

A COMMISSION MEETING OF MAY 16, 2016 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Byerly called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

APPROVAL OF MINUTES

Commissioner Hewitt made the motion to approve the May 2, 2016 minutes with corrections and Commissioner Doney seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

Chairman Byerly introduced Noah Aamold. Mr. Aamold explained that he did his senior project on the hardships of being a police officer. Mr. Aamold spoke briefly on the importance of police officers.

Chairman Byerly read the following proclamation:

A PROCLAMATION OF THE LEWISTOWN CITY COMMISSION RECOGNIZING THE WEEK OF MAY 15 2016, AS NATIONAL POLICE WEEK

Proclamation:

To recognize National Police Week 2016 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

Whereas, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Lewistown Police Department; and

Whereas, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and

Whereas, since the first recorded death in 1791, over 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

Whereas, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

Whereas, 123 names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring for the year 2015; and

Whereas, the service and sacrifice of all officers killed in the line of duty were honored during the National Law Enforcement Officers Memorial Fund's 28th Annual Candlelight Vigil, on the evening of May 13, 2016; and

Whereas, May 15, 2016 was designated as Peace Officers Memorial Day, in honor of all fallen officers and their families; and

Now, Therefore, Be It Resolved by the City Commission of Lewistown, that the week of May 15, 2016 is hereby proclaimed as National Police Week.

Dated this 16th day of May, 2016.

Chairman Byerly read the following proclamation:

**A PROCLAMATION OF THE LEWISTOWN CITY COMMISSION
DECLARING MAY 2016 AS HISTORIC PRESERVATION MONTH**

WHEREAS, historic preservation endeavors to protect, conserve, and preserve buildings, places, and other artifacts of historical significance for the benefit of present and future generations; and

WHEREAS, historic preservation is an effective tool for maintaining growth and sustainable development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, 2016 marks the 50th anniversary of the National Historic Preservation Act which established the legal framework and incentives for the documentation and preservation of historic buildings, places, and other artifacts; and

WHEREAS, The City of Lewistown is hosting the Historic Preservation Commission's annual awards ceremony and dedication of the Central Montana Railroad Heritage Site on Monday, May 23, 2016 in honor of National Historic Preservation Month and the 50th anniversary of the National Historic Preservation Act.

NOW, THEREFORE, BE IT RESOLVED that the Lewistown City Commission does proclaim May 2016 as National Historic Preservation Month and call upon the people of Lewistown to join communities across the United States in recognizing and participating in this special observance.

Dated this 16th day of May, 2016

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported that the Airport Board met May 4th. The model airplane flyers brought in a set of rules that they work by and the Airport Board asked that they include a 400 foot ceiling as recommended by FAA. The Airport Board would like to be notified when the model airplanes will be flying which was also recommended by FAA. The Airport Board received \$750 in restitution from the vehicle hitting the wildlife fence. The Airport Board is continuing to work on the leases. Commissioner Hewitt stated that there was a long discussion on the walking path and it appears that no one knows where it is located. Commissioner Hewitt explained that the Airport Board is going to start utilizing the Land Use Committee on a regular basis. The Land Use Committee just brought in the bylaws for the Airport Board to review and currently it is 5 to 7 members and they would like to change it to 8 members.

Commissioner Turk reported that the Library Board met on May 12th. Ms. Mary Frieze and Library Director KellyAnne Terry met with the newest board member and did an orientation with her. The author dinner is this Wednesday and the Library is getting ready for the Summer Reading Program.

Commissioner Doney reported that the Local Government Study Commission did meet last Friday and decided to put an issue on the ballot with a option to have a CAO and mayor. The next meeting will be May 31st and the tentative report is due June 10th.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

During the week of May 22nd, Public Works staff from streets, water and possibly sewer will be assisting at the cemetery to prepare for the Memorial Day weekend.

The deadline for the Lewistown Improvement Board applications has been extended to June 1st

with the intent of having the Commission make appointments at the June 6th Commission meeting. Approximately four applications have been submitted at this time.

The Lewistown Baseball Association is working on plans to install new playground equipment at the complex. Park and Recreation Director Jim Daniels has asked them to be sure to get approval of their plan from the Park and Recreation Board.

A group of citizens is inquiring about building a trail along the airport fence from the area of the current overpass to the property leased to the church on Highway 87. Currently the highway design provides for a walk/bikeway on the south shoulder of the highway through that area. The project would need to be approved by the Airport Board and funding would need to be identified to pay for gravel and rolls of landscaping fabric. The City will be working on a cost estimate.

The Machler Stream Restoration project has been released for bids and proposals will be opened on May 19th in Helena. Currently the City has reserved approximately \$35,000 from the USFWS Bird Treaty Grant for use to purchase bird habitat for the project.

The two most recent Board of Adjustment actions were included in the packets for Commission information and do not require Commission action. Both of the items were approved by the Board of Adjustment.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Putnam seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from April 30, 2016 to May 11, 2016 for a total of \$140,352.67.

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

1. Discussion and action on approving a petition for annexation for Snowy Mountain Motors Company

Mr. Myhre explained that several months ago Mr. Tony Pierce owner of Snowy Mountain Motors contacted him and requested being annexed into the City of Lewistown and also requested the option to hook up his property to water and sewer. Commissioner Turk made the motion to approve the petition for annexation for Snowy Mountain Motors and Commissioner Poss seconded the motion. Commissioner Byerly 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 entering into a buy sell agreement for the West Feeds mill building (small building) located on East Main

Mr. Myhre explained that the West Feeds Building that is being discussed is located directly across from Trailhead Park and where the fish statute is located on East Main. The large and small West Feeds buildings were purchased from West Feeds by Sanford's. The Sanford's have

gotten a buy/sell on the larger building by a group of people working to put a brewery in there and did not buy the small building. Mr. Myhre was notified that the Sanford's would be willing to sell the small building to the City for public use and for the benefit of the trail system. The City Attorney put the buy sell agreement together to purchase the small building in the amount of \$29,500. Mr. Myhre explained that the City owns about a third of the land that the building is located on and when West Feeds owned the building they did lease some of the land from the City. Mr. Myhre explained that his recommendation is for the City to purchase the property for the benefit of the trail system, public use and for the possible continuation of Trailhead Park. Mr. Myhre commented that he has discussed the City purchasing the building with the people who are looking to put in a brewery and they are supportive of the City purchasing the property.

Ms. Karen Sweeney, the Regional Coordinator for Snowy Mountain Development Corporation (SMDC), addressed the Commission stating that she is in support of the purchase of the property. Ms. Sweeney reviewed some of the ideas that have been discussed as part of the Recharge Our Community group. Mr. Clint Loomis addressed the Commission and commented that he is involved in the youth engagement portion of the ROC committee. Mr. Loomis stated that he sees a lot of potential and supports the City purchasing the property. Mr. Charlie Pfau, commented that as a downtown property and business owner that it is an amazing opportunity for the City to take a step in the right direction and encourage the City to move forward with the purchase. Commissioner Byerly thanked everyone for taking the time to come to the meeting and voice their support for the issue. Commissioner Poss made the motion to approve entering into a buy sell agreement for the West Feeds mill building (small building) located on East Main and Commissioner Putnam seconded the motion. Commissioner Byerly asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

3. Public hearing to hear comments on Ordinance No. 1752, an ordinance adopting revised City of Lewistown Floodplain Hazard Management Regulations

Chairman Byerly opened the public hearing to hear comments on Ordinance No. 1752, an ordinance adopting revised City of Lewistown Floodplain Hazard Management Regulations. Planning Director Duane Ferdinand stated that the National Flood Insurance Program was established in 1968 as part of the National Flood Insurance Act. The City does participate in the flood insurance program and as a result it allows citizens the ability to purchase flood insurance. FEMA cannot offer flood insurance opportunities if the flood regulations are not in place. This will update the flood plain ordinance and be in compliance with FEMA regulations. Commissioner Poss commented that the City County Planning Board did review this document and approve it prior to coming to the Commission for public hearings and approval. Commissioner Byerly asked for comments from the audience and Commission. There being none, the public hearing was closed.

4. Discussion and action on approving the first reading of Ordinance No. 1752, an ordinance adopting revised City of Lewistown Floodplain Hazard Management Regulations

Commissioner Poss made the motion to approve the first reading of Ordinance No. 1752, an ordinance adopting revised City of Lewistown Floodplain Hazard Management Regulations and

Commissioner Hewitt seconded the motion. Commissioner Byerly 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 to approve Resolution No. 3906, a resolution authorizing participation in the board of investment of the State of Montana Short term investment pool (STIP) and authorizing the execution and delivery of documents related thereto

Mr. Myhre explained that the State of Montana Short Term Investment Pool (STIP) is used by the City for investments but the City has used it for funding purposes in the past. Finance Officer Nikki Brummond explained that STIP is in the processing of changing its participation policies and requires a resolution to be passed by the governing body. Ms. Brummond explained that the City does currently invest in the program and participated in the intercap program to borrow funds for projects. Ms. Brummond explained that on page 3 she is the authorized representative because she holds the position of Finance officer and the governing body does allow me to designate employees to run the business of the City as needed. On page four it states that the earnings will be deposited into the City checking account and that earnings will not be paid out but reinvested. Commissioner Putnam made the motion to approve Resolution No. 3906, a resolution authorizing participation in the board of investment of the State of Montana Short term investment pool (STIP) and authorizing the execution and delivery of documents related thereto and Commissioner Doney seconded the motion. Commissioner Byerly 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 purchasing a Police Car for the Lewistown Police Department

Mr. Myhre explained that typically the City of Lewistown purchases a patrol car every year and this year one was not budgeted for. Mr. Myhre further explained that it is suggested that if the Commission choses to purchase a vehicle that it be planned for next budget. It can be ordered but typically takes 3 to 4 months prior to receiving the vehicle if the Commission approves the item. Police Chief Cory Birdwell explained that he went out to bid and only received bids from Snowy Mountain Motors. Mr. Birdwell stated that he received four options from them and he is asking to purchase the Ford Explorer. Mr. Birdwell further explained that the reason for this option is because he has three to four officers well over 6 feet tall and there is not a lot of room in the interceptors. Commissioner Poss made the motion to approve the purchase of a Fort Explorer from Snowy Mountain Motors and Commission Putnam seconded the motion. Commissioner Byerly 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 Byerly adjourned the meeting.

Dated this 16th day of May, 2016.

Dave Byerly, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk