Wildlife & Parks for the removal, installation and maintenance of a vaulted latrine at Brewery Flats and Commissioner Putnam seconded the motion. Commissioner Gremaux 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

There were none.

ADJOURNMENT

Chairman Gremaux adjourned the meeting.

Dated this 19th day of November, 2012.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk