

A COMMISSION MEETING OF JULY 15, 2013 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.

PLEDGE OF ALLEGIANCE

Chairman Gremaux 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 Doney made the motion to approve the minutes for July 1, 2013 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 Turk reported that she attended a Library Board meeting and the Library Director's job description was reviewed and some suggestions for rewording. The curb and gutter on 7th Ave S is currently being fixed and hope to have a loading zone located there to help with unloading of vans and buses. The summer reading program ends on August 3rd. There was a budget discussion and it was determined that a new boiler is needed.

Commissioner Hewitt reported that she attended an Airport Board meeting and the ARF truck was discussed. WTI does a lot of research on road conditions and determined that a tire sock works better than tire chains. Commissioner Hewitt stated that WTI in the last four years has spent \$400,000 in our community and would like to build a new building. Commissioner Hewitt reported that the secretary Sandy Howells is resigning and they will be looking for a new secretary. Mr. Myhre stated that WTI stands for Western Transportation Institute.

Commissioner Putnam reported that she was unable to attend the last Park and Recreation Board. Mr. Myhre stated that the Park Board received an update on the Ice Skating facility, which the Commission toured this evening. There is a group of people that play basketball on a regular basis and would like to enter into an agreement with the Civic Center to set a specific time for basketball. The board amended the swim and slide rate to \$2.00 after dinner time to encourage people to use the pool. Mr. Daniels, Mr. Myhre, Mr. Vanderbeek and Ms. Jessica Hawn met up at the Fish Hatchery Park to discuss a conceptual park plan for the development of the park.

CITY MANAGER REPORT

Mr. Myhre reported on the following issues:

The City Manager has received several complaints from the areas west and south of the Wastewater treatment facility. In June and July, a large amount of moist grass clippings are dumped at the facility, which is then used to mix into the dewatered sludge from the wastewater facility to make compost. Once the composting process has been completed and documented, the compost can be released for public use. It is believed that the strongest odors are coming from the accumulation of grass and leaves waiting to be mixed into the compost. In order to reduce the odors, the City Manager has instructed the sewer department to stop taking grass and leaves from citizens until further notice. The accumulated grass will be mixed this week and the odors should decrease. Possibly with some infrastructure changes, we can start taking them again later in the summer but for now it appears to be the best step toward a solution and some relief to the residents in those areas.

The annual Sea Lions swim meet will be held on July 13th and 14th at the pool. The event will be smaller this year because there is another meet in Fort Benton at the same time. Staff will work to minimize traffic, camping, and population issues in the area of Frank Day Park.

The hockey association and volunteers have started the work on the ice rink to prepare for concrete and refrigeration infrastructure. The Commission will be touring the area on Monday, July 15th for the committee of the whole meeting.

The Friends of the Pool and the Hockey Association are working together to have a grant written to help pay for the costs of upgrading the bathhouse/locker room facility at Frank Day Park. The park Board has approved supporting the grant and authorized them to proceed. If they are successful, final approval will need to come from the City Commission. The grant writer has been informed that the project should follow the plans drawn by the engineer for the City and that deviations should involve City staff and the Commission subcommittee.

The Street Department is working to prepare areas for asphalt later in July. Century hopes to be in town to being paving sometime in late July.

The Urban renewal/tax increment financing district public meeting has been scheduled and are providing public notice for a public meeting to discuss the proposed Tax Increment Financing District and the related issues. The date of the meeting is July 22, 2013 at 7 p.m. at the Community Center.

CONSENT AGENDA

Commissioner Doney made the motion to approve the acknowledgement of the claims that have been paid from June 29, 2013 to June 30, 2013 for a total of \$162,527.62 and Commissioner Hewitt seconded the motion. The motion passed unanimously.

REGULAR AGENDA – Resolutions, Ordinances and Other Action Items:

1. Discussion and action on Order by City Commission, pursuant to Montana Code Annotated Section 7-14-4109 and Lewistown City Code Sections 9-3-9, and 9-3-10, directing Ron Lafountain to replace the sidewalk, curb and gutter adjacent to his building located at 301 W. Broadway, Lewistown, MT

Mr. Myhre explained that in 2010 the City of Lewistown requested the owner of 301 W Broadway, Mr. LaFountain to replace the sidewalks and repair what the City considered to be a dangerous condition. The area was reviewed by an engineering firm that determined it was in poor enough shape that it needed to be replaced and created a public hazard. At the same time Mr. LaFountain was charged with several criminal charges relating to building code and the sidewalk. The issue went to justice court and then up to district court where Mr. LaFountain was found guilty. In 2010 the City Commission went through a process declaring the curb and gutter to be deteriorated to a point that the Commission required Mr. LaFountain to replace it in thirty days. Since it was not replaced in thirty days, the City went to an engineer and had a project designed and put the project out to bid. The bids to replace the sidewalk came in around \$180,000 to \$200,000 and at the time the Commission chose not to have the sidewalk replaced. Mr. Myhre further explained that since that time the sidewalk has continued to deteriorate and it is currently blocked off and continues to create problems in the downtown for pedestrians and drivers. Mr. Myhre stated that the owner of the building has shut off power to the building and essentially has walked away from the building. Mr. Myhre wants to start the process over and declare this and notice to the owner as required by State law. Further discussion followed. City Attorney Boettger explained that essentially we are requesting the City Commission to make a determination that the sidewalks are unsafe, in need of repair and replacement including new curb and gutter and order the owner of the property to make the repairs within thirty days and if he does not do it then by law the City Commission can proceed to fix the sidewalks and pay for them and then once completed the expense can be put on as a lien on the property. Further discussion followed. Mr. Boettger explained that the City just filed a petition in District Court asking Judge Oldenburg to revoke Mr. Lafountain's suspended sentence because from the City's viewpoint he has not complied with the court order to fix the building code and fire code violations. Mr. Boettger stated that all of the documents are to be considered background and then determine if the City Commission would like to use statutory or City code authority to direct Mr. LaFountain to make the necessary repairs and replacements of the sidewalk adjacent to his building located 301 W Broadway. Also, the building official would be directed to do that same thing with regards to repairing and replacing the sidewalk adjacent to Mr. LaFountain's building located at 301 W Broadway. Mr. Boettger explained that if after thirty days Mr. LaFountain does not complete the improvements that the City would be authorized to move forward to get bids and replace the sidewalk paid for by the City or borrow the money. The final cost would be lien against the property. Mr. Steve Williams asked if the deteriorating sidewalk in front of the Reids building would be addressed during this process. Mr. Williams also asked what is going to be done for the rest of the sidewalks on Main Street that are in need of repair and replacement. Commissioner Gremaux stated that something does need to be done with all the sidewalks and you need to start somewhere and feels that this is a good place to start. Mr. Myhre stated that currently the sidewalk adjacent to the property is the responsibility of the property owner which is in accordance with state law and City code. Further discussion was held on the different sidewalks that need repair. Mr. Myhre stated that at the beginning of the year the City Commission did some goal setting to identify their top goal and priority and this was the top issue for the Commission. Commissioner Hewitt asked why the sidewalk issue was not enforced with the prior owner. Mr. Boettger stated that over time the sidewalk has gotten worse and the City was working with the prior owner, and urging repair and then the City proceeded with enforcement with the prior owner and that was when the property sold. Commissioner Doney made the motion that by order by City Commission, pursuant to Montana Code Annotated Section 7-14-4109 and Lewistown City Code Sections 9-3-9, and 9-3-10, directing Ron Lafountain to replace the sidewalk, curb and gutter adjacent to his building located at 301 W. Broadway, Lewistown, MT and Commissioner Putnam seconded the motion. Commissioner Gremaux asked for comments from the audience and the Commission. There being none, the question was called for and the motion passed unanimously.

2. Discussion on revenues for fiscal year 2013 – 2014.

Mr. Myhre explained that it is the start of the City's new fiscal year and it is time to look at approving a budget for fiscal year 2013-2014. The City does not get the mill value until August 1st. The Department of Revenue sets the mill value and the value of newly taxable property for the City of Lewistown. At that point the budget can be finalized and adopted in September. Mr. Myhre explained that tonight just the general fund revenue will be discussed. The major revenue for the general fund budget is property taxes, other tax incomes, entitlement revenues. The City is authorized to raise property taxes by ½ the rate of inflation averaged over the previous three years. The inflation rate this year is 1.03% which is what the City can raise the taxes this year. The state entitlement is capped at an increase of 3.5% and this year it was a maximum increase this year of 3.5%. Mr. Myhre reviewed the revenues that are critical for the City to maintain their services which are: the cable franchise agreement, the Lewistown Rural Fire District, fines, business licenses and civic center fees. Mr. Myhre stated that he is expecting approximately a 2% increase overall in general fund revenues. Mr. Myhre further stated that the CPI for the state this year is 2.1%. This is an overall stable budget. Mr. Myhre stated that we are providing some rates that can be considered for the street maintenance assessments.

3. Presentation of the Library Board Annual Report

Library Director KellyAnne Terry read the following mission statement "The Lewistown Public Library provides free and equal access to quality materials and services, which fulfill the educational, informational, cultural, and recreational needs of the entire community." The following are the Library Board of Trustees: Tom Wojtowick, Chairperson; Mary Frieze, Vice Chair; Blanche Chapman, Cathy Moser, City Commissioner Patty Turk & Marie Anderson, Ex-Officio (Friends of the Library President). Ms. Terry stated she has four full time and 2 part time staff and some of their duties are as follows: youth librarian, fiction, media, outreach, circulation, interlibrary loan, reference, processing and children's services. Ms. Terry made the following statement: the Library is a place and it's a place where things happen. Ms. Terry read the following statistics: over 7288 people walked through the Library doors in June 2013 and on average 6000 people walk through the library doors monthly. In June alone, the library had 6606 circulation transactions, and in 2012 the library circulated 97,000 items. The library has just over 50,000 in-house materials. There are 4215 patrons who hold library cards. 350 kids and 150 adults signed up for the 2013 Summer Reading Program. The library has 8 public computers and those computers were used 1,425 times in the month of June 2013. During the school year the following groups visited the youth area monthly: daycares, homeschoolers, the colonies, junior high students, senior high students, and the 3rd grade classes. The library is a place where anyone from any age or social or economic background can come and use as a free resource. The library is not just a place to go but the library does go to the patrons through outreach, interlibrary loan, Montana Library2Go (for downloadable e books and audio books), Montana Memory Project for local historical research, and Heritage Quest for genealogy. Ms. Terry explained that the Library Board just completed their strategic plan and feels the plan is very visionary and achievable over the next few years. The strategic plan was developed using the Library mission statement and then identifying 7 objectives to focus on. The first objective was to encourage Lewistown and Fergus County's Passion for Reading, Personal Growth and Learning. Ms. Terry explained that the goal is the library is not just a place to go get a book but a user experience. The second objective was to expand Central Montana's Access to Information, Ideas and Stories and the third objective is to build partnerships to make a difference in people's lives and the community they live in. Ms. Terry explained that she feels it is very important for the library to be involved in the community and to know who you are serving in your community. There is also a strong volunteer base with the friends of the library and the genealogy. The fourth objective is to develop and deliver physical and virtual services that support patron access. A goal is to get a more interactive website. The fifth objective is to leverage library leadership through board development and staff commitment. This will be done by encouraging continuing education, setting and attaining goals and the positive relationship with the State library. The

sixth objective is to optimize funding of library services through public and private dollars. Ms. Terry explained that there were two very successful fundraisers this last year, which included the Chili Bowl and the Meet the author. The seventh objective is to maintain an attractive functional and accessible facility.

4. Discussion and action on the City's contribution to the Library for fiscal year 2013-2014

Mr. Myhre reviewed the overall Library budget. Mr. Myhre explained that over the last several years if the Library Board can come up with \$5,000 in non city funds then the City Commission will match the \$5,000 to go into the Library depreciation account for capital improvements. The library is asking for a 2.1% increase in the contribution from the City of Lewistown which would essentially fund the wage increases for the upcoming year. The library needs to purchase new library cards and that will be using up a lot of the carryover cash. Mr. Myhre explained that the library is asking for a 2.1% increase in the City's contribution from the general fund and a \$5,000 donation to the depreciation fund. Further discussion followed. Ms. Terry stated that she will work on getting an increase from the County. Mr. Myhre explained that the Library Trust fund funds the operation of the Book Station and under state law we are required to budget have the amount of cash that is available. Commissioner Turk made the motion that the City's contribution to the Library for fiscal year 2013-2014 to be a 2.1% increase over last years and a \$5,000 contribution to the Library depreciation fund as long as the library has matching funds and Commissioner Poss 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.

5. Discussion and action on approving an amendment to the FEMA grant for a fire truck to increase the grant

Mr. Myhre explained that the City was awarded a FEMA grant to replace the City's oldest fire truck. The City Commission accepted the grant but asked that the Fire Chief apply for an amendment for more funding because the trucks bids came in higher than expected. Fire Chief Jason Manley explained that the City received two bids in the amounts of \$376,817 and \$379,000. The bid for \$376,817 bid was from Big Sky Fire. FEMA has approved the full amount for the lowest bid which is \$357,976 and the City's match will be \$18,841. Mr. Myhre explained that the City's match will be budgeted in this year's budget if approved by the City Commission. Commissioner Poss made the motion to approve the amendment to the FEMA grant for a fire truck to increase the grant 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.

6. Discussion and action on awarding the bid for the purchase of a fire truck to Big Sky Fire

Mr. Myhre explained that the bid for the fire truck has not been awarded because the bids came in higher than the grant as discussed in the previous agenda item. Mr. Myhre stated that the FEMA amendment has been awarded and approved and recommends purchasing the truck from Big Sky Fire and Equipment. The contract language is being looked at by the City Attorney and once the contract is approved by the City Attorney he would like to be authorized to sign the contract. Commissioner Poss made the motion to award the bid for the purchase of a fire truck to Big Sky Fire and authorize the City Manager to sign the contract 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

Mr. Kyle Krahn addressed the Commission stating that he is applying for an encroachment because there is a deck on the City right of way. Mr. Krahn explained that he has been asked to replace the deck however, the current deck is on the city right of way and he is unable to get a building permit to move forward. Mr. Myhre stated he will put this on the next agenda if the Commission would like. Mr. Myhre asked if Mr. Krahn could provide the Commission with some drawing and plans on what he would like to do.

Mr. Behl asked Mr. Myhre how the work is progressing on the Warr Street water way. Mr. Behl stated there is water running down Warr Street and it would be easy for him to fix it. Mr. Myhre stated that the City is not going to authorize you to make any changes to the way the water is flowing. Mr. Behl stated that he would be willing to share the cost of the culvert that he would like to put in there for the water flow. Commissioner Gremaux stated that this is not agenda item and a plan needs to be brought before the Commission before anything can be done.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Chairman Gremaux adjourned the meeting.

Dated this 15th day of July, 2013.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk