

A COMMISSION MEETING OF DECEMBER 15, 2014 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER 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, Hewitt, Poss, and Turk. Commissioner Putnam was absent.

APPROVAL OF MINUTES

Commissioner Poss made the motion to approve the November 27, 2014 minutes and Commissioner Turk seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported that she attended the recent Airport Board meeting. The lease for the bus barn was renewed for one year. The building will be for sale in April. The new ARFF Truck has been running around town. Commissioner Hewitt stated that brackets will be added to the truck to help hold down some of the loose fire fighting tools. The ARFF Truck will need an extra set of chains, extra nitro tanks, oil and class B foam. Commissioner Hewitt commented that the National Guard has asked the Airport Board if they could purchase some property that is located near their current location. The Federal Aviation Administration (FAA) said no unless it would benefit, protect or advance the public interest in civil aviation. However, the Airport Board may lease the land to the National Guard for fifty years.

Commissioner Byerly reported that since the special Commission meeting regarding annexation he has visited with lots of people and asking a lot of questions. Commissioner Byerly commented that he has also been meeting with the City Attorney and City Manager regarding the annexation.

Commissioner Turk reported that she attended the recent Library Board meeting. Commissioner Turk reported that the Library has spent approximately 42% of its budget and is going to wait another month to request funds from the Central Montana Foundation. The Library will be closed on Christmas and New Years Eve at noon. There will be an open house on January 15th for the new library connect program. There will be no book sale in January or February but will have a book sale during the winter fair.

Commissioner Doney attended the Study Commission training in Bozeman. All members of the study commission attended and feel that everyone has moved a lot. Commissioner Doney commented that a meeting or dates has not been set, but would like to swear them in at the first meeting in January.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The Park and Recreation Department has received the \$5,000 check from Northwestern Energy to be used to plant trees on City property. Park and Recreation Director Jim Daniels will work with the park board and staff to identify locations for the trees in the upcoming year.

The City manager will be meeting with the County Commissioners and the City and County Attorney to put together a plan to assist in implementing the Fergus County Park District and the associated interlocal agreement with the County to facilitate the use of the assessment funds for the pool renovation.

The Friends of the Library will be holding its annual Chili bowl event on January 23, 2015 at Jacks Hangar.

The 2015 Winter Fair will be held on January 30th and 31st.

Olness and Associates completed the onsite work for the audit of the 2013/2014 budget during the week of December 8th. They will complete their work and submit a final document to the City in 2015.

The contractor for the fairgrounds water and sewer project has completed much of the open field work on the project and is working to move across the creek to the area of the wastewater treatment facility. They are also working onsite in the fairgrounds.

There will be no Committee of the Whole meeting for the first meeting in January. Elections for Chair and Vice Chair positions will be held at the meeting. We will also revisit board appointments at that time.

Mr. Myhre commented that he will be doing a presentation on City government for Leadership Montana tomorrow at 3 pm at Jack's Hangar. Commissioners are welcome to attend.

CONSENT AGENDA

Commissioner Turk made the motion to approve the consent agenda and Commissioner Poss seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from November 27, 2014 to December 10, 2014 for a total of \$83,730.31.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on approving Resolution No. 3872 a resolution annexing lots 2, 3, 4, 5, 6 and 7 of Block 15, School Lands Subdivision and Lot 8A of Block 15 of amended school lands subdivision, and adjacent public streets to the City of Lewistown

Mr. Myhre explained where the property being annexed was located. The property is located west of town and the owners of the property are petitioning to be annexed into the City. The owner would like to connect to City services. Mr. Myhre explained that the recommended zoning is highway commercial and the owners of the property are in agreement. Commissioner Poss made the motion to approve Resolution No. 3872 a resolution annexing lots 2, 3, 4, 5, 6 and 7 of Block 15, School Lands Subdivision and Lot 8A of Block 15 of amended school lands subdivision, and adjacent public streets to the City of Lewistown and Commissioner Turk seconded the motion. Ms. Sandra Ayers asked if the property will have both water and sewer. Mr. Myhre answered yes, they will have to extend sewer to the lot and water currently runs across the lot. The owner will have to connect to the water lines and follow the development agreement that is in place. Mr. Myhre stated that all utility extensions and hook up will be at the owners expense. Ms. Suzanne Westhoff asked if the residence located on the corner and do they know they are being annexed. Mr. Myhre answered that is an apartment building and it is already annexed. Commissioner Doney 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 the engineering contract between the City of Lewistown and Interstate Engineering to provide engineering services to the City of Lewistown for the renovation of the existing swimming pool

Mr. Myhre explained that in 2007 the City of Lewistown entered into an agreement with Interstate Engineering after completing the request for qualifications process to do the planning and professional services for a upgrade of the City swimming pool. Mr. Myhre further explained that since the County Commissioners have approved a park district and that funding will be a portion of the funds necessary to upgrade the pool. The Friends of the Pool are also doing a capital campaign to raise funds for the pool. The City will need to move forward if approved by the City Commission to work with the engineer on the actual design of the project and plan for construction. Mr. Myhre commented that there are some changes that the City Attorney would like to make in the contract and we are asking to approve the contract with the dollar amounts but would like to be able to make some changes to the indemnity wording. Commissioner Turk made the motion to approve the engineering contract with Interstate Engineering to provide engineering for the renovation of the existing swimming pool and Commissioner Poss 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.

3. Discussion and action on authorizing the City Manager to sign the agreement with the State of Montana Department of Transportation Utilities Agreement

Mr. Myhre explained that because of the changes being made by the Department of Transportation at the intersection of airport road and US Highway 87 the water lines located under the road will have to be relocated. Mr. Myhre further explained that when the Department of Transportation plans a project that requires relocation of utility services owned by a municipality located under the road there is a cost sharing provision that is mandated by State policy. Mr. Myhre stated that the first part of the cost sharing provision is that the municipality pays for all of the engineering of the project to relocate the utilities. The City contracted with Robert Peccia and has completed the engineering and paid for it. Mr. Myhre stated that the City will be responsible for \$50,838.87 of the project and the State is responsible for \$160,639.98 of the contract. Mr. Myhre commented that he does not know of anywhere in the agreement that allows for negotiation and is mandate by the Department of Transportation's rules. Mr. Myhre stated that he recommends approval so that they can proceed with the project. Further discussion followed. Commissioner Poss made the motion to approve authorizing the City Manager to sign the agreement with the State of Montana Department of Transportation Utilities Agreement 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.

4. Discussion and action on authorizing the City Manager to take actions necessary to obtain ownership of the parcel identified by Geocode 08-2467-20-2-03-02-0000 which is located within the railroad corridor which was purchased by the City

Mr. Myhre explained that the City purchased the railroad corridor with a quit claim deed in 2007. The county has put the City on notice that there appears to be a piece of the corridor that was utilized by the railroad but was not owned by the railroad. The property is owned by the heirs of Harrison Green and is the only place the City has found where the railroad corridor was not owned by the railroad. Further discussion followed. Mr. Myhre stated that himself and the City Attorney can move forward to find out what it would take to own the property if the Commission would like them to do so. Commissioner Gremaux made the motion to approve authorizing the City Manager to take actions necessary to obtain ownership of the parcel identified by Geocode 08-2467-20-2-03-02-0000 which is located within the railroad corridor which was purchased by the City and Commissioner Hewitt 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.

5. Discussion and action on approving a three year audit contract with Olness & Associates and authorizing the City Manager to sign

Mr. Myhre explained that the contract with Olness & Associates is done this year. Mr. Myhre further explained that Olness & Associates would like another three year contract with the City. Mr. Myhre stated that he talked with the Finance Officer Nikki Brummond to see if we would like to stay with them or try another firm. Mr. Myhre commented that prior to the last three year contract the City did look at other auditors and found that most cities struggle to find another firm and to switch. Mr. Myhre stated that he feels the prices are fair and comparable. Commissioner Poss asked how long we have been with Olness & Associates. Ms. Brummond answered that as long as she knows it has been Olness & Associates. Commissioner Poss would like to look at what other auditors are available. Commissioner Poss made the motion to request the Finance Officer look into other auditing companies 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 those Commissioners voting in favor were: Byerly, Doney, Hewitt, Poss and Turk. Commissioner Gremaux voted against and Commissioner Putnam was absent.

CITIZENS' REQUESTS

Mr. Brandon Beriault explained that he would like to have egg laying hens in the City limits. Mr. Beriault stated that he has circulated a petition and has received a lot of positive feedback. Mr. Beriault commented that when talking to people there appears to be three main questions. One is noise and roosters. Mr. Beriault stated they do not want roosters and feels egg laying hens are pretty quiet. Mr. Beriault stated one of the questions was regarding number of chickens and sanitation. Mr. Beriault commented that they are all valid questions. Mr. Beriault said his family enjoys the eggs and likes them as pets. Mr. Beriault does not feel the hens were a nuisance. Mr. Myhre is working on gathering ordinances from other cities and will put together a sample ordinance and then an ordinance can may be written to address the questions and concerns of the citizens. Commissioner Turk thanked Mr. Beriault for all of his work on this issue.

COMMISSIONER'S MINUTE

Commissioner Turk commented that she has received some complaints regarding snow plows driving on sidewalks. Mr. Myhre stated that he does not think there is a specific law for driving a snowplow on the sidewalk. Mr. Myhre further stated that he does not feel the current code differentiates between vehicles. Mr. Myhre commented that is probably okay to use a four wheeler to clear snow but using a pick up with a blade is questionable.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 15th day of December, 2014.

Gayle Doney, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk