

A COMMISSION MEETING OF JUNE 16, 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 Poss made the motion to approve the June 2, 2014 minutes as corrected and Commissioner Turk seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Poss reported the Fergus Recreation Board has submitted the final report of their findings to the County Commissioners. The County Commissioners will be meeting on Wednesday at 5:15 pm.

Commissioner Poss commented that everyone should look at the options and keep in mind that the best option is the one that the County Commissioners would vote for and get a district in place.

Commissioner Putnam that she attended the Park and Recreation Board and the group working of Fish Hatchery Park updated the board on what they felt they would be able to complete this season. The board approved the revival at Symmes Park over the Fourth of July weekend.

Commissioner Turk reported that she attended the Library Board meeting last Thursday. The following was discussed the author dinner and the net income from that was \$5,200, the possibility of a pie social in August, the budget was reviewed, the replacement of the windows in the Library and the Friends of the Library Book sale for July will be on July 4th.

Commissioner Hewitt reported that she attended the most recent airport board meeting. The electrical fence is almost finished and the ARFF building is almost finished. The terminal land was seal coated. The board received a 50% on the request for personal liability insurance on the buildings being leased from the Airport. The recent fly in was superb and the attendance was higher than usual. The bid for pavement maintenance was opened on May 14th and one bid was received from Z & Z Asphalt. The Board is looking to purchase a bobcat for snow removal.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The Street Department repaired the guard rail on airport road and there will be some reflectors installed on the guard rail also.

The City has temporarily changed the location for the collection of grass clippings. There have been some signs hung up stating that only City residents can dispose of grass clippings. A concrete pad is being built and that should help with the moisture and hopefully limit the smell during the hotter months.

The Bar 19 was recently bought and will be constructing a new building in the location. The new owner is very supportive of the services that will be available to him.

The City Manager was at a risk management in California last week. Some of the topics discussed were school violence, the affect on local government where marijuana has been legalized, workers compensation, distracted driving, the affordable care act and FEMA.

The traffic signal boxes have been completed and have received some positive comments. Commissioner Doney commented that she has heard both positive and negative comments.

CONSENT AGENDA

Commissioner Gremaux made the motion to approve the consent agenda and Commissioner Putnam seconded the motion. The consent agenda was the acknowledgement of the claims that have been paid from May 29, 2014 to May 31, 2014 for a total of \$667.82 and the claims that have been paid from June 1, 2014 to June 11, 2014 for a total of \$96,763.24. The motion passed unanimously.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on a request from Northwestern Energy to install utility lines along the railroad corridor

Mr. Myhre explained that Mr. Noah Davis, Northwestern Energy, contacted him requesting to install a tie line on the power pole behind the Yogo Inn to a power pole located on south Brassey. The request was during the planting of the trees along the trail and would like to install an underground line in the railroad corridor. Mr. Myhre further explained that discussed the request with City Attorney Monte Boettger and there was concern that it is not a public right of way, but a railroad corridor that is rail banked. Mr. Myhre explained that the next item on the agenda is a second request that can be acted on as separate items but will discuss as one item. Mr. Davis requested another ground line from 3rd Ave to Ouellette and appears that it they would boar under the railroad corridor. Mr. Myhre stated that it appears to him that Northwestern Energy wants to clear up some areas of concern that they were unable to accomplish with Burlington Northern. Mr. Myhre stated he thinks they are trying to hook to gas lines in the Daws Street area. Mr. Myhre stated that both of the requests are in the railroad corridor. Mr. Boettger read the following from the City's rail banking agreement with Burlington Northern Sante Fe Railroad (BNSF). "It is agreed and understood that the use of the Property by Buyer (City of Lewistown) (or its assignees) shall not impair future restoration of rail service pursuant to the National Trails System Act and Buyer acknowledges that BNSF reserves the right to reactivate and restore rail service on the property. Should BNSF or any such assignee of BNSF exercise this right at any time, Buyer (or its assigns) shall allow reactivation of rail service on the terms and conditions herein. Upon BNSF's notice of intent to restore rail service, Buyer shall reconvey the property to BNSF free and clear of any encumbrances or liens not in effect prior to closing at no cost to BNSF and this contract shall be terminated." Mr. Boettger explained that what that means is whatever the City has allowed with the property will have to be removed. Therefore, it is one thing for a fence or garden placed on the excess property but it is another thing to allow

utilities to be placed on the corridor. Further discussion followed. Mr. Boettger stated he would caution the City Commission to think about long term and the best interest of the City and the corridor. Mr. Boettger commented that the City Commission cannot go wrong by saying that the railroad did not allow the City is not going to allow, because essentially the City is a caretaker of the railroad corridor. Commissioner Turk made the motion to disapprove the request from Northwestern Energy to install utility lines along the railroad corridor and Commissioner Gremaux 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 are Commissioners: Berry, Doney, Gremaux, Hewitt, Poss and Turk. Commissioner Putnam voted against.

2. Discussion and action on a request from Northwestern Energy to install utility lines in Boulevard Street from 3rd Ave to Ouellette St

Commissioner Turk made the motion to disapprove the request from Northwestern Energy to install utility lines in Boulevard Street from 3rd Ave to Ouellette St and Commissioner Gremaux seconded the motion. Commissioner Putnam commented that she felt Northwestern Energy should have been at the meeting to present the item and felt the item should be tables rather than voted on. Commissioner Putnam stated that she feels there are already utilities that are already located in the railroad right of way and it was an act of congress to get it there, and maybe there is an act of congress that can be done to assist Northwestern Energy. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and those voting in favor are Commissioners: Berry, Doney, Gremaux, Hewitt, Poss and Turk. Commissioner Putnam voted against.

3. Discussion and action on awarding an electrical bid to for the electrical work at Trailhead Park

Mr. Myhre explained that he is aware that the amounts of these items do not meet the threshold in accordance with City policy. However, since we are working with the Community Enhancement Transportation Program (CTEP) and it is a cumbersome process and having Commission approval will be helpful. The electrical work is to install a 200 amp post mounted service and to run conduit to another pole located west of the park that will have a 200 amp service to power the lights for the Veteran's Park and lighting for the trailhead park sculpture.

Commissioner Poss made the motion to approve the electrical bid from Advanced Electric for the electrical work at Trailhead Park and Commissioner Berry seconded the motion.

4. Discussion and action on awarding landscaping bid for Trailhead Park

Mr. Myhre explained that the landscaping bid includes installing an irrigation system at Trailhead Park, landscaping around signs in Veteran's Park and Trailhead Park and to put some sod. Mr. Myhre stated that he recommends approval for Intermountain Landscape. Commissioner Poss made the motion to approve the bid from Intermountain Landscape 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.

5. Discussion and action on awarding bid for masonry work at Trailhead Park

Mr. Myhre explained that there will be a separate concrete bid that will be brought before the Commission at a later date. Mr. Myhre further explained that this bid is for the masonry work that will be done on the six piers that will located at different areas in the park. Mr. Myhre stated that included in Mr. Valach's bid is some donation of time and would recommend approval of Mr. Valach's bid. Commissioner Turk made the motion to approve awarding the bid for masonry work at Trailhead Park to Valach and Sons 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.

6. Discussion and action on awarding the 2014 street improvement bids

Mr. Myhre explained that the City improvements were advertised and only one bid was received from Century Construction with a total bid of \$426,227.50. Overall the prices were higher than last year about a 10% increase, but the cost of millings went up substantially. Mr. Myhre stated that he expressed his concerns regarding the areas of increase to Century Construction. Mr. Myhre further stated that with the high cost associated with millings the City may need to look at purchasing some equipment to be able to do the millings on their own. Commissioner Gremaux made the motion to approve awarding the 2014 street improvement bids to Century Construction and Commissioner Poss 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 appointing a Commissioner to the Central Montana Foundation Board

Mr. Myhre explained that currently Commissioner Berry sits on the Central Montana Foundation Board (CMF) and has served on the board for 2.5 years. Since Commissioner Berry has submitted her resignation a Commissioner needs to be appointed to the CMF Board. Mr. Myhre stated that the only disadvantage to the board is that it does meet in the afternoon. Commissioner Berry stated that they meet monthly on the third Tuesday and it is a very nice board to sit on. Commissioner Putnam stated that she would volunteer. Commissioner Poss made the motion to appoint Commissioner Putnam to the Central Montana Foundation Board 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.

CITIZENS' MINUTE

There were none.

COMMISSIONER'S MINUTE

Commissioner Doney stated that it is her understanding that the Legislature changed the personal property tax and the County is going to half approximately half of what was received in previous years. Mr. Myhre answered that he does not know of any changes to personal property tax, but there was a change in taxes paid on business equipment. Commissioner Doney asked it would greatly affect the City's revenue. Mr. Myhre explained that it should not make a huge difference, but when these types of decisions are made the difference is made up with a onetime payment to make the City whole.

Commissioner Putnam commented that there is a gray building a block up from the Civic Center that is abandoned and not boarded up and is concerned that is could become a hazard.

Commissioner Turk thanked Commissioner Berry for serving on the City Commission.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 16th day of June, 2014.

Gayle Doney, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk