

A COMMISSION MEETING OF OCTOBER 1, 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, Doney, Gremaux, Hewitt, Phillips, Putnam and Turk.

APPROVAL OF MINUTES

Commissioner Turk made the motion to approve the minutes for September 17, 2012 and Commissioner Putnam seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Berry reported that she recently attended a Central Montana Foundation Board meeting. They were informed that the ice skating association will be getting a pavilion soon and encouraged everyone to go ice skating.

Commissioner Phillips reported that he will be attending a Snowy Mountain Development Corporation Brownsfields meeting.

CITY MANAGER REPORT

City Manager Kevin Myhre was not in attendance at the meeting. Chairman Gremaux reported on the following issues:

The Montana Department of Transportation held a meeting on September 26th to go over the design plans for the highway project to rebuild the section of Main Street and Highway 87 from 15th Ave to the Truck Bypass intersection. The project is scheduled to be bid for 2013.

The City has received funding from the MT DNRC to hire a consultant to prepare a grant application to the EPA Brownsfield program for assessment funds for the Central Montana Brownsfield Coalition. The consultant fees for preparing the grant application are estimated at \$7,500 and the City Manager has hired Chris Cerquone with NewFields to prepare the application. Chris was the project manager for the Berg Lumber site and has done previous work with the Coalition and SMDC. The Commission approved the project in the spring of 2012.

The Superior Towing building on East Main Street is scheduled to be auctioned by the federal government on Tuesday, October 2. They have proved a phase I environmental assessment which recommends a phase II but they have not had one done. There is concern that the property may sell at a low price to a buyer without the resources to complete any environment work that may be necessary. There is several large and/or notable building in Lewistown that are owned by persons who have not shown the ability to develop them for use. They continue to be a source of blight and complaints for the Lewistown community.

The Library will be hosting an event to show appreciation for the friends of the Library and volunteers on October 10th from 5 to 7 pm in the upstairs portion of the Library.

Mr. Boettger explained that the City has received a lot of complaints from citizens regarding the cemetery and it has been determined that it would be a good idea to put a kiosk at the entrance of the Cemetery to provide information to the public. Commissioner Gremaux commented that it is a very good idea and would like to ban dogs from the cemetery.

Finance Officer Nikki Brummond reported that recently she and the City Manager had a conference call with staff from the State Revolving fund office. The City has been notified that the interest rates on the City's revolving loan funds for water and sewer projects will be lowered. The new interest rate will be 2.25%. Ms. Brummond further explained that it was determined that with the extra money from refinancing the bonds be used to pay off the RD Loan. The RD Loan is at an interest rate of 4.25%. The benefits of this are savings and bond requirement amounts would be reduced.

CONSENT AGENDA

Commissioner Doney made the motion to approve the acknowledgement of the claims that have been paid from September 14, 2012 to September 27, 2012 for a total of \$37,808.97 and Commissioner Putnam seconded the motion. The motion passed unanimously.

REGULAR AGENDA – Resolutions, Ordinances and Other Action Items:

1. Request for discussion of the City of Lewistown fence ordinance by Dave King Sr.

Mr. Dave King Sr addressed the Commission stating that his backyard fence is limited to three feet high and does not like it. Mr. King stated that there are a few things he would like from the Commission this evening. One is that the regulations be rewritten to allow a corner lot to have at least a four foot high fence. Mr. King explained what he saw with regard to fences as he drove around the City. Mr. King stated that he has received a summons regarding this issue and will have to appear in court. Mr. King stated that he would like the City Commission to recommend to the City Manager to back off enforcing this portion of the ordinance until it is rewritten. Mr. King further stated that it is his understanding that this ordinance is being rewritten. Mr. King stated his second request is if he gets a variance and if the 46 inch fence is okay and then he has encroached one foot into the public right of way. Mr. King stated that he feels there needs to sense and reason for these regulations. Commissioner Gremaux commented that when these regulations were written there was sense and reason for these regulations and it would behoove the Commission to strictly enforce them. Commissioner Doney stated that after reading the summons she has determined that there was a timeline and that on August 31st the Building Inspector talked to Mr. King and stated that he was encroaching on to the public right of way and needs to cease building the fence. Commissioner Doney further commented that on September 5th the Building Inspector drove by again and Mr. King had continued to build his fence which is the reason for the summons and it appears that until the variance is determined you must stop building. Mr. King stated that don't you think the ordinance should be examined? Commissioner Doney stated that if citizens want to bring changes before the City then several citizens should bring it before the Commission to look at making changes. Commissioner Putnam stated that he could erect a four foot fence but it must be see through and cannot be on the public right of way. Commissioner Putnam thanked Mr. King for coming before the Commission with the issue.

2. Discussion and action on authorizing the City Manager to submit an application to the FAA for release of airport property from surplus property disposal restrictions

City Attorney Monte Boettger explained that when the City and County acquired the Airport property after World War II. The property was acquired with many restrictions and one was that the property could not be transferred unless it was for use at the Airport. It turns out that the highway project is going to need a portion of the Airport property and the City and County cannot just deed over the property to the highway department for the use of this project without getting approval from FAA. Mr. Boettger stated that the City Manager is asking for an authorization from the City Commission to allow him to proceed with release of the property to allow the highway department to continue with the project. Commissioner Doney made the motion to authorize the City Manager to submit an application to the FAA for release of airport property from surplus property disposal restrictions 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 those voting in favor were Commissioners: Berry, Doney, Gremaux, Hewitt, Phillips and Putnam. Commissioner Turk recused herself.

3. Discussion and action on authorizing the City Manager to make a request to the US Department of Treasury to complete the recommended phase II environmental assessment of the Superior Towing Property prior to offering the property at auction

Commissioner Turk made the motion to authorize the City Manager to make a request to the US Department of Treasury to complete the recommended phase II environmental assessment of the Superior Towing Property prior to offering the property at auction 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.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Putnam stated that sometimes the Commission does not realize how hard it is for a citizen to get up in front of the Commission and discuss an ordinance. Commissioner Putnam commented that maybe the Commission should be a little more engaging and a little more tolerant of the fact that they did not know about the ordinance before they did it even though it is unacceptable. Commissioner Putnam further commented that the Commission show at least show we understand if we want citizens to participate in government and their audience needs to be receptive.

Commissioner Doney commented that in regards to the request by Dave King Sr it would have been helpful if a copy of the summons was included in the packets prior to the meeting to determine what the issues were. Mr. Boettger answered that he intentionally left it out because this is not the forum to litigate the issue.

ADJOURNMENT

Chairman Gremaux adjourned the meeting.

Dated this 1st day of October 2012.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk