

A COMMISSION MEETING OF AUGUST 5, 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, Putnam and Turk. Commissioner Poss was absent.

APPROVAL OF MINUTES

There were none.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Turk reported that she has a Library Board meeting on August 15, 2013.

Commissioner Doney reported that she attended a Central Montana Health District meeting recently and the budget was discussed.

Commissioner Putnam reported that there is a Park and Recreation Board meeting this Wednesday, August 7, 2013. Commissioner Putnam also reported that she attended a Friends of the Pool meeting regarding the swim a thon that will be held at the City pool on August 16th & 17th.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The contractor has completed the work on Earl Street with only seeding needing to be done. Park and Recreation Director Jim Daniels is having his staff fine groom the topsoil on the park side to get it as easy to mow as possible.

Public Works crews have been busy working with citizens and contractors to assist in concrete removal and/or replacement projects. Under the provisions of the City of Lewistown sidewalk assistance policy, Public Works can work with property owners to remove concrete from areas within the right of way to allow the home owners to replace the concrete. Public

Works is also having curb and gutter installed on Miller Street and in the area of the proposed Trailhead Park. A brief overview of drainage issues was discussed. Commissioner Hewitt reported that there was a huge washout on A Street and Public Works was went up there several times and looked at it but never did anything, even though there was a road grader and a roller in the area.

Public Works is working on submitting a grant to the Montana Department of Transportation (MDOT) to provide funding to install ADA corners on Seventh Ave N. Currently the street is not eligible for rebuild with federal funds because it does not meet ADA requirements. Any work that the City does on Seventh Ave N is heavily regulated by the MDOT because the road is designated as an Urban Route. The Friends of the Trails is also putting together an application for the program. MDOT is encouraging multiple applications from communities.

The City Manager attended the Essential Air Service Task Force meeting in Billings on July 25th to hear the presentations from three carriers who have submitted proposals for the remaining five communities in the program. Great Lakes only proposed serving Sidney and Glendive, while Cape Air and Boutique Air both had proposals to serve the five communities. The City Manager guesses the Essential Air Task Force will recommend that Cape Air receive the contract but does not know the results of their discussion. Cape Air did say that they would be interested in serving the Lewistown and Miles City communities if we were able to regain eligibility.

The electrical system at the East Fork Reservoir Recreation Area has been repaired and the pump in functioning. The plan is to decontaminate the well prior to allowing public use.

An adjacent landowner to the City's East Fork property had a portion of the area surveyed and found that some of the current fencing is not properly located. Mr. Daniels has been working with the landowner and the lessee of the City owned property to facilitate the relocation of the fence.

The Community Tourism Assessment completed by Cygnet Strategies was included in the Commissioner's packet. The assessment will be on the next agenda for discussion.

CONSENT AGENDA

Commissioner Doney made the motion to approve the acknowledgement of the claims that have been paid for June 30, 2013 for a total of \$50,854.28 and Commissioner Putnam seconded the motion.

REGULAR AGENDA – Resolutions, Ordinances and Other Action Items:

Commissioner Hewitt asked to remove the following item from the consent agenda: acknowledgement of the claims that have been paid from July 19, 2013 to July 31, 2013 for a total of \$32,765.55.

Commissioner Hewitt asked if the supplies and fencing materials purchased from Edgewood are for the Railroad right of way. Mr. Myhre answered yes. Commissioner Hewitt asked if the easement payment to Don Jenni is annual. Mr. Myhre answered that yes it is an easement and the repeater for 911 is located on the property. Commissioner Putnam made the motion to approve the acknowledgement of the claims that have been paid from July 19, 2013 to July 31, 2013 for a total of \$32,765.55 and Commissioner Doney seconded the motion. The motion passed unanimously.

1. Discussion and action on approving additional curb cuts for storage units located at Second Avenue between Brassey and Pine Street

Mr. Myhre explained that when a citizen is developing public property City ordinance only allows for two 30 feet curb cuts. Mr. Greg Smith is in the process of developing a large parcel located at Second Ave S

between Brassey and Pine Street. There are storage units located there and to better accommodate the units he would like to have four curb cuts. This will allow more parking for the Willows. Further discussion followed. Mr. Greg Smith stated that it will provide more parking for the Willows and feels that it is a huge improvement for the area. Commissioner Doney agreed that it is a huge improvement. Commissioner Doney made the motion to approve the additional curb cuts for storage units located at Second Avenue between Brassey and Pine Street and Commissioner Turk 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 a request from Mr. John Behl for curb and gutter at the intersection of Warr and Third Street and the ability to landscape the area

Mr. Myhre explained that this issue has been discussed on a few occasions and he received another request from Mr. Behl so it is now the agenda for the Commission to take action on. Mr. Behl stated that he is just asking for a minor cut in the soil along Warr Street for a gutter. Mr. Behl explained that there has been a lot of dumping over the years that has caused Warr Street to be raised up and cause the natural water flow to be stopped off and flow to the left. Mr. Behl discussed the way the water is currently flowing. Commissioner Putnam verified that this request has been discussed by the City Commission at prior meetings and it was suggested that an engineer's report would be necessary before water flows would be changed. Mr. Behl answered yes, but it was never put on the agenda and Mr. Myhre was going to take care of it and nothing was ever done. Mr. Myhre explained that this has been discussed with the City Commission and does not feel there is a need for a change in the flow of water and if there is a need then thought needs to be put into the decision before making changes to the flow. Further discussion followed. Commissioner Gremaux stated that if something needs to be done then an engineer's report must be done. Mr. Myhre stated that he has not seen any soil erosion. Mr. Myhre explained that Mr. Tim Kaiser contacted him and stated that the topsoil was his and he would be removing it. Commissioner Doney made the motion to disapprove the request from Mr. Behl for curb and gutter at the intersection of Warr and Third Street 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. Commissioner Berry stated that it was her understanding that when the Public Works Department has time they will clean up the dumping on the public right of way. Mr. Myhre answered that yes that is the plan to clean up the public right of way. Mr. Myhre stated that it appears Mr. Behl would like to put a culvert in to move the water and smooth out the land to make it more appealing to his liking. Further discussion followed. Commissioner Doney made the motion to disapprove the request from Mr. Behl to landscape the area and Commissioner Berry seconded the motion. Commissioner Gremaux asked for comment from the audience and Commission. There being none, the question was called for and those voting in favor were Commissioners: Berry, Doney, Gremaux, Putnam and Turk. Commissioner Hewitt voted against and Commissioner Poss was absent.

3. Discussion and action on authorizing the City Manager to sign a memorandum of understanding (MOU) between the Montana Department of Transportation and the City of Lewistown to receive funding for the maintenance of the Kiwanis Park public rest area

Finance Officer Nikki Brummond explained that three ago the City was contacted regarding some funding for a rest area. Ms. Brummond contacted someone from MDOT and found out that this is funding to maintain the rest area west of town. However, the rest is located on Airport Property but does not maintain the rest area; instead the Kiwanis Club of Lewistown maintains the rest area. Ms. Brummond contacted the Kiwanis Club to see if they could use this money and they put together a budget that has been submitted to MDOT to include the anticipated expenses in the MOU. Ms. Brummond explained there are no matching funds from the City and is a pretty easy grant. Ms. Brummond pays the bills and then submits the proper documentation to be reimbursed by MDOT. Commissioner Putnam

asked if the City charges any administration fees. Ms. Brummond answered no, but the Commission can chose to do so and can look into for the next year. Mr. Tom Anderson, President of Kiwanis, and stated that Mr. Bob Papp and Mr. Ken Vanderven are the main two that maintain the rest are. Mr. Anderson stated that we would like to be able to purchase a mower, but will look at doing something different next year to be able to purchase a mower. Mr. Myhre explained that he and Ms. Brummond will be looking at a better way to work with the MDOT to get more funding for the Kiwanis. Commissioner Turk made the motion to authorize the City Manager to sign a memorandum of understanding between the Montana Department of Transportation and the City of Lewistown to receive funding for the maintenance of the Kiwanis Park public rest area 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.

4. Discussion and action on approving the street maintenance assessment for fiscal year 2013-2014

Commissioner Gremaux stated he would like to look at a rate of \$.0285 per square foot. Ms. Brummond explained that currently a standard 50 x 90 lot is \$105.75 annually and if we raise the street assessment to \$.0285 for a standard lot it would be \$128.25 annually. Therefore, it would be an annual increase of \$22.50. Commissioner Gremaux stated that is not a large increase but the City cannot continue to maintain streets and alleys with the same amount of money every year. The price of asphalt and gravel is increasing every year. Further discussion followed. Commissioner Doney made the motion to set the street maintenance assessment for fiscal year 2013-2014 at \$.030000 per square foot and Commissioner Turk seconded the motion. Commissioner Putnam stated that we need to look at maintaining street, curb and gutter and sidewalk being maintained by the City of Lewistown. 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 Order by City Commission, pursuant to Montana Code Annotated Section 7-14-4109, requiring replacement of the sidewalk, curb and gutter adjacent to the building located at 301 W Broadway in Lewistown, to include the sidewalk, curb and gutter along Third Avenue between Main street and Broadway and the sidewalk, curb and gutter along Broadway between Third Avenue and the alley between Third Avenue and Fourth

Mr. Boettger explained that this is a housekeeping matter and because the extent of the project the statute is quite specific for the order the City Commission needs to enter into the minutes. Mr. Boettger stated that rather than moving forward with some problematic language, it was decided to put it back on the agenda to be more specific and have it properly documented. There are two items, because we are proceeding under the City Code and State Statute. Commissioner Doney made the motion to move that the Commission issue an Order pursuant to Montana Code Annotated Section 7-14-4109, to be entered upon the Commission minutes, requiring replacement of the sidewalk, curb and gutter adjacent to the building located at 301 W. Broadway in Lewistown, to include the sidewalk, curb and gutter along Third Avenue between Main Street and Broadway and the sidewalk, curb and gutter along Broadway between Third Avenue and the alley between Third Avenue and Fourth Avenue, according to the map provided to the Commission and reviewed at tonight's meeting, and provide written notice of that order to the owner or any agent of the owner or others required to be provided notice as required by law 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 the motion passed unanimously.

6. Discussion and action to direct the Lewistown Building Official, pursuant to City Code Sections 9-3-9 and 9-3-10, to notify the owner of the premises located at 301 W Broadway in Lewistown to make all necessary repairs to the sidewalks adjacent to the building, including curb and gutter, to include the sidewalk, curb and gutter along Third Avenue between Main Street and Broadway and the sidewalk, curb and gutter along Broadway between Third Avenue and the alley between Third Avenue and Fourth Avenue

Commissioner Turk made the motion to move that the Commission direct the Lewistown Building Official to proceed pursuant to City Code Section 9-3-9, to notify the owner of the premises located at 301 W. Broadway, in Lewistown to make all necessary repairs to the sidewalks adjacent to the building, including curb and gutter, to include the sidewalk, curb and gutter on Third Avenue between Main Street and Broadway, as well as the sidewalk, curb and gutter on Broadway between Third Avenue and the alley located between Third Avenue and Fourth Avenue according to the map provided to the Commission and reviewed at tonight's meeting 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.

7. Discussion and action on selecting and entering into a contract with JGA Architects for the sidewalk repairs at 301 W Broadway

Mr. Myhre explained that the City will be giving the property owner at 301 W Broadway the proper amount of time to make the necessary improvements; however, immediately following the 30 days he would like to begin moving forward with the repairs. Mr. Myhre explained that he is asking for authorization to begin working with JGA Architects to plan for the rebuilding of the sidewalk, which would include bid documents and professional services. The project estimate is \$19,495 for professional services and requesting approval from the City Commission to enter into a contract with JGA Architects. Commissioner Doney made the motion to approve and authorize the City Manager to enter into a contract with JGA Architects for the sidewalk repairs at 301 W Broadway and Commissioner Putnam seconded the motion. Mr. Steve Williams asked when the letters would be mailed and if it also pertained to Mr. King's building. Mr. Myhre stated it is his hope to get the letters out tomorrow and it only pertains to the property located at 301 W Broadway. Commissioner Gremaux asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

8. Discussion and action on Resolution No. 3820, a resolution amending Resolution No. 3787, adopting a policy for the use, leasing and sale of rail corridor properties acquired from Burlington Northern Santa Fe pursuant to National Trails System Act

Mr. Boettger explained that after the City acquired the railroad corridor there were a lot of requests to use, buy or build on the corridor. As a result the City Commission passed resolution No. 3787 in 2012 that established a policy for the use, leasing and sale of railroad corridor. Mr. Boettger further explained that as a result of the West Overpass project, there will be a need for MDOT to occupy some of that corridor property. Mr. Boettger stated that the City does not have any authority to transfer or encumber the corridor property. Mr. Boettger further stated that the City can allow people to use the property but not on a permanent bases. Therefore, by passing this resolution the City will be able to allow the MDOT to use the corridor property for public purposes as part of a written agreement. Commissioner Doney made the motion to approve Resolution No. 3820, a resolution amending Resolution No. 3787, adopting a policy for the use, leasing and sale of rail corridor properties acquired from Burlington Northern Santa Fe pursuant to National Trails System Act 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.

CITIZENS' REQUESTS

Mr. Kyle Krahn explained that he was at the last meeting to get an encroachment to repair a deck at 417 2nd St W. Mr. Krahn stated that he is trying to get a building permit but is unable to because the deck is located on the public right of way. Mr. Myhre stated he will put it on the next agenda for action.

COMMISSIONER'S REQUEST

Commissioner Hewitt stated that she has had a citizen inform her that the lights at 7th and Boulevard are not working.

Commissioner Hewitt was told by a citizen that Mr. Daniels does not want to be bothered with Kiwanis Park. He was going to tear the park down the fencing and tear up the baseball diamond. Mr. Myhre explained that the baseball groups are not using the fields over there because it is not longer being used. The fenced area was a skateboard park that is no longer a skateboard park and the fence is deteriorating. Mr. Myhre stated that he is working with Mr. Daniels to clean up the park.

Commissioner Berry reported that at 5 p.m. every day the Boys and Girls Club has gotten into the habit of opening the doors which results in massive amounts of children in the neighborhood. Commissioner Berry asked if a lower speed limit could be considered in that area.

ADJOURNMENT

Chairman Gremaux adjourned the meeting.

Dated this 5th day of August, 2013.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk