

A COMMISSION MEETING OF NOVEMBER 2, 2015 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Poss called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners Byerly, Doney, Gremaux, Hewitt, Poss, Putnam and Turk.

APPROVAL OF MINUTES

Commissioner Putnam made the motion to approve the October 19, 2015 minutes 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 Doney reported that she attended the Local Government Study Commission meeting on October 26th. The Study Commission reviewed the Polson chartered and there were around 3 people in attendance. The Study Commission is also going to rent a post office mail box where anonymous and signed mail can be sent with their opinion.

Commissioner Turk reported that there was not a Library Board meeting.

Commissioner Gremaux reported that the business license subcommittee did meet but are determining how to proceed.

Commissioner Putnam reported that she attended a recent meeting of the Central Montana Foundation Board. Commissioner Putnam commented that money was given to Beaver Creek/Cottonwood Rural Fire Department to help with building refurbishment. The Master Gardeners asked for \$1,250 but the request was not granted because there was not a representative in attendance at the meeting. Commissioner Putnam further commented that the Friends of the Pool asked for \$4,750 to help with the remainder of the rehab of the pool and she stated that she believes the request was not granted. The board approved the Community Cupboards request to set up a permanent endowment account. The remaining funds left in a fairgrounds grant was released for more concrete at the fairgrounds. Commissioner Putnam explained that the board has made some changes to how the funds will be held at the Central Montana Foundation.

CITY MANAGER REPORT

On October 28th Park and Recreation Director Jim Daniels and City Manager Kevin Myhre met with representatives from the Friends of the Pool group to discuss funding, project options, and a project update. They are still working with some private foundations for fund raising for the project. The Friends of the Pool have committed a good portion of their funds to the addition of the third “speed” water slide flume and the completion of a family change room adjacent to the splash park.

The Police Department is working on parking issues prior to the winter season. The City Manager has asked them to prepare a press release regarding recreational vehicle parking and long term parking on streets. They are also working to gain compliance on state laws prohibiting parking the wrong direction on City streets.

The Fergus County Road Supervisor has requested support from the City regarding the relocation of the Roundhouse Road Bridge on the south end of Brewery Flats. Public Works Director Holly Phelps will be requesting a description and diagram of the project to bring to the Commission. The change would require an easement from the City, Fish Wildlife & Parks and a corporate property owner.

The News Argus received a complaint from a Washington resident concerning improper placement of graves and headstones at the Lewistown Cemetery in the early to mid-1900’s. The person essentially claimed that the City staff had removed headstones from graves and placed them in a road at a creek crossing in the cemetery rather than reset them on their original sites. Our staff worked with the new Argus reported and were unable to find documentation that inappropriate actions were taken. The City took ownership of the cemetery in 1919 from a private cemetery association. The person also stated that a ‘boneyard’ for broken and/or fallen headstones is located at the top of the cemetery. Current staff are not aware of any such place or use in cemetery. The two headstones that are visible and readable at the creek crossing are stones that had been taken out of service and replaced by the families on the original burial site. Records are not complete for all of the burials in the early 1900’s but most are recorded in one or more locations. A copy of the letter received by the News Argus was included in the Commission packets.

CONSENT AGENDA

There was not one.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on authorizing the City Manager to enter into an agreement with developers of the Castle Ridge Acres water system to transfer responsibility to the City of Lewistown

Mr. Myhre explained that in the mid 1990’s Castle Ridge Acres Subdivision was created by three partners: Rick Miller, Tom Miller and James Rutherford. Since that time Mr. Rick Miller has asked the City Commission on several occasions if the City would take over the water system. Mr. Myhre further explained that approximately two years ago Mr. Rick Miller asked the Commission to take over the maintenance and operation of the water system and asked the City to take over the power bills the for the lift station. The City Commission at that time told Mr. Rick Miller that the City would not take over the lift station until the area was annexed. Mr. Myhre stated that on October 1, 2015 that area was annexed into the City and then shortly after Mr. Rick Miller brought down the power bills asking the City to take over. The City Attorney, City Manager and Mr. Rick Miller have met and the City Attorney put together the agreement in front of you for approval by the City Commission. City Attorney Monte Boettger explained that agreement and it states that as of the October 1, 2015 the City of Lewistown will take over

the maintenance and operation of the mains and pump station. Mr. Boettger further explained that because the area is in litigation with the City regarding annexation and if for some reason the court order invalidates the annexation for either a period of time or indefinite period of time at that point Mr. Rick Miller will immediately resume all responsibilities for the maintenance and operation of the water system. Further discussion followed. Mr. Boettger stated that the system was designed by an engineer, the County and Department of Environmental Quality approved it and it does operate as designed. Mr. Myhre explained that the pump house has been operational and there was an issue a couple of years ago where they had an electrician do some work and the City's engineer came in and looked at the system. Ms. Phelps stated that since the initial incident she has not received any complaints. Commissioner Putnam stated that this agreement does not hold the developers harmless and this is just an agreement for the City to take over what is there now. Commissioner Byerly asked if the City were to look over the water system and determine that there are serious deficiencies and the City has to quickly invest a lot of money. How does that work? Does the City put the money into the system to just get it up to the standard? Mr. Boettger answered that is a decision the Commission could make right now to what extent the City would take on those responsibilities. Public Works Director Holly Phelps stated that it is functional at this point but there is room for improvements. Further discussion followed. Mr. Myhre stated that the water system was put in in the 1990's and was designed by an engineer and approved by DEQ and the developer worked with the City on it. Mr. Myhre further stated there is no indication that it was built different than the plans show and it is operating as designed but there are things that could be done to make it work better and it will need maintenance over time just like anything else. Mr. Myhre explained that the City has had their engineers look over the building and system and provide us with an analysis. Mr. Myhre commented that he does not think there was anything in the analysis that would cause a concern for a large amount of money to be spent to keep it going the way it was designed. The City may want to defer any large maintenance on it until it is determined if we ultimately will maintain the ownership of the system. Mr. Myhre further commented that if the system was designed the way it was supposed to be designed and the City takes over control of it then you do have a safer system. Commissioner Byerly appreciated the discussion and feels this is the City following through on a commitment it made several years ago. Mr. John Pangburn asked about the fire hydrants in the subdivision. Fire Chief Keith Kucera explained that it would be done as it is now where water would be shuttled back and forth. Mr. Myhre stated that long term the City should look at how to try and get more fire hydrants up in that area. Mr. Myhre explained that the City does an analysis on a pretty regular basis to determine where fire hydrants need to be added. Mr. Frank Westhoff asked who would pay for the additional fire hydrants. Mr. Myhre answered the City would for any fire hydrants that are installed on the main line. Mr. Westhoff stated that he received a letter on September 24, 2013 stating that the City has an agreement to take over the maintenance and ownership water mains and pump station in the subdivision when the subdivision is developed to a certain point and would like to know whatever happened to that agreement with the developer. Mr. Myhre answered that the City still has that agreement with the developer and that agreement had several things in it that said when certain things are done the City would follow through and do other things and that is what the developer has been talking to the City about. Mr. Myhre stated that agreement also stated that the subdivision would be annexed. Mr. Westhoff stated he is confused if the City had an agreement with the developer why are they entering into another one. Mr. Boettger explained that there were triggers in the development agreement that were to happen or the developer was to do before the City would take over the system. Mr. Boettger further explained that the City decided to take over the water system notwithstanding all of the things the developer did not get done. Mr. Westhoff asked if it had any bearing on the annexation that those things are not done. Mr. Westhoff asked that also included in the letter from 2013 it stated that in the last 12 to 18 months the City had been notified of many problems of the system and the developer has requested that the City take ownership and responsibility of the system. Mr. Westhoff then asked what the many problems that were referenced in the letter. Mr. Myhre answered that was during the time that the homeowners were not getting enough water pressure. Ms. Phelps answered that the City got several complaints of no or low water pressure and the City Water Department coordinated with Mr. Rick Miller

to work on the issue. It was a pump and it was fixed at that time and we have not received any more complaints. Further discussion followed. Mr. Myhre stated that the system was constructed the way it was designed and the City has not been maintaining it and the City does not know to what extent the maintenance has been done on the system and the City does not know what tests have been performed. Mr. Tom St. John commented that the last two meetings that he has attended there has been discussion and he has questioned why \$30,000 is being allocated for a sewer line in an area where most everyone has two acres of land and perfectly good septic systems. Mr. Tom St. John further commented that he would like the answer to the following question entered into the minutes of this meeting. Mr. Tom St. John asked if there is an intention to pass a resolution to outlaw septic systems in the City of Lewistown. Mr. Myhre answered no there is no intention to pass an ordinance to outlaw septic systems in the City, but to answer the question why the City would do a study to see how sewer could be offered to that neighbor. Mr. Myhre stated that Mr. St. John stated that many of the houses up there have over two acres and not all of those houses have over two acres up there, many have small lots and they have a septic system and a well and septic systems do not have a forever lifespan. Mr. Myhre explained that if some of those smaller lots septic system fails and there is no other option it will be helpful for the City to be able to have the options lined out on how municipal sewer could be made available. Mr. Tom St. John answered he understands that but there are probably five house in his neighborhood that fit the category you are talking about and most everyone has bigger lots. The bigger lots have the room for eight septic systems which is 200 years of septic systems so he thinks the feasibility of sewer going to however many lots leads him to believe something else is going on behind the scenes. Mr. Myhre commented that the City worked with the County got a feasibility study for the heights area it did not mean the City was going to put a sewer system in but the County was interested in how it could be done. The feasibility study give the options and alternatives for systems. Commissioner Doney made the motion to approve authorizing the City Manager to enter into an agreement with developers of the Castle Ridge Acres water system to transfer responsibility to the City of Lewistown and Commissioner Byerly seconded the motion. Commissioner Poss 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 first reading of Ordinance No. 1749, an ordinance of the City of Lewistown amending Section 2, Chapter 4 of title 7 of the Lewistown City Code pertaining to open burning, fires and bonfires within the City

Mr. Myhre explained that the City has ordinances that allow for certain restricted types of burning inside the City limits for recreational fires and bon fires. However, opening burning is not allowed. The Fire Department and the City Attorney worked together to make a better and understandable ordinance that clearly defines recreational fire, portable outdoor fireplace and bon fire. Commissioner Putnam made the motion to approve the first reading of Ordinance No. 1749, an ordinance of the City of Lewistown amending Section 2, Chapter 4 of title 7 of the Lewistown City Code pertaining to open burning, fires and bonfires within the City and Commissioner Turk seconded the motion. Commissioner Poss 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 first reading of Ordinance No. 1750, an ordinance of the City of Lewistown providing for the adoption of the 2012 edition of the international fire code and certain amendments, amending parts 1, 2, 4, 5 and 6 of Chapter 2, Title 7 of the Lewistown City Code

Mr. Myhre explained that there was a lot of discussion on this ordinance during the committee of the whole. Mr. Myhre stated that the City of Lewistown is currently working under the International Fire Code of 2009 and the State of Montana has adopted the 2012 International Fire Code and the City is required to adopt the 2012 International Fire Code. Mr. Myhre explained that is order to adopt the 2012 code the City codes have to be amended and the Fire Department and City Attorney have been working to

draft that language. Mr. Myhre stated that a new section would need to be created to adopt it and then several different issues would need to be addressed. Mr. Myhre commented that more discussion can be done or he would recommend pull this item off the agenda for action and clean it up a little bit. Mr. Myhre stated that the intent is to allow bulk propane tanks to be used in the City or refill stations by following some restrictions of the international fire code and setting it so the Fire Department can control it and manage it. The other intent that needs to be cleared up is the use of large bulk type fuel tanks above ground as well. The City knows it is allowable under the International Fire Code in certain instances and we want to make sure the City Code outlines that it is allowable. Mr. Myhre stated his is concerned that there is not a clear definition in how it is written now.

4. Discussion and action on amending the swimming pool construction contract to add in additive alternate #1 and adjust the spending authority for the project

Mr. Myhre explained that the City went out to bid for the pool improvements and received a bid from Talcott Construction in the amount of \$2,708,186.75. The City only had funding for \$2,706,101 so that is what the City Commission approved for the bid. Mr. Myhre explained that the City did some value engineering and with the first change order were able to reduce the base bid by \$113,859. Mr. Myhre explained that he wanted to thank Public Works because they were able to step up with some of the project and help out wherever they could which helped reduce the bid. Mr. Myhre stated that also a large portion of the family change room was removed from the project. The Friends of the Pool started their fundraising to raise additional funds to fund the third flume and the Wilkes Brothers did a \$100,000 match and the Friends of the Pool raised \$25,000 and got a \$75,000 grant to match the Wilkes Brothers donation. The Friends of the Pool were able to come up with \$194,539 to fund the third flume and they committed the funds to put back in the family change room in the amount of \$14,023. Mr. Myhre explained that he would like approval to increase the spending authority for the project to award the third flume and finish the family change room. Mr. Myhre would like to increase the spending authority to \$2,914,663. Commissioner Hewitt made the motion to amend the swimming pool construction contract to add in additive alternate #1 and adjust the spending authority for the project and Commissioner Byerly seconded the motion. Commissioner Poss 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 awarding the 2015-2016 gravel bids

Mr. Myhre explained that each year the Public Works Director puts out a bid to the gravel contractors to see what they can provide gravel for. Mr. Myhre further explained that this is for the ongoing public works projects and the gravel is on an on call basis and by going out to bid now it does not have to be bid every time gravel is needed for a project. Mr. Myhre stated that there was only bid from Casino Creek Concrete. Mr. Myhre stated that they do provide a consistent quality product. Commissioner Doney made the motion to award the 2015-2016 gravel bids to Casino Creek Concrete and Commissioner Turk seconded the motion. Commissioner Poss 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 awarding the 2015-2016 snow hauling bids

Mr. Myhre explained the City does not have large axel trucks that haul a lot of snow. Mr. Myhre stated that the City plows the snow into the main streets and then on particular days the City works with the contractor to haul the snow off the street. The City only received one bid from Do-All Construction in the amount of \$90 per hour and it is a \$5.00 decrease from the last year which is probable due to the decrease in fuel prices. Commissioner Putnam made the motion to award the 2015-2016 snow hauling bids to Do-All Construction and Commissioner Gremaux seconded the motion. Commissioner Byerly asked Public Works Director Holly Phelps if she was happy with the service. Ms. Phelps answered yes, the City

always has the right to inspect the trucks and verify that they are licensed and insured. Commissioner Poss 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 if the snow routes will be ticketed this year. Commissioner Poss answered that the City is currently working on the issue.

COMMISSIONER'S MINUTE

Commissioner Hewitt asked what building code the City uses. Mr. Myhre answered the City uses the International Building Code and the existing building code. The State adopts both with amendments and the City adopts both with amendments.

Commissioner Turk wondered if the Friends of the Pool could be included in the State Wide charity program.

ADJOURNMENT

Chairman Poss adjourned the meeting.

Dated this 2nd day of November, 2015.

Rick Poss, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk