

A COMMISSION MEETING OF NOVEMBER 4, 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, Poss and Turk.

APPROVAL OF MINUTES

Commissioner Putnam made the motion to approve the minutes for October 7, 2013 and October 21, 2013 and Commissioner Doney seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSIONER REPORTS

Commissioner Hewitt reported that the Airport Board will meeting this Wednesday, November 6, 2013.

Commissioner Doney report that the Central Montana Health District Board meeting will be in December.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The City Manager appointed Mr. Keith Kucera to the position of Fire Chief effective November 1, 2013. Mr. Kucera has been a captain in the Fire Department for twelve years and has a lot of experience both as a part paid and full time firefighter.

On October 29th, a large leak in a six inch water main surfaced on 6th Ave N between Evelyn and Corcoran Streets. The main was repaired but is in poor condition. Water Department staff will plan for future work in the area to address the issue.

The Public Works crew continues to work in the City Cemetery to develop new space for burials. One road is being moved and seeding will occur when that has been finished.

The Planning Director Public Works Director and City Manager recently met with representatives from the Montana Department of Natural Resources and Conservation (DNRC) to review the City's policies and procedures regarding flood plain administration and permits.

The City Manager has sent a draft job description for the custodian position to the bargaining unit representative for review and acceptance. Once that process is completed the position will be advertised.

Mr. Charlie Jones has announced his retirement from the City as of November 14, 2013. Mr. Jones has worked for the City for twenty five years. The Finance Officer is currently advertising internally to see if there are any interested qualified people.

The Historic Resources Commission has put together a project plan for the development of a small park in the location of the location of the remaining railroad tracks by Frank Day Park. There are minimal improvements planned but the area would provide some interpretive signing, benches and historical display of a set of wig wags, a railroad cart and the tracks. The proposal will be routed through the park board for initial review.

CONSENT AGENDA

Commissioner Doney made the motion to approve the acknowledgement of the claims that have been paid from October 17, 2013 to October 31, 2013 for a total of \$163,374.37 and Commissioner Turk seconded the motion. The motion passed unanimously.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on the development plan for the Big Spring Recreation Area at the Fish Hatchery

Mr. Myhre explained that about a year ago several representatives from the community came to the City Commission and asked to move forward with a development plan for the recreation area at the Big Spring fish hatchery. Mr. Erik Vanderbeek addressed the Commission and explained the process where the plans were at for the Big Spring Recreation Area and would like to have the full support of the Commission. Mr. Vanderbeek explained that they are looking into various funding sources, there are grants that can be applied for and the ideal situation is to not ask the City for any tax dollars. Mr. Vanderbeek stated that they plan on displaying a 4' x 3' picture of the proposed plan to see how many in donations can be raised. Mr. Vanderbeek explained that he would like to start with the trail system, weed mitigation and the high dollar cost is going to be replacement of bridges. Further discussion followed. Mr. Myhre explained that the group is looking for is the ability to go out and start looking for funding and if this is something the Commission would support because it is located on City property. Commissioner Doney commented that she appreciates the work that has been done and the acknowledgement of handicap and signage. Mr. Myhre explained that this proposal has been approved by the Park and Recreation Board. Commissioner Doney made the motion to approve the development plan for the Big Spring Recreation Area at the Fish Hatchery 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 approving Resolution No. 3833, a resolution of the City Commission of the City of Lewistown, Montana, adopting a utility rule requiring a property owner's consent to annexation as a condition of continued sewer and/or water service

Mr. Myhre explained that since the City Commission starting discussion annexation the citizens in the areas discussed have asked what the procedure is to disconnect City services. Mr. Myhre and the City Attorney talked with other cities to determine the procedures are in those areas. Mr. Myhre explained that last week there was a Supreme Court ruling regarding the City of Whitefish and the utility rule that they put in place. Mr. Myhre further explained that the utility rule basically outlines the process in which a property owner who has city services and how their right to protest is handled. Mr. Myhre clarified that this is for property where a waiver of annexation is not signed however, If there is a signed waiver of annexation for a property that is a covenant that runs with the property indefinitely. Mr. Myhre stated that Resolution No. 3833 is referring to properties that do not have a signed waiver of annexation and is connected to City services. Further discussion followed. Mr. Walt Vannoy addressed the Commission stating that according to annexation law the Commission has to have an election to see if people want to connect and the election is done by secret ballot. Mr. Vannoy reviewed the annexation law. Mr. Myhre explained that the City does not have to go through an election to annex property if the area has less than 300 parcels that are being considered for annexation. Mr. Vannoy stated that he will call the annexation lawyer at the State. Commissioner Doney made the motion to approve Resolution No. 3833, a resolution of the City Commission of the City of Lewistown, Montana, adopting a utility rule requiring a property owner's consent to annexation as a condition of continued sewer and/or water service 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.

3. Discussion and action on awarding bids for the sidewalk work at 301 W Broadway

Mr. Myhre explained that the Public Works Department and he have put together a plan to repair the sidewalk at 301 W Broadway. Mr. Myhre stated that JGA Architects is who put the plans together and then the specifications were put out for bid to the local contractors. Mr. Myhre explained that as part of this project the City will be paying for the concrete, the foam blocks that will be used to fill the void and will be disposing of the concrete. Mr. Myhre reported that the City received two bids one from STA Construction in the amount of \$24,898 and one from East Plains Construction in the amount of \$43,368. Mr. Myhre stated that with the large difference in bid proposals there is room to be flexible and gives the City the ability to change order the bid. Mr. Myhre stated he is asking the Commission to approve the bid from STA Construction with the ability to amend the contract and not exceed \$43,000. Commissioner Turk made the motion to award the bid to STA Construction for the sidewalk work at 301 W Broadway and allow flexibility to get the best price up to \$43,000 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 appointing Danielle Buehler to a two year term on the Historic Resources Commission

Planning Director Duane Ferdinand explained that the Lewistown Historic Resources Commission (HRC) operates under the guidelines of City Ordinance 11-15. The duties of the HRC are to maintain a system of survey and inventory of historic and prehistoric properties; use the National Register of Historic Places to designate properties; consult on applications, environmental assessments and other similar documents pertaining to historic districts; review zoning regulations for applicability to issues of historic districts; make recommendations to the Board of Adjustment to approve or disapprove applications for variances; render advice and guidance to property owners on restoration of historic buildings; conduct public information or educational programs; and insure compliance with State guidelines regarding certifications. The HRC consists of seven members appointed by the Lewistown City Commission for two year terms. The City is in receipt of an application for appointed position submitted by Danielle Buehler. Ms. Buehler meets all the requirements to serve on the HRC including age and residence. Mr. Myhre stating the he recommends that Ms. Danielle Buehler be appointed to a two year term to the

Lewistown Historic Resources Commission. Commissioner Poss made the motion to appoint Danielle Buehler to a two year term on the Historic Resources Commission 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. Discussion and action on approving the 2013-2014 snow hauling bids

Mr. Myhre explained that local contractors were contacted to bid the snow hauling for the City of Lewistown. Duane Otto with Do All Construction was the only bidder with a bid of \$90 per hour. Mr. Myhre stated that last year the bid was \$87 per hour and recommends approval of Do All Construction's bid of \$90 per hour. Commissioner Turk made the motion to approve the 2013 – 2014 snow hauling bids to Do All Construction at \$90 per hour 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.

6. Discussion and action on approving the 2013-2014 gravel bids

Chairman Gremaux turned the meeting over to Vice Chairman Doney, because he works for the company that put in the 2013-2014 gravel bid. Mr. Myhre explained the Public Works Department sends out requests for gravel bids and only one bid was received from Casino Creek Concrete. Commissioner Berry made the motion to approve the 2013-2014 gravel bid to Casino Creek Concrete and Commissioner Putnam seconded the motion. Commissioner Doney 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, Hewitt, Poss, Putnam and Turk. Commissioner Gremaux abstained.

CITIZENS' REQUESTS

Mr. Steve Williams stated that the animal fecal waste on main street is getting out of control. Mr. Williams stated that he would like the City Commission and City to look at the ordinance and impose the fines. Mr. Williams commented that he is disheartened by the small amount of care the main street businesses give to clear their sidewalks of snow.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Chairman Gremaux adjourned the meeting.

Dated this 4th day of November, 2013.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk