

A COMMISSION MEETING OF SEPTEMBER 16, 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 Turk made the motion to approve the minutes for August 19, 2013 as presented and Commissioner Doney 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 received a 2.5% increase on the County's contribution from last year. The donated book sale and the Chokecherry Book Sale had very good turn outs.

Commissioner Hewitt reported that Jo Ryan is the new secretary for the Airport Board and Ms. Sandy Howells has been training her. The Airport Board is still waiting on some information from FAA before the ARFF truck can be purchased. The Kiwanis Club has asked if they can be a storage building on the edge of the rest area property and will be bring the plans for approval by the Airport Board. Commissioner Hewitt stated that the School District would like to continue to stay in bus barn building that they purchased; however, they lease the land that it is sitting on from the Airport Board. The entrance to the bus barn sits on a viable taxi way and it is not maintained because the bus traffic. It has not been addressed by the FAA at this point in time but might be in the future.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The City is working with a contractor to facilitate the regarding and filling around a portion of the City water supply main adjacent to Spring Creek. The line is located under the bank of the creek until the flooding in 2011. The bank washed away and exposed the line. Access to the area most likely will require heavy equipment being moved across the creek. The City will need to apply for a 410 permit

from Fish Wildlife and park and the Corp of Engineers. The City is anticipating that the project will cost five to six times what FEMA allocated. The total cost of the project should be around \$20,000.

The City Manager has revised the Memorandum of Understanding (MOU) with the Montana Fish, Wildlife, and Parks for the Brewery Flats latrine relocation and will be sending it to their Great Falls office. There have been some changes in some of the FWP personnel so the project has not been completed. The City Commission has approved the relocation of the latrine to the City's Brewery Flats property due to the flooding issue in the fishing access property.

The City's soccer program will kick off this weekend in Symmes Park. The program has a lot of participation from local youth.

The men's restroom at the Civic Center is almost complete. The fixtures were supposed to be in this week but had not come in yet. The new schedule is to install them next week and then the facility will be ready for use.

The consultant working on the feasibility study regarding a new convention center and additional rooms in Lewistown will be in the community on September 18th and 19th to meet with stakeholders and interested parties to further their study into the matter. A meeting with the City Commission has been scheduled for Wednesday, September 18th at 5 p.m. at the community center. The meeting will be open to the public since it is likely that there will be a quorum of the City Commission.

The City has sponsored two recycling bins to be placed in City buildings for plastic water bottles. Recycle our waste Lewistown (ROWL) is putting the containers out to sponsoring agencies and businesses and will empty the containers when they are full. The bins will be placed at the Civic Center and the City Office.

The City Office is mailing out letters to a portion of the water customers in the proposed annexation area requesting waivers of annexation and/or service agreements for properties where our records are missing those documents.

CONSENT AGENDA

Commissioner Hewitt asked that the claims be removed from the consent agenda.

***REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:**

Commissioner Hewitt asked what the safety first slips trips and falls on page 9 was. Mr. Myhre answered that it is a series of safety videos that have been purchased for safety training for the Public Works Department. Commissioner Hewitt asked what glass beads were purchased from Montana Paint and Glass. Mr. Myhre stated that is the reflective beads used when painting the streets. Commissioner Putnam made the motion to approve the acknowledgement of the claims that have been paid from August 16, 2013 to September 12, 2013 for a total of \$167,888.78 and Commissioner Doney seconded the motion.

1. Discussion and action on the City of Lewistown granting an easement for an existing deck that encroaches into the street right of way at 416 N. Ouellette St.

Planning Director Duane Ferdinand explained that Ouellette Street has a right of way of sixty-five (65') feet and an existing deck at 416 N Ouellette Street encroaches into the street right of way about three to five feet. It is the City's understanding that the property has been sold several times without the location

of the deck being deemed an issue with a lending agency. However, the property has been tentatively sold with the real estate closing scheduled for September 17, 2013. The lending agency is now saying the owner will have to get an easement from the City to address the deck encroachment issue since the commitment for title insurance lists the encroachment of the deck as an exception to the title insurance policy. The buyer of the property would like to have the deck encroachment issue resolved so that this does not have to be dealt with in any future sale of the property. Mr. Ferdinand stated that the lender would apparently be satisfied with entering into an agreement permit with the City rather than be granted an agreement. If the deck was to ever be rebuilt, it would then have to be moved back to the property line. Mr. Ferdinand stated that the deck is considered a nonconforming use. Further discussion followed. Mr. Myhre commented that the City has encroachments and there are a lot of encroachments around the City and typically we do not have a permit for those types of encroachments. The current City ordinance talks about fence encroachments. Mr. Myhre stated the City could approve an encroachment or the owner could cut off two feet of his deck which does not work since time is of the essence. Further discussion followed. Commissioner Doney made the motion to deny granting an easement for an existing deck that encroaches into the street right of way at 416 N. Ouellette St. 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. Public hearing on Resolution No. 3831, a resolution amending the 2012-2013 budget of the City of Lewistown

Chairman Gremaux opened the public hearing to hear comments on Resolution No. 3831, a resolution amending the 2012-2013 budget of the City of Lewistown. Mr. Myhre explained that we are discussing changes to the 2012 – 2013 budget. Mr. Myhre briefly explained the amendments. There being no questions Chairman Gremaux closed the public hearing.

3. Discussion and action on Resolution No. 3831, a resolution amending the 2012-2013 budget of the City of Lewistown

Commissioner Poss made the motion to approve Resolution No. 3831, a resolution amending the 2012-2013 budget of the City of Lewistown 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 Resolution No. 3827, a resolution redefining the boundaries of Street Maintenance District No. 1 in the City of Lewistown, Montana

Mr. Myhre explained starting with this item and the remaining items on the agenda are part of the process to approve the 2013 – 2014 budget for the City of Lewistown. Each year the City passes a resolution to establish the boundaries of Street Maintenance District No. 1 and it is the same as last year because there were no annexations this year. Commissioner Turk made the motion to approve Resolution No. 3827, a resolution redefining the boundaries of Street Maintenance District No. 1 in the City of Lewistown, Montana 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.

5. Public hearing on the cost of maintenance of Boulevard District no. 12, cost of maintenance reserve and administration for Lighting Districts and cost of maintenance in Street Maintenance District No. 1

Chairman Gremaux opened the public hearing to hear comments on the cost of maintenance of Boulevard District no. 12, cost of maintenance reserve and administration for Lighting Districts and cost of maintenance in Street Maintenance District No. 1. Mr. Myhre explained that there is boulevards located in the center on the street on 7th Ave and Boulevard Street and any residents located opposite a boulevard is assessed a boulevard assessment fee. There being no other questions or comments, Chairman Gremaux closed the public hearing.

6. Discussion and action on Resolution No. 3824, a resolution of the City Commission of the City of Lewistown levying and assessing a special tax to cover the cost of maintenance of Boulevard District No. 12, in the City of Lewistown, Montana for the fiscal year beginning July 1, 2103 and ending June 30, 2014

Commissioner Hewitt made the motion to approve Resolution No. 3824, a resolution of the City Commission of the City of Lewistown levying and assessing a special tax to cover the cost of maintenance of Boulevard District No. 12, in the City of Lewistown, Montana for the fiscal year beginning July 1, 2103 and ending June 30, 2014 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.

7. Discussion and action on Resolution No. 3825, a resolution levying and assessing the cost of maintenance reserve and administration, and supplying of electrical current for the street lights within the City of Lewistown, to properties within particular lighting districts

Mr. Myhre explained that the City has sixteen separate lighting districts. A lighting district is created when a neighborhood or a subdivision determine they want street lights in their areas. The most recent ones created were Casino Creek Highlands and Stonewood. Commissioner Gremaux made the motion to approve Resolution No. 3825, a resolution levying and assessing the cost of maintenance reserve and administration, and supplying of electrical current for the street lights within the City of Lewistown, to properties within particular lighting districts and Commissioner Putnam seconded the motion. Mr. Myhre stated that all but one of the districts is a contract with Northwestern Energy to provide the maintenance and the historic lighting district is maintained by Central Electric. 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. 3826, a resolution estimating the cost of maintenance in Street Maintenance District No. 1, specifying the assessment option and levying an assessment on properties for Street Maintenance

Mr. Myhre explained that the Commission voted to assess the amount of \$.03 per square foot of area for street maintenance. There is a cap of 15,000 square foot within in the street maintenance district for residential properties. Commissioner Berry made the motion to approve Resolution No. 3826, a resolution estimating the cost of maintenance in Street Maintenance District No. 1, specifying the assessment option and levying an assessment on properties for Street Maintenance 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.

9. Public hearing on the 2013-2014 budget for the City of Lewistown.

Chairman Gremaux opened the public hearing to hear comments on the 2013-2014 budget for the City of Lewistown. Mr. Myhre explained that the City of Lewistown has put together a balanced budget for all the funds of the city. The total proposed expenditures are \$10,444,840.82 and most general services are

funded through the general fund which is proposed at \$3,666,590. The other two large funds are the enterprise funds for water and sewer and proposed expenditures for water are \$1,166,744 and for sewer it is \$1,422,133. The other large fund is street maintenance with proposed expenditures of \$1,517,566. Chairman Gremaux asked for comments and questions. There being none, the public hearing was closed.

10. Discussion and action on Resolution No. 3828, a resolution relating to final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2013 and ending June 30, 2014

Mr. Myhre explained that since the City of Lewistown is a charter government there is some flexibility in how the City facilitates its budget. Mr. Myhre further explained that this resolution sets out the authority for the staff, commission and manager for managing the budget. This resolution has been utilized by the City of Lewistown for twelve years. Mr. Myhre stated that he recommends approval of Resolution No. 3828. Commissioner Doney made the motion to approve Resolution No. 3828, a resolution relating to final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2013 and ending June 30, 2014 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.

11. Public hearing on Resolution No. 3829, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law

Chairman Gremaux opened the public hearing to hear comments on Resolution No. 3829, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law. Mr. Myhre explained that the 2000 legislature allowed local governments to increase their property tax assessments for the specific reason of covering the increased cost of health insurance for local governments. Mr. Myhre further explained that the City can only increase mills by the half the rate of inflation average over the last three years. Mr. Myhre discussed how the permissive mill levy is calculated.

12. Discussion and action on Resolution No. 3829, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law

Commissioner Doney made the motion to approve Resolution No. 3829, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law 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.

13. Discussion and action on Resolution No.3830 a resolution providing for the annual tax levy mills for fiscal year beginning July 1, 2013 and ending June 30, 2014

Mr. Myhre explained that the City's certified taxable value for the City of Lewistown is \$5,962,307 which includes \$30,072 of newly taxable property which equals to \$5,962 per mill. Mr. Myhre stated that the City Commission has determined that a \$1,289,966 tax levy, requiring a 216.36 mill levy is necessary to balance the general fund budget and has determined that a \$121,542.60 permissive medical tax levy requiring a 20.39 mill levy is required to fund the increase in premium contributions for group insurance benefits. The total tax levy for 2013-2014 is 236.75 mills. Mr. Myhre noted that there is not a mill for

the general obligation bonds, because it has been paid in full and will no longer be milled. Commissioner Doney made the motion to approve Resolution No.3830 a resolution providing for the annual tax levy mills for fiscal year beginning July 1, 2013 and ending June 30, 2014 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.

CITIZENS' REQUESTS

Mr. Richard Battrick asked why there were some many buses in the morning in all different areas of town. Mr. Myhre answered that all schools have a stop for each of the schools and boulevards is probably the main thoroughfare for the buses.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Chairman Gremaux adjourned the meeting

Dated this 16th day of September, 2013.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk