

A COMMISSION MEETING OF NOVEMBER 17, 2014 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Doney called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman Doney asked everyone to stand and say the Pledge to the Flag.

ROLL CALL

Present were Commissioners: Byerly, Doney, Gremaux, Poss, Putnam and Turk. Commissioner Hewitt was absent.

APPROVAL OF MINUTES

Commissioner Gremaux made the motion to approve the November 3, 2014 minutes and Commissioner Putnam seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Byerly congratulated City Attorney Monte Boettger for the great presentation he did at the Junior High Veteran's ceremony.

Commissioner Byerly reported that he attended his first Central Montana Health District Board and two candidates were interviewed for the position of district sanitarian. The position was offered and accepted but will be announced at a later date.

Commissioner Turk attended the most recent library board meeting. The window project will be starting soon. The Chili Bowl is scheduled for January.

Commissioner Putnam reported that she attended the most recent Park and Recreation Board meeting. The meeting was right after the election so there was a lot of discussion on the results of the election. There was some discussion on the capital campaign and if there is the possibility to complete both phases for the pool. The ditch in front of the Chamber building has been finished, and the park on 7th Ave S has been seeded. Northwestern Energy has notified Park and

Recreation Director Jim Daniels that they will be giving the parks a \$5,000 donation to plant trees in the parks.

Commissioner Doney stated that the County Clerk and Recorder has not certified the election yet, once it is certified she will call a meeting of the study commission as provided by law.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

Mr. Matt Birdwall has been appointed as the Superintendent of Operations in the Public Works Department. Mr. Birdwell has worked in the construction industry for many years and most recently has held positions in the City's street and water departments. The position is essentially the second in charge in the Public Works Department and is supervised by the Public Works Director.

The tree removal contractor has begun working on removing the trees identified by the City for removal. The City is responsible for the removal costs of trees in the parks and also assists adjacent property owners with the costs (as funds allow) of the removal from the boulevards in front of houses.

The Public Works Director is preparing a request for limited use of liquid deicing compound for the winter season. The solution is used in most communities and reduces costs as well as snow and ice accumulation. It also reduces cleanup costs in the spring. The proposal should be ready for Commission discussion at the December 1st meeting.

The City Manager has delivered a guest article to the News Argus discussing the enforcement of building codes in the City. He hopes to explain the process and purpose for the codes. The City is often criticized for requiring provisions of the code. Please let the City Manager know if you feel he needs to follow up with a second article to explain more issues.

The sale of the property between F Street and G Street along the highway closed on November 5th and we hope to bring the petition for annexation to the Commission for the December 1st meeting. On November 12th, the Chairman of the Port Authority announced that Tractor Supply Company was planning to build on one of the lots at that location.

The sidewalk has been completed along 3rd Ave North adjacent to the Reids building. The City had ordered the sidewalk replaced when the owner refused to bring it up to safety standards. The twenty foot long section was re-vaulted to accommodate the water service into the three buildings. The project would have been much more costly to move the water infrastructure into the building footprint and the change would have had repercussions with the historic stairway to the basement. The costs will be assessed against the property.

The annual Christmas party for the City Commissioners, staff and families will be held on Monday, December 1st from 5 pm to 7 pm in the Fire/Police Training Room. The regular Commission meeting will follow at 7 pm at the Community Center.

CONSENT AGENDA

Commissioner Turk made the motion to approve the consent agenda and Commissioner Putnam seconded the motion. The motion passed unanimously. The consent agenda consisted of the Acknowledgement of the claims that have been paid from October 30, 2014 to November 12, 2014 for a total of \$108,060.41.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on approving Resolution No. 3868, a resolution of the City Commission of the City of Lewistown, Montana establishing a service plan for future annexation as required under Montana Code Annotated Title 7, Chapter 2, Part 43 “annexation of contiguous land; Part 44 “Annexation of contiguous government land; part 45 “Annexation of wholly surrounded land; part 46 “annexation by petition”; and, Part 47 “annexation with provision of services”

Mr. Myhre explained that the City is required to have an annexation plan under any of the annexation provisions provided for in Montana Code. The annexation plan is a general plan of how the City annexes property and the procedure for doing so. Mr. Myhre further explained that this plan goes through and establishes a long range plan on what can be done with water, sewer, roads and streets and how fire protection and police protection services will be provided. It is the City plan in most instances that the services will be provided immediately once the annexation is complete. Mr. Myhre explained that infrastructure improvements that typically cities have within their boundaries are typically done at the cost of each individual lot. The way the City would extend those types of services within a five year period would be to authorize the use of special improvement districts. Mr. Myhre stated that the wastewater treatment facility and the water system have the capacity for growth. Annexed areas that are not developed and when they would go to develop it would be required by the City that water, sewer and streets be put into place when the area is developed. Mr. Myhre explained that this plan refers to the urban growth boundary as defined by the Montana Department of Transportation. Mr. Myhre commented that this annexation plan states that it plans for annexations within the urban growth boundary. Further discussion followed. Mr. Myhre stated that by City ordinance if you are connected to city water and sewer you must be annexed and if you are not contiguous then you must sign a waiver of annexation and once you are contiguous you would be annexed which is how the City provides water and sewer services. Mr. Myhre explained that a property can be annexed by petition which is when someone is already contiguous to the City and want City services then they must petition the City to be annexed. Mr. Myhre commented that it is stated it is the plan of the City of Lewistown that municipal services will be available to property that is annexed within a reasonable time (generally not to exceed five years) on substantially the same basis and in the same manner as such services are available to the rest of the municipality. Commissioner Poss asked if the area is annexed then they would no longer be part of the rural fire district and those taxes would then come to the City. Mr. Myhre answered yes, that when an area is annexed usually two items change with regard to taxes. The taxpayer would no longer have a road maintenance charge but would then be charged a street maintenance assessment and then would no longer pay into the Rural Fire District and the fire protection would be covered under the general mill levy for the City of Lewistown. Mr. Myhre stated there is a provision that when a

City annexes a piece of property there are uses that can be continuing uses as long as the uses continue. Commissioner Gremaux made the motion to approve Resolution No. 3868, a resolution of the City Commission of the City of Lewistown, Montana establishing a service plan for future annexation as required under Montana Code Annotated Title 7, Chapter 2, Part 43 “annexation of contiguous land; Part 44 “Annexation of contiguous government land; part 45 “Annexation of wholly surrounded land; part 46 “annexation by petition”; and, Part 47 “annexation with provision of services” and Commissioner Turk seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously. Commissioner Hewitt was absent.

2. Discussion and action on approving Resolution No. 3869, a resolution indicating the intent of the Lewistown City Commission to annex certain described properties adjacent to Castle Butte Road, Roundhouse Road, Southland Road and Reservoir Drive to the City of Lewistown

Mr. Myhre explained that this resolution mentions all of those roads but it is not every property adjacent to those roads. It is just certain properties adjacent to the roads as identified in the annexation plat map number 116965 which is recorded at the courthouse and will be attached to the resolution. Mr. Myhre stated that the process of annexation is that the City must have an annexation plan in place and now there is an annexation plan in place and the City has to pass a resolution indicating the intent of the City to annex certain properties and described in a recorded annexation plat map. Mr. Myhre explained that if this resolution is passed tonight it will start the staff sending out notices to every registered voter within the proposed annexation and legal notices will be published as dictate in Montana Code. Then the public has twenty days to provide a written protest, if they legally have the right to protest and if at the end of the protest period if over 50% of property owners legally protest, and then the City cannot move forward with the annexation and cannot move forward for a period of one year. Mr. Myhre further explained that in addition to what state law requires the City is going to notify all owners of the properties in the recorded annexation plat. There is a twenty day protest period. Mr. Myhre commented that if the owner or a previous owner has already signed a legal waiver of annexation. The waiver is a legal document binded to the property and follows the property. Mr. Myhre stated that if the property owner has a binding waiver of annexation they can send a letter of protest, but it cannot be counted as the property owner protesting the annexation. Mr. Myhre stated that if the City Commission passes this resolution tonight, the public notices will be sent and accept public comment. Then on December 15th a tally of the letters of opposition will be presented to the Commission and if it meets the requirements of state law and then the Commission will decide to annexation proposed area. Commissioner Turk made the motion to approve Resolution No. 3869, a resolution indicating the intent of the Lewistown City Commission to annex certain described properties adjacent to Castle Butte Road, Roundhouse Road, Southland Road and Reservoir Drive to the City of Lewistown and Commissioner Byerly seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously. Commissioner Hewitt was absent.

3. Discussion and action on approving the 2014-2015 snow hauling bids

Mr. Myhre explained that the Public Works Department advertised for snow hauling bids. Mr. Myhre further explained that for snow hauling the City owns and operates a large snow blower that is attached to the loader. When there is a large accumulation of snow the Public Director contacts the snow hauling contractors and the snow blower shoots the snow into the back of their trucks and it is hauled off. The City owns several dump trucks, but really only one large truck and it would not be very efficient to haul the snow. Mr. Myhre reported that only one bid was received from Do-All Construction for \$95.00 per hour. Mr. Myhre stated that since it is the only bid he recommends approval for Do-All Construction. Commissioner Poss asked if Do-All Construction was used last year. Public Works Director Holly Phelps answered yes. Commissioner Poss made the motion to approve the 2014-2015 snow hauling bid from Do-All Construction 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 the motion passed unanimously. Commissioner Hewitt was absent.

4. Discussion and action on approving the 2014-2015 gravel bids

Mr. Myhre explained that the Public Works Department purchases gravel and sand for many different projects throughout the year. Mr. Myhre further explained that instead of getting prices every time gravel and sand is purchased the Public Works Department a bid is put out one a time a year and then when it is ordered the price is already determined. Only one bid was received from Casino Creek Concrete and is the exactly the same bid prices as last year. Commissioner Gremaux recused himself from the discussion. Commissioner Poss made the motion to approve the 2014-2015 gravel bid from Casino Creek Concrete and Commissioner Turk 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: Byerly, Doney, Poss, Putnam and Turk. Commissioner Gremaux recused and Commissioner Hewitt was absent.

5. Discussion and action on approving a vendor for the upgrade of the server and work stations in the City Office

Mr. Myhre explained that bids were obtained. One bid was from Morrison-Maierle which is the recommended vendor for the records management system in the City office which is Black Mountain Software and the second bid was from Adaptive Communications and Consulting Solutions. Mr. Myhre stated that the preferred vendor is Morrison-Maierle and would recommend approval. Commissioner Poss made the motion to approve Morrison-Maierle as the approved vendor for the upgrade of the server and work stations in the City Office and Commissioner Turk seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously. Commissioner Hewitt was absent.

6. Discussion and action on a proposal to close City offices early on December 24th in observance of the Christmas holiday and setting a public hearing for December 1, 2014

Mr. Myhre explained that the City Office is a public office and in order to close early on a day like Christmas Eve day then the governing body has to approve it. City Attorney Monte Boettger explained that the process is to publish a legal notice two times, then have a public hearing and then a resolution must be passed. Mr. Myhre explained that in order for the staff to take the day off they will have to use vacation time. Commissioner Byerly asked if the time should be stated in the resolution. Commissioner Putnam asked if a resolution could be done for December 24th following on a weekday at noon for the years of 2014 to 2019. Mr. Myhre will work on it. Commissioner Putnam made the motion to approve the proposal to close City offices early on December 24th in observance of the Christmas holiday and setting a public hearing for December 1, 2014 and Commissioner Gremaux seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously. Commissioner Hewitt was absent.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 17th day of November, 2014.

Gayle Doney, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk