

A COMMISSION MEETING OF JUNE 20, 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, Gremaux, Hewitt, Putnam and Turk.
Commissioner Poss was absent.

APPROVAL OF MINUTES

Commissioner Putnam made the motion to approve the June 6, 2016 minutes as presented and Commissioner Turk seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that the Study Commission approved the tentative report at the June 10th meeting. The tentative reports are available at the City Office if anyone is interested. The public hearing will be on July 8th and the final report must be completed in August.

Commissioner Turk reported that the June library board meeting was canceled because they did not have a quorum but will meet in July.

Commissioner Byerly reported that the Central Montana Health District Board will meet on June 30th and will be working on budgets for next year.

Commissioner Putnam reported that she has a Central Montana Foundation meeting on June 21st.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

On June 15th, the volunteers poured the entire length of the Symmes Park Veterans Sidewalk at the park. Concrete finishers from several local construction companies donated their time to finish the sidewalk. Sod has been ordered and should be installed by the weekend. Mr. Don Bost did an excellent job of managing the volunteers and planning the project. New interpretive signs will be placed along the sidewalk later this summer.

Ms. Cheri Kilby with Disaster and Emergency Services (DES) has been working to complete the purchase of the home on Ash Street by Fergus County to remove the structures from the site. The project is funded by FEMA to assist in mitigating future damage by flooding. The County has asked for the City's assistance in the removal of the residence and may deed the land to the City to be used in conjunction with the Brewery Flats recreational property. The land will need to be managed through proper flood plain methods in the future.

Century Construction has begun construction on 7th Ave N to replace the corner sidewalk ramps with proper ADA handicap ramps. The project extends from the courthouse on Broadway to Highland Park School.

Mr. Clay Dunlap along with the Friends of the Trails has been working with a young Conservation Corps crew to remove weeds in the area of Big Spring. Spraying weeds in that area is not an option because of the proximity to Big Spring and the creek. They have also done some work to assist at the Labyrinth at Frank Day Park.

Tractor Supply Company will be opening this weekend and will have an official grand opening on June 25th.

The Library has had a huge increase in participation in the summer reading program with both youth and adults. The Library staff are enjoying the response and working to meet the increased demands for service.

The organizers of the Art District will be holding a kickoff event at Chokecherry Lane on Friday evening, June 17th.

The County Attorney has sent the formal easements to the County Commissioners with his recommendation that they approve and sign them. The City has yet to formally accept official ownership of the system. The City and County Attorneys are formalizing a document to complete the process.

The Planning Office is preparing to have an orientation meeting with the new members of the Lewistown Improvement District.

Commissioner Gremaux read some facts regarding City Manager Kevin Myhre while employed with the City of Lewistown. Commissioner Gremaux then presented Mr. Myhre with a certificate for the many years of dedicated service to the City of Lewistown.

Chairman Byerly stated that on behalf of the current City Commission and previous City Commissioners thank you for a fabulous and incredible job of serving the City. All of us will

benefit from what you have done. Mr. Myhre thanked him and stated it has been an enjoyable 25 years and it is hard to leave. There have been a lot of projects, a lot of people and employees that he has worked with over the years. Mr. Myhre stated that the City is much farther ahead today than what it was when he started in 1991, it has a great future and the public depends a lot on City staff and City Commission to accomplish their goals moving forward. Mr. Myhre thanked the Commission for allowing him to serve, for being great bosses and giving him the opportunity. Park and Recreation Director Jim Daniels commented that speaking for all of us department heads and being the one that has been here the longest, without a doubt things run smoother and better and the best we ever had and thanked Kevin for his leadership and thinks we have us going in the right direction.

CONSENT AGENDA

Commissioner Turk asked that the approval of Commissioner Putnam's request to be paid for 5/2/16 absence due to illness per Resolution No. 3882, authorization of stipends.

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Doney seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from June 1, 2016 to June 15, 2016 for a total of \$98,267.31.

Commissioner Turk stated that she wanted to discuss Resolution No. 3882 and need to clarify what an approved absence is versus unapproved absence. Mr. Myhre explained that the resolution that was approved by the Commission was included in the Commissioner's packet which gives the Finance Director some direction on how to pay the Commissioners. Commissioner Turk stated that her clarification is you will receive the stipend for up to two absences each fiscal year for personal reasons. Commissioner Turk then stated isn't there two absences for personal reasons and two for Commissioner business. Commissioner Byerly read the following from Resolution No. 3882 City Commissioners will receive the stipend for up to two absences each fiscal year if needed for personal reasons. City Commissioners will receive the stipend for any other absence expressly approved by the Commission that is necessary in order to attend City business that conflicts with a regular Commission meeting. Some discussion was held on interpretation and then Commissioner Byerly asked City Attorney Monte Boettger to explain it to them. Mr. Boettger explained that you have to absences for anything you want after that the only way you can get an excused absence was if it is City business and the Commission approves it. Commissioner Doney stated she thinks the resolution should come back before the City Commission and get the intent a little clearer. Commissioner Doney made the motion to hold the payment in abeyance pending the results of the discussion by the Commission and Commissioner Gremaux seconded the motion. The motion pass unanimously. Mr. Myhre suggested that the Commissioners take some time and write the paragraph as to what your intent is for the resolution. Commissioner Byerly asked that the proposed language be in the packets and the action item at the end of the next Commission meeting. Mr. Myhre stated that the packets will be out on June 30th and get the information to the Finance Officer by June 29th.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on awarding unit prices for curb and gutter projects for the City of Lewistown

Public Works Director Holly Phelps explained that the Public Works Department put an advertisement out for curb and gutter bids it was not specified to a certain area but the quantity was set that it would allow the City to complete new curb and gutter down 7th Ave N. The City received three bids from East Plains Construction for \$37.50 a foot, New Guys Construction for \$46.89 a foot and Century Construction for \$25.00 a foot which is the curb machine price and the bid if hand poured was \$42.50 a foot. Ms. Phelps stated that these are good bids and better than anticipated. Ms. Phelps further stated that it is her recommendation to award the bid to Centruy Construction. Ms. Phelps commented that at this price it will allow us to pick up some areas around Entrance Ave and the School District has inquired also. Commissioner Doney made the motion to award the bid to Century Construction and Commissioner Gremaux seconded the motion. Commissioner Hewitt asked if the other bidders were a flat rate. Ms. Phelps answered that the other contractors do not have a curb machine so they bids are for hand pouring only. Commissioner Byerly asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

Commissioner Byerly asked that without objection to move item number 3 before item number 2. There was no objection.

3. Discussion and action on paying the taxes on the LaFountain building amount to be determined by the City Commission

Mr. Myhre explained that 301 W Broadway Street is owned by Mr. Ron LaFountain and in 2013 the City went forward with an enforcement action to have him clean up and repair his sidewalk. Mr. LaFountain did nothing so the City repaired the sidewalk and put a lien against the property in the amount of \$72,607.92 to cover the cost of the sidewalk. Mr. Myhre explained that Mr. LaFountain has not paid his taxes since the first half of 2011 and the second half of the taxes were paid in 2011 by Investment Properties Financial Group (IPFG). Mr. Myhre further explained that IPFG has paid five halves of the property taxes but have not paid any portion of the sidewalk lien. Since IPFG paid the taxes in 2011 which was before the sidewalk lien it put them in line to get the title. IPFG has put a notice in the paper that they plan to request a assignment of deed for the property. Mr. Myhre commented that from different conversations with IPFG they do not intend to pay the lien for the sidewalks, because they do not feel have to pay the assessments. IPFG has a cost on the building of \$5,032.95 that if the owner Mr. LaFountain would pay them back their money it would buy them out of the assignment. However, if IPFG is not paid they will get a deed to the property. Mr. Myhre stated that the City is considered an interested party because of the lien. The City can pay the \$5,032.95 to IPFG and that would get Mr. LaFountain back in line for the taxes and in order for the City to in the chain and to have some say as to what happens to the future of the building is pay the second half of 2013 taxes the amount of \$802.39. Mr. Myhre explained that he has some anonymous donors for the \$5032.95 and the \$802.39 for the City to be in line for the deed. Mr. Myhre recommends that the City accept the donation of \$5,032.95 to get IPFG out of the picture and then accept the donation of \$802.39 to get the City in line for the lien. Mr. Myhre explained that there are two

properties that are related because they do not have walls on their property lines. The Downtown Association has been talking with the Recharge Our Community group for options in the future. The City worked with the Mr. King and the Historic Preservation Office in Helena to do a feasibility study to show that work could be done on the building. Mr. Myhre stated that the Downtown Association would like to see the building utilized and get some economic development downtown. A brief discussion was held about the taxes owing on the property. Commissioner Putnam asked what the anonymous donor's intent by helping the City. Mr. Myhre answered it is to see that the building is in secure ownership that will benefit the downtown. Mr. Boettger stated if the City does nothing because of the taxes that IFPG has paid, they will get the tax deed and legally they may not have to pay the lien. Mr. Boettger further stated that the City has an interest in the property due to the lien and therefore is considered in interested party. The City by paying the taxes doesn't really get anything, but does get the tax deed process stopped. There are still some tax delinquencies that the City can pay and, then the City will have the property in trust. Mr. Myhre explained that he does have a donation secured for the \$5,032.95 and the \$820.39, but not donation for the \$1,382.56. Commissioner Hewitt asked if the property lines could be determined. Mr. Myhre answered yes we do know where they are. Ms. Chris Cooler stated they are going to move forward with securing the building for the hope of doing something for the entire downtown. Mr. Myhre stated that his recommendation is to accept the donations and pay the following amounts: \$5,032.95, \$820.39 & \$1,382.56. Commissioner Doney made the motion to accept the donations and pay the delinquent taxes to get the City in line for a certificate of sale 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.

2. Discussion and action on approving the amended agreement between Fergus County and the City of Lewistown for the City Attorney's Office

Mr. Myhre explained that at the last meeting it was discussed that the City offer up an additional \$5,000 for support staff for the City Attorney's office. The motion was made to support that with a CPI inflation annually. Mr. Myhre stated that the County Commissioners are not in favor of going for a CPI and the contract expires next year. Mr. Boettger explained that the City Commission graciously approve an additional \$5,000 with the understanding that it had to go towards an additional half time staff and would like to go with the CPI for the increase. Mr. Boettger explained that it was taken to the County Commissioners and they have accepted the \$5,000 and did not approve changing the increase to CPI and it will need to be renegotiated next year. Commissioner Gremaux made the motion to approve agreement B which is the \$5,000 and the increase remains 3% and the agreement ends at June 30, 2017 and Commissioner Turk 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.

4. Discussion and action on sponsoring a Community Development Block Grant (CDBG) planning grant to assist Montana Preservation Alliance for a preliminary architectural report the Broadway Apartments and if awarded authorized to enter into the agreement.

Mr. Myhre explained that Community Development Block Grants are block grants to help communities plan and move forward. Mr. Myhre stated that the Montana Preservation Alliance is asking the City to sponsor a planning grant for the Broadway Apartments project. There is no financial commitment on the City. Commissioner Doney made the motion to approve sponsoring a Community Development Block Grant (CDBG) planning grant to assist Montana Preservation Alliance for a preliminary architectural report the Broadway Apartments and if awarded authorized to enter into the agreement 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.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioners Putnam, Hewitt and Gremaux all thanked Kevin for his service.

Commissioner Byerly stated that many years ago a nice young woman a recent graduate of Montana State University came into his office with a nice portfolio and many years later he would just like to say that our spouses and significant others suffer more and take more abuse and thanked Ms. Kris Myhre for her service.

Commissioner Turk thanked Kevin for everything.

Commissioner Doney commented that she has known Kevin for a long time and knows he will be missed.

ADJOURNMENT

Chairman Byerly adjourned the meeting.

Dated this 20th day of June 2016.

Dave Byerly, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk