

A COMMISSION MEETING OF SEPTEMBER 17, 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 Berry, Gremaux, Hewitt, Phillips, Putnam and Turk. Commissioner Doney was absent.

APPROVAL OF MINUTES

Commissioner Turk made the motion to approve the minutes for August 6, 2012, August 20, 2012 and September 4, 2012 and Commissioner Hewitt seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Putnam reported that the Park and Recreation Board met recently. The trail improvements were discussed and the bathroom remodel at the Civic Center. The life of the pool was discussed and it is probably time to move forward with some fundraising for pool improvements. It was also reported that park usage is increasing on an annual basis.

Commissioner Hewitt reported that she recently attended an Airport Board meeting. Commissioner Hewitt reported that the Airport Board is working on some guidelines for building permits at the Airport to help individuals building at the Airport. Commissioner Hewitt stated there was more discussion on the grease traps from septic haulers. The FAA came in and looked at the Airports runways and there is a possibility that the marks will have to be changed from every 20 feet to every 10 feet. The Airport Board will be working with FAA to try to work this out.

Commissioner Gremaux reported that he recently attended a Library Board meeting and there is not much to report. The Library staff and Friends of the Library are getting ready for some fall programs.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The City Manager is working with Snowy Mountain Development (SMDC) and Fergus County Disaster and Emergency Services to find funding to study flood mitigation measures to prevent some of the flooding that was seen in Lewistown in 2011.

The City Manager is continuing to work with SMDC and a local group to identify a consultant to study the feasibility of constructing a convention center facility in Lewistown. Both the owner of the Yogo Inn and the Super 9 Hotel are participating in the process. Once a firm is selected and costs are identified, we will begin looking for funding partners in order to proceed.

The City Manager has asked the Planning Director to submit a grant application on September 14th for funding to assist the City in an update of the growth policy and the development of an urban renewal plan for Lewistown. The growth policy and urban renewal plan are needed in order to proceed with the planning for a Tax Increment Finance (TIF) District.

City staff hopes to have a draft ordinance for a Tourism Business Improvement District (TBID) ready in October to create the TBID requested by the local hotel businesses. The district would be funded by a TBID assessment on each room billed by the hotel industry in the City. We have examples of TBID documents from Billings, West Yellowstone and Miles City.

The City is now operating under a new Wastewater Discharge Permit from MT DEQ. The new permit has a phosphorous removal component as well as increasing testing requirements. In the past local septic haulers were allowed to download septage three days each week to allow for dilution prior to sampling. Under the new testing requirements public works is reducing the septage days to two days a week. We are looking at alternative sites to allow the haulers to dump away from the plant to provide for better dilution of their loads. The development of a site will have some costs associated with fencing, monitoring and improvements.

CONSENT AGENDA

Commissioner Putnam made the motion to approve the acknowledgement of the claims that have been paid from August 31, 2012 to September 13, 2012 for a total of \$47,858.87 and Commissioner Berry seconded the motion. The motion passed unanimously.

REGULAR AGENDA – Resolutions, Ordinances and Other Action Items:

1. Discussion and action on authorizing the City Manager to sign an annexation agreement between the City of Lewistown and Kevin Rector

Mr. Myhre explained that Mr. Kevin Rector came to the City Commission previously to request hooking up to City water services. However, Mr. Rector lives near the cemetery just outside of the City limits on A Street. There is water service at the Stonewood Subdivision just behind Mr. Rector's house. Mr. Myhre further explained that Mr. Rector's request was to hook to City water but hold off annexation for a period of time to offset the costs of hooking to water. The City Commission authorized the City Manager to work on an annexation agreement that would allow him to wait up to three before being annexed into the City. Further discussion followed. Mr. Rector thanked the Commission for working with him on this issue. Commissioner Putnam asked if this type of agreement had ever been done before. Mr. Myhre answered yes it has been done in the past. Commissioner Putnam stated she wanted to make sure that this had not been asked for before and the Commission at that time answered no. Mr. Myhre commented that the Commission could or should say no depending on the circumstances. Mr. Myhre further commented that cases should be analyzed on a case by case basis and a rationalization as to why it is being done. Commissioner Phillips made the motion to approve authorizing the City Manager to sign an annexation agreement between the City of Lewistown and Kevin Rector and Commissioner Hewitt 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 awarding the contract for bridge work repairs as part of the FEMA projects

Mr. Myhre explained that during the flooding in 2011 several areas had damage. The following bridges were damaged and a bid request was done to get the bridges fixed. The bridges are located near Garfield School, Boyd Creek and Cottonwood Creek. FEMA considers these to be small projects and the funds from FEMA are not enough to fix the bridges the way FEMA thought they needed to be fixed. The bids for two of the bridges came in high and it has been determined that riprap can be reduced to meet the funding allowance from FEMA. Casino Creek Concrete was the only bidder and are willing to make the suggested adjustments to riprap quantities to accomplish the project. Mr. Myhre stated he is recommending approval of this contract to Casino Creek Contract with the necessary adjustments to meeting the funding allowed by FEMA. Commissioner Phillips made the motion to award the contract for bridge work repairs as part of the FEMA projects and recommend approval to award the bid to Casino Creek Concrete with recommended adjustments and Commissioner Berry seconded the motion. Commissioner Gremaux asked for comments from the audience and Commission. There being none, the question was called for and those in favor were Commissioners: Berry, Hewitt, Phillips, Putam and Turk. Commissioner Gremaux abstained and Commissioner Doney was absent.

3. Discussion and action on approving the Recreational Trails Program (RTP) grant for 2012 for additional funding in the amount of \$20,109

Mr. Myhre explained that the Friends of the Trails on behalf of the City submitted an application for a RTP grant requesting funding of \$70,000 for trail improvements next to the Yogo Inn. The City received about \$17,000 in funding and an additional \$20,109 has been awarded to the City. Commissioner Turk made the motion to approve the RTP grant for additional funding in the amount of \$20,109 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 those voting in favor were Commissioners: Berry, Gremaux, Phillips, Putnam and Turk. Commissioner Hewitt voted against and Commissioner Doney was absent.

4. Discussion and action on approving the 2012-2013 agreement with School District No. 1

Mr. Myhre explained that the City of Lewistown and the School District have had a long standing agreement for shared use of facilities. The School District does not have the gym facilities for their sporting events and the City does not have some of the maintenance equipment that the school has. Sometimes the City utilizes some of the School's equipment for park and trail maintenance. The School District pays the City a sum of \$4,802.55 which covers rent, recreation director time, honorarium for professional assistance and equipment. Mr. Myhre further explained that the amount is increased each in accordance with the cost of living adjustment. This year it was increased by 3.1% and last year it was increased by 1.6%. Commissioner Turk made the motion to approve the 2012 – 2012 agreement with School District No. 1 and Commissioner Putnam seconded the motion. Commissioner Gremaux asked for comments from audience and Commission. There being none, the question was called for and the motion passed unanimously.

5. Discussion and action on approving the agreement between Fergus County and the City of Lewistown for the City Attorney's office

Mr. Myhre explained that basically this is an agreement between Fergus County and the City of Lewistown for the City Attorney's office that has been in place since approximately 1997. The first agreement it was determined that the City would pay \$5,000 to the County for the City Attorney office space, supplies and clerical help. Further discussion followed. Mr. Myhre reported that the City has paid \$5,000 for the City Attorney's office until 2009, then in 2010 they moved into a new building and it was

requested that the City purchase a copier for the new building and pay the monthly maintenance agreement. Then in 2011 the City purchased some file cabinets and the County Attorney's office purchased new software and the City was asked to fund the City Attorney's portion of the software and annual maintenance. Mr. Myhre explained that the County asked to look at this agreement again and determine the costs associated with the City Attorney being located at the Fergus County Attorney office. Mr. Myhre explained that he has negotiated that the City would pay \$12,000 this year, but the county would purchase the copier from the City and take over the annual maintenance agreement. This is a five year agreement and there is a 3% increase over the next five years. Further discussion followed. Mr. Myhre stated that he recommends approval of the agreement. Commissioner Turk made the motion to approve the agreement between Fergus County and the City Attorney's Office 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 17th day of September, 2012.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk