

A COMMISSION MEETING OF MARCH 20, 2017 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Byerly called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

APPROVAL OF MINUTES

Commissioner Putnam made the motion to approve the minutes for March 6, 2017 as presented and Commissioner Hewitt seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

Chairman Byerly read the following proclamation:

**A PROCLAMATION OF THE LEWISTOWN CITY
COMMISSION DECLARING APRIL 4, 2017 AS
A DAY OF RECOGNITION FOR NATIONAL SERVICE**

Proclamation:

WHEREAS, service to others is a hallmark of Montana and American character and central to how we meet our community challenges; and

WHEREAS, Montana and American cities and towns increasingly turn to volunteerism as a cost-effective strategy to meet municipal needs; and

WHEREAS, locally and nationally, volunteerism expands economic opportunity by creating more sustainable and resilient communities, takes advantage of and offers education, career skills and leadership abilities to those who serve; and

WHEREAS, civic, neighborhood and faith-based organizations as well as individuals represent a unique public-private partnership that invests in our community's economic and social well-being; and

WHEREAS, Lewistown is blessed with so many individuals and organizations who work tirelessly to support and improve our community.

THEREFORE, IT IS HEREBY PROCLAIMED by the Lewistown City Commission, recognizing that April 4, 2017 is National Service Recognition Day, its appreciation and profound gratitude to all who give of their time and resources, skills and talents to make Lewistown a wonderful place to live and work. And the City Commission urges all Lewistown residents to join in thanking the local volunteers and organizations who give back to their community.

Dated this 20th day of March, 2017.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported that she attended the Airport Board meeting. The Airport had some equipment that needs to be serviced and are still waiting for two more remotes for the electric gate and better antenna. A second pedestrian gate is going to be put in. The rental house is being worked on and hopefully will be able to rent out soon. The new hangar is almost complete and waiting on the State electric inspector to okay the work. The FAA has determined that the radio tower will need to have a white strobe light and possibly need to be painted. There will be a charter airline coming into Lewistown soon. Montana ag pilots will be here April 11th and 12th.

Commissioner Byerly reported that the Central Montana Health District Board met and there are two new Commissioners on the board.

Commissioner Turk reported that she attended the Library Board meeting on March 9th. The Library is short staffed at this time and will be closing for the annual Library conference March 29th to 31st. The author dinner is May 17th.

Commissioner Doney reported that she has gotten some feedback on some of the police related ordinances and will be working with the City Manager and Attorney to bring changes before the Commission.

Commissioner Doney reported that the Citizen Recognition board has met and have developed some criteria and an application that will come before the Commission for review and approval.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The City Manager has opened negotiations with the Police bargaining unit. Over the next couple of months they will work towards a tentative agreement that will be brought to the Commission for approval.

Reminder that the Old is the New New, Historic Building Redevelopment workshop will be held March 30th and 31st. If you are interested in attending please let the Finance Officer or City Manager know so that we can get them registered for this workshop.

A copy of the preferred option, from the Berg Lumber Housing Feasibility study. The Recharge Our Community (ROC) committee still has a lot of work to do on this project before they decide if the project is even feasible. The ROC committee have been reaching out to citizens to determine if there is a need in the community, working with engineers to get infrastructure costs and contacting developers to see if there is interest in a project like this. The City of Lewistown is the owner of the Berg Property and will have to work closely with the group if the project progresses.

There will be a retirement party for Planning Director Duane Ferdinand on Friday, March 24th at the Community Center from 2 to 4 p.m. Cookies, cake and coffee will be served. Please stop by and wish him good luck on this next adventure.

The Public Works Director position has been posted in house. If there is not much interest in the position internally then the position will be posted at the job service.

There is an elected officials training May 9th – 11th in Billings. If any Commissioners are interested in attending please let the Finance Officer know and we will get you registered.

CONSENT AGENDA

Commissioner Putnam made the motion to approve the consent agenda and Commissioner Doney seconded the motion. The motion passed unanimously. The consent agenda was the following: Acknowledgement of the claims that have been paid from 3/1/17 to 3/15/17 for a total of \$53,802.56; Approving the construction agreement with the State of Montana and the City of Lewistown for the movement of utilities for the Casino Creek Drive overlay project and Approving the construction agreement with the State of Montana and the City of Lewistown for the movement of utilities for the 7th Ave N overlay project

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on Resolution No. 3928, a resolution designating an Environmental Certifying Official for the City of Lewistown's Community Development

Ms. Phelps introduced Carly Wheatley, Snowy Mountain Development Corporation's Community Coordinator, which is a position that the City partially funds. The resolution before the Commission for approval is designating Ms. Wheatley as the Environmental Certifying Official for the City of Lewistown's Community Block Grant for non-competitive housing rehabilitation grant. She will be monitoring the project. Commissioner Putnam made the motion

to approve Resolution No. 3928, a resolution designating an Environmental Certifying Official for the City of Lewistown's Community Development and Commissioner Doney seconded the motion. Commissioner Byerly 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 entering into a Memorandum of Understanding for the Montana Department of Commerce Non-Competitive Community Development Block Grant (CDBG) between the City of Lewistown, Snowy Mountain Development Corporation (SMDC) and Montana Homeownership Network Inc. and authorizing the City Manager to sign the MOU

Ms. Phelps explained that this is a Memorandum of Understanding for the non-competitive housing rehab grant. This MOU is between the City of Lewistown, Snowy Mountain Development Corporation and Neighborworks. Neighborworks will be doing the loan processing for the grant, the City will be doing the financial portion of the grant and SMDC will be doing the project management. Commissioner Putnam made the motion to approve entering into a Memorandum of Understanding for the Montana Department of Commerce Non-Competitive Community Development Block Grant (CDBG) between the City of Lewistown, Snowy Mountain Development Corporation and Montana Homeownership Network Inc. and authorizing the City Manager to sign the MOU and Commissioner Doney seconded the motion. Commissioner Byerly 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 approving and authorizing the City Manager to sign the Management Plan for the Non-Competitive Housing Rehabilitation Community Development Block Grant

Ms. Phelps explained that this is the management plan for the same grant and involves the City, SMDC, Neighborworks and the Department of Commerce. The City is the grant recipient and responsible for the finance portion of the grant. SMDC is the project manager and will be responsible for the paperwork and preparing the drawdowns. Neighborworks will be doing the loans and making sure we are meeting the HUD requirements. Ms. Kathie Bailey, Executive Director of SMDC, commented that this is a housing rehabilitation grant and only one house at a time can be done and it will not be a very fast moving project. The grant is to help the City and low to moderate income residents of the community. Commissioner Poss made the motion to approve and authorize the City Manager to sign the Management Plan for the Non-Competitive Housing Rehabilitation Community Development Block Grant and Commissioner Putnam seconded the motion. Commissioner Byerly 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 allowing the soccer fields to be located at Brewery Flats.

Commissioner Byerly explained that the Commission and public walked Brewery Flats during the committee of the whole. The Commission had decided that was the information needed to make a decision of locating the soccer fields at Brewery Flats so they took advantage of the weather this evening. Mr. Brett Thackery addressed the Commission and citizens and stated that he is a member of the soccer club. Mr. Thackery commented that he toured Brewery Flats and

was surprised about all of the support for the soccer fields regardless of where they would be located. Mr. Thackery explained that the soccer club's proposal is to put a parking lot near the field, relocate the service road and level an area for a playing field and improve the habitat by removing the non-native plants and noxious weeds. Ms. Laura Flugge, president of the soccer club, stated that she has been a resident of the City for 18 years and has seen a lot of changes. Ms. Flugge commented that she remembers the building of the new hospital and there were a lot of concerns and the community accepted the change and a hospital and nursing home was built. Another change was the building of the new high school which again raised a lot of questions and concerns like the increase in taxes, increased traffic and again the citizens voted to have a new high school built. Ms. Flugge stated that change is good for the growth of the community. Ms. Flugge briefly talked about the fund raisers and community support and that Lewistown is a gem not because of Brewery Flats but because of the people. Ms. Flugge stated that she understands the Commission has a very difficult decision to make and appreciates each of the commission and hopes the decision will be made on what's best for the growth and economy of this community and not on the opinion of a few citizens. Ms. Flugge hopes that everyone can learn from this experience to be more open to people's opinion and ideas. Thanked them for their time and consideration and hope to work together to make soccer fields a reality. Ms. Kimberly Fend stated that the following are key reasons why Brewery Flats is not attainable for the proposed soccer fields. One Brewery Flats ties into the National Trails Act. Two it is a nationally recognized wetland area containing ponds, water ways and river Three Lewistown has accepted a \$70,000 migratory bird grant with strict stipulations tied to the grant. Four FEMA updated flood maps show that it is in a flood plan. Five there are still soil contaminants and noted hot spots that were unable to be cleaned during the initial abatement due to lack of funds. Six Lewistown is one of 26 cities nationwide that is listed as a urban bird treaty city and acknowledging this would not allow disturbing burrowing habitat for soccer fields. Ms. Fend listed the numerous organizations, citizens and downtown business owners that oppose soccer fields at Brewery Flats. Ms. Fend further commented on the Friends of Brewery Flats and what their plans are for cleaning up Brewery Flats. Mr. Paul Thomsen addressed the Commission explaining how he contacted the Montana Department of Environmental Quality (MDEQ). Mr. Thomsen had several questions that he wanted MDEQ to answer and a letter was written to the City attention Planning Director Duane Ferdinand. Mr. Thomsen briefly reviewed the letter. Ms. Phelps stated that the City is aware of the covenants and agreements that are in place regarding Brewery Flats. Ms. Mary Woods commented that she is speaking on behalf of the Friends of Brewey Flats and they are opposed to soccer fields at Brewery Flats. Ms. Woods gave a brief history of Brewery Flats and talked briefly about the Urban Migratory Bird Grant. Ms. Terry Pepper – Daniels commented that there has been a good turnout for this evenings meeting and thinks public input is essential for the commission. This is how the Commissioners serve their constituents and regardless of the determination, vote or what moves forward she thanked the Commissioner's for their service. Ms. Pepper-Daniels commented further on the Migratory Bird Act. Ms. Pepper-Daniels further commented that the Friends of Brewery Flats have an interest in preservation and education regarding Brewery Flats. Ms. Pepper-Daniels commented that the Friends of Brewery Flats are not against soccer and feel there is a better location for soccer fields. Ms. Jamie Waltenbaugh stated that she is speaking on the behalf of the Youth Soccer. Ms. Waltenbaugh explained that she is a substitute teacher, speech and drama coach and the U12 soccer coach. Ms. Waltenbaugh commented on the excitement of the kids that are playing soccer and the frustration of only having one field and only one goal to practice

on. Ms. Waltenbaugh further commented that if soccer fields are not going to be located Brewery Flats and hope that a location can be found for soccer fields. Mr. Chris Merker explained that his background is a retired wildlife biologist and the soccer club asked him to get involved regarding the environmental impacts on the area. Mr. Merker reported on some of the concerns he has regarding soccer fields at Brewery Flats. Mr. Lance Loving commented about the public lands concern today and Brewery Flats is a public land owned by the citizens of the City of Lewistown. Mr. Loving feels that by giving the Soccer Club a portion of Brewery Flats is giving a piece of land to a small group of people. Mr. Al Eggers addressed the Commission explaining his back ground and experience with superfund sites and stated that any modification or moving of soil on a contaminated site is not something to take lightly. Further discussion followed. Commissioner Putnam made the motion to oppose locating soccer fields at Brewery Flats and Commissioner Doney seconded the motion. Commissioner Putnam commented that this is a painful decision because she feels a lot of information and emotion has been raised when something is threatened, however, when dogs run loose at Brewery Flats without consideration. Commissioner Putnam stated that the soccer club did not do anything wrong about proposing it there and moving forward to raise funds and the City allowed them to do that. Commissioner Doney commented that she appreciates both sides and a lot of work has been done by both sides and understand soccer needs a place. Commissioner Doney does not think this area will work for Brewery Flats. Commissioner Turk stated that it is very hard to say no and will be voting no because she does not think Brewery Flats can be replaced but does think there is a better location for soccer fields. Commissioner Poss thanked everyone for the civility on the issue. Commissioner Poss stated that it is very hard to come to these meeting and make decisions like this and he will be voting no. Commissioner Poss is not against soccer and probably would have gotten the soccer fields located at Brewery Flats when the reclamation stated, but now we have something different. Commissioner Poss stated that the Commission does want you to have a soccer field and a location just needs to be found. Commissioner Hewitt commented that this is a very difficult decision and the property was cleaned up to recreational standards and not sure if dirt can be moved again. Ms. Phelps answered there are requirements if dirt is going to be moved. Commissioner Byerly reported that Commissioner Gremaux was unable to attend tonight and he did email and stated that he is against soccer fields at Brewery Flats and feels there was too much money put into restoring Brewery Flats. Commissioner Byerly commented he supports the soccer club and understands the frustration. Commissioner Byerly asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

CITIZEN'S REQUESTS

Mr. Jeff Friessen commented that from a soccer club stand point they are not bitter about the decision and felt the public's sentiment and understand. Mr. Friessen further commented that they appreciate the open space also.

Mr. Lance Loving commented that those who oppose soccer fields at Brewery Flats and wants the soccer club to know that they do not oppose soccer and are willing to help when a location is found.

COMMISSIONERS' MINUTE

Commissioner Putnam thanked everyone for coming.

ADJOURNMENT

Chairman Byerly adjourned the meeting.

Dated this 20th day of March, 2017.

Dave Byerly, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk