

A REGULAR COMMISSION MEETING OF SEPTEMBER 18, 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, Gremaux, Hewitt, Poss, and Turk. Commissioner Putnam was absent.

APPROVAL OF MINUTES

Commissioner Hewitt made the motion to approve the September 5, 2017 minutes as presented. Commissioner Doney seconded the motion. The motion passed with Commissioner Turk voting no.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported on the airport board and the agreement with Fish Wildlife & Parks (FWP) minimum standards will be commercial so that there is consistency with agreements. Commissioner Hewitt explained that FWP will be bringing in a modular, because they did not renew the contract of their current location. The owner is going to lower the radio tower and a strobe light will also be put on the tower. Commissioner Hewitt commented that both Northwestern Energy and the City were at the meeting and it was discussed that the electric and water would need to be looped. At a special airport board meeting recently Central City Auto and RV asked for two RV spaces on their property and needs to be approved by the County before the Airport Board can approve it. The Airport Board has decided to turn in the 139 certificate and the associated grant money was relinquished also.

Commissioner Byerly reported that the Central Montana Health District Board met recently. There was not a lot to report, there were some concerns regarding the Chokecherry Festival.

Commissioner Turk reported that she was unable to attend the Library Board meeting on the 14th. The Library Assistant I position has been filled. Two of the staff recently attended the state Library conference in Bozeman. Library Director KellyAnne Terry is on a network advisory

council and this group is focusing on community leadership and library collaboration. There will be a exhibit and reception on Thursday the 21st.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The demolition of the old mill building has been completed. There have been a couple of phone calls regarding the demolition. The logistical work of the building was done prior to the demolition. The Phase I and II analysis were done in the spring and we followed up on the testing outlined in the report that had been approved by the EPA. The City Manager also met with Fish Wildlife & Parks early on to make sure their concerns were addressed. The committee is continuing to work on the design of this development and has set a target date of September 2018 for the grand opening.

The skate park has been open for a few weeks, and it is important to look at what issues still need to be addressed. There have been complaints on various topics from bikes to bullying and many people have offered suggestions of how to improve these issues. The City Manager will be meeting with a group to discuss these issues and work on ways to improve them.

The Friends of the Trails have purchased two bridges. When installed these bridges will create the Carroll Trail Loop. There is one large bridge across Big Spring Creek at the west end of the Machler property. The second bridge will go across the irrigation ditch and connect the walking trail and KB Fishing Access. These bridges were funded by a 2015 Recreational Trails Program grant. The contractor has begun the fabrication and all applicable permits need to be obtained prior to installation.

The City Manager has received the draft report on providing sewer to the areas that were annexed in 2015. If anyone would like to review this document copies will be made available upon request.

The parklet has now been put away for the season. The City will work with the Arts and Entertainment District on the location for next year. The permit with the State allows the parklet to be placed on Main Street for the period between Memorial Day and Labor Day.

Ms. Phelps explained that included in the Commission packets was a letter from Snowy Mountain Development Corporation reminding us that the loan with them has come due. The loan was for the Brownsfield cleanup of the Berg Lumber property and would like to discussion the issue with the City.

Chairman Byerly opened the floor for any comments or concerns for the City Commissioners.

Mr. Marv DeBuff addressed the Commission stating that he is a local contractor and would like to address the demolition of the Mill building and how it was done and finished before anyone knew anything about it. Mr. DeBuff stated that there are several contractors here tonight and he has talked to several contractors and no one feels really good about the situation. Mr. DeBuff further stated that maybe the can get some answers to feel better about the situation. Mr. Ray

Besel asked why the project was not advertised. Mr. Besel commented that it was stated previously tonight that the asbestos abatement was done through EPA and he thinks state law saw it has to go through DEQ and as of today DEQ does not have anything on file and he doesn't know if the storm water pollution prevention plan was ever filed. Mr. Besel stated he would like to know how the project was funded was it grant money or City money. Commissioner Byerly explained that due to the overwhelming support of the community for this project. Commissioner Byerly further explained that a very unique time sensitive offer to demolish the building for approximately \$75,000, when the engineers estimate was \$150,000 to \$200,000. Ms. Phelps explained that the City's purchasing policy follows state law on what is required for the bidding process. Ms. Phelps further explained that at \$80,000 a formal bid is required, which would include a public notice, bid specs and advertisement. When looking at a bid for \$25,000 the City looks at little Davis Bacon wages and projects between \$16,000 and \$80,000 bids are solicited, which was how the City chose to proceed. Ms. Phelps explained as to the brownfield assessment, the City partnered with Snowy Mountain Development Corporation (SMDC) and tapped into the EPA funding. West End solutions completed the assessment and it was done last spring and an environmental specialist did the actual testing. Ms. Phelps commented that the estimate of the project at this time is under \$35,000 and the engineers estimate was between \$150,000 and \$250,000. Mr. Joe Bridgeford asked who determined the value of the demolition and was there some bonus factored into the bid with the City hauling the material off. Ms. Phelps answered that the City definitely worked with the contractor basically as a subcontractor and used the City crews and will be burning the material. The value of the project was determined by the engineers and architects that were hired as part of the preliminary engineering report for the Creekside Marketplace and Pavilion. Mr. Tom St. John asked why there were no safeguards to keep debris from getting into the river. Ms. Phelps answered that she spoke with FWP and offered to net it and they said that measure was not necessary. Further discussion followed about how the project was bid and how it should be done in the future. Ms. Kathie Bailey, Executive Director of SMDC, explained that the environmental assessment phase I and II was done with environmental funds from EPA and under the supervision of DEQ. The results of the assessment showed there was slight traces of lead based paint, mold and a light fixture ballast that may have PCBs, but there was no asbestos in the building. The amount of lead based paint was so insignificant that with the other debris there was no environmental hazards. DEQ worked with them on the storm water permit. Further discussion was held regarding the bidding laws. Commissioner Byerly asked if the bidding process has been done in error all the time by the City or just talking about this particular project. Mr. Bridgeford asked how contractors will know in the future of any projects that would be available in regards to the Creekside Marketplace and Pavilion. Ms. Bailey explained this is a big project and would like to include everyone and would like to know how the contractors would like to be informed. Mr. Bridgeford asked if it all could be advertised. Commissioner Byerly stated that the City will do better informing the public on project going forward.

CONSENT AGENDA

Commissioner Gremaux made the motion to approve the consent agenda and Commissioner Doney seconded the motion. The motion passed unanimously. The consent agenda was the knowledge the claims that have been paid from September 1, 2017 to September 13, 2017 for a total of \$7,420.57.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. . Discussion and action on declaring there is no significant impact on the Creekside Marketplace and Pavilion as determined by the Environmental Assessment that was done by Snowy Mountain Development Corporation on the property and authorizing the City Manager to sign the Uniform Environmental Checklist City Manager Holly Phelps

Ms. Phelps explained that that the uniform environmental checklist and is the first step of many for the environmental assessment process for the Creekside Marketplace and Pavilion. There are several areas are evaluated. There are some areas that will require approvals or permits and asking for the Commission’s approval to move forward with the Uniform Environmental Checklist. Commissioner Turk made the motion to declare there in no significant impact on the Creekside Marketplace and Pavilion as determined by the Environmental Assessment that was done by Snowy Mountain Development Corporation on the property and authorizing the City Manager to sign the Uniform Environmental checklist 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 approving the submission of a Main Street Grant for the Creekside dining patio and if awarded the authority to allow the City Manager to sign the grant with the understanding there is a \$4,000 match

Ms. Phelps explained that included in the packet is just a draft of the application that will be submitted to the Department of Commerce if approval is received by the Commission to move forward. Ms. Phelps explained that there is a match of \$4,000 and private donations will be used for the match. Ms. Phelps further explained that the grant is asking for a \$20,000 grant in hopes of helping with the development of the Creekside Marketplace and Pavilion. Commissioner Doney made the motion to approve the submission of a Main Street Grant for the Creekside dining patio and if awarded authorizing the City Manager to sign the grant with the understanding there is a \$4,000 match and Commissioner Turk 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 authorizing the City Manager to submit a Tourism Grant for the restrooms at Creekside Marketplace and Pavilion

Ms. Phelps explained that this is a tourism grant that is offered through the Department of Commerce also. This grant would be used for the year round restrooms for the Creekside Marketplace and Pavilion. Ms. Phelps stated that currently the City does not have a year round community restroom and it has been recognized as a need in the community. The match for this project is \$50,000 and the intent is to use TIF funds for the match. Commissioner Poss made the motion to authorize the City Manager to submit a Tourism Grant for the restroom at the Creekside Marketplace and Pavilion and Commissioner Hewitt 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 approving the submittal of a letter of commitment for \$50,000 match for the Tourism Grant to be used for the restrooms at Creekside Marketplace and Pavilion

Ms. Phelps explained that a letter of commitment needs to be submitted with the grant application. The City's purchasing policy states that any purchase of over \$15,000 must be approved by the City Commission. Ms. Phelps stated again that the \$50,000 commitment is for match funds and would be funding with TIF funds. Commissioner Poss made the motion to approve the submittal of a letter of commitment of \$50,000 match for the Tourism Grant to be used for the restrooms at Creekside Marketplace and Pavilion 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.

5. Discussion and action on approving Resolution No. 3947, a resolution relating to \$45,636.50 Taxable Special Improvement District No. 2017 Bond; authorizing the issuance and fixing the terms and conditions thereof and providing for the security therefor

Ms. Phelps explained that this money is the Coal Severance Tax loan for the Riverdale Sewer Project. The loan would be paid over a period of 20 years with an interest rate of 3%. The creation of the SID was done at the last meeting. Commissioner Poss made the motion to approve Resolution No. 3947, a resolution relating to \$45,636.50 Taxable Special Improvement District No. 2017 Bond; authorizing the issuance and fixing the terms and conditions thereof and providing for the security therefor and Commissioner Turk 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.

CITIZENS' REQUESTS

Ms. Bailey stated that she wanted to clarify that the \$4,000 match was from private donations and the \$50,000 match is TIF funds that have already been approved.

Mr. Clint Loomis commented that the City needs to make sure the communication link to the public.

COMMISSIONER'S MINUTE

Commissioner Byerly commented that he is glad that the contractors came to the meeting. Commissioner Byerly stated that he thinks the community got a tremendous buy to take down the mill building. The contractors have legitimate concerns and it is not a reoccurring issue and want to work with them.

Commissioner Hewitt explained that she wasn't at the Commission meeting that the mill building issue was discussed. Commissioner Hewitt commented that she explained that project did not need to be published due to the dollar amount and hope that helped answer some questions.

Commissioner Gremaux commented that he would like to see the ward boundaries be looked at some time in the future. The population wards should be reviewed and make sure there is a balance.

Commissioner Turk commented that she feels the contractors and other citizens that were in attendance tonight walked out with a positive experience.

Commissioner Doney thanked Ms. Phelps for the garbage cans at the skate park and the speed sign on lower airport road. Commissioner Doney also asked where we are at with the easements with the County. Ms. Phelps answered that the City Attorney is working on it.

ADJOURNMENT

Chairman Byerly adjourned the meeting.

Dated this 18th day of September 2017.

Dave Byerly, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk