

A REGULAR COMMISSION MEETING OF NOVEMBER 6, 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, Gremaux, Hewitt, Poss and Putnam. Commissioners Doney and Turk were absent.

APPROVAL OF MINUTES

Commissioner Hewitt made the motion to approve the October 16, 2107 minutes. Commissioner Gremaux seconded the motion. The motion passed unanimously.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported that she attended the Airport Board meeting last week. The board discussed the lots sizes and it was determined that when the Airport was built the lots were not divided up equitably and are going to have a committee look at make the lots more equitable. The airport rental house is finished and officially rented. The old bus barn will be formally named Rimby Hangar and Eastman Sign Company is making a sign.

Commissioner Putnam reported that she attended the Central Montana Foundation board meeting in October. There were only a few requests and not of them were approved. The new company managing the CMF portfolio was at the meeting. The change will be done in January.

Commissioner Putnam reported that the Park and Recreation Board meets this Wednesday.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The City has received notice on several grant applications. The notices include the planning grant for improvements to the Lewistown Ditch and a Main Street grant that is for the dining patio at Creekside. The notice of awards are included in the Commissioners packets. The City will receive more information on each grant and the agreements will come before the Commission for approval prior to the City entering into the agreement.

As of Thursday, there has been no attempt to pay the delinquent taxes on the Ron LaFountain property. A tax deed will be issued to the City of Lewistown if the lien amount is not paid by November 8, 2017. If

the City does get a tax deed for this property, the City will then put out a Request for Proposals, for the property. This means that people interested in taking ownership of this property would put together a proposal for their plan for this property. The City Manager suggested that a subcommittee be established to work with her on establishing the criteria that proposals would be scored on. If any Commissioners are interested in participating on this committee please let the City manager know.

The Recharge Our Community (ROC) housing group continues to work on the feasibility of developing the Berg Lumber site into work force housing. There are at least two developers that may be interested in a project like this. The ROC housing group is working on developing the criteria for this project so that the proposals we receive meet the needs of the community while still being marketable. If any Commissioners are interested in participating on this committee please let the City manager know.

At the July 3, 2017 Commission meeting, the Commission approved a railroad land lease for Mr. Snook. Mr. Snook has not sign the lease or taken any further action to move forward with the lease and has since sold the property.

The City offices will be closed on November 10th in observance of Veteran's Day and November 23rd for Thanksgiving.

The scam filters on the City's email accounts have been tightened and recommend periodically checking your junk folder to make sure important emails are not being sent there.

CONSENT AGENDA

Commissioner Gremaux made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was made up of the following: Approval of issuing a City Business license for Buss Mechanical Services, Inc., approval of issuing a City Business license for Tri County Mechanical and Electrical Inc. and acknowledgement of the claims that have been paid from October 12, 2017 to October 31, 2017 for a total of \$109,487.43.

***REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:**

1. Discussion and action on approving Resolution No. 3950, a resolution of necessity, finding that an area within the City of Lewistown is infrastructure deficient requiring improvement for the welfare of the residents of the City

Ms. Phelps explained that this resolution points out deficiencies in several different infrastructures in the potential Targeted Economic Development District (TEDD). The boundaries for the proposed TEDD is the entire Airport, north of the highway taking in the section where Tractor Supply is located, Snowy Mountain Motors and the portion of Stonewood in that area. Ms. Phelps explained that under state statute a TEDD can be created because the area is found to be deficient in infrastructure. The resolution lists several of those deficiencies which can include curb and gutter, roads, streets, sidewalks, street lighting and electricity. Commissioner Byerly commented that this is the initial step to create a TEDD which functions similarly to a tax increment finance district and would allow taxes to be used to develop the area. Commissioner Poss made the motion to approve Resolution No. 3950, a resolution of necessity, finding that an area within the City of Lewistown is infrastructure deficient requiring improvement for the welfare of the residents of the City and Commissioner Putnam seconded the motion. Commissioner Byerly asked for comments from the Commission and audience. The question was called for and the motion passed unanimously.

2. Discussion and action granting permission to Fish Wildlife and Parks to file a notice of completion of Groundwater Development for irrigation, domestic and hatchery building, potable water use for Big Spring Creek Trout Hatchery Upper unit

Ms. Phelps explained that the property that fish hatchery is located on is actually City owned property and is leased by the Fish Wildlife and Parks. It is a 100 year lease and they have never been connected to City water. They have a collection basin within the spring and use spring water for irrigation, the two residences and hatchery. The water is not permitted by Department of Natural Resources and Conversation (DNRC) at this time. What FWP is asking from the City is permission to properly documenting the water source. Commissioner Gremaux made the motion to grant permission to Fish Wildlife and Parks to file a notice of completion of Groundwater Development for irrigation, domestic and hatchery building, potable water use for Big Spring Creek Trout Hatchery Upper unit and Commissioner Poss seconded the motion. Commissioner Putnam asked why they do not want to be connected to City water. Ms. Phelps answered that where this is located it is quite a ways from the City source and to tie in would be quite a distance and there would be some issues with pressure. Commissioner Putnam asked why the concern of where the water comes from. Ms. Phelps answered that she thinks it is an attempt to quantify the amount of water the Madison Aquifer is producing. Commissioner Byerly asked for comments from the Commission and audience. The question was called for and the motion passed unanimously.

3. Discussion and action on first reading of Ordinance No. 1756, an ordinance amending Title 10, Chapter 4 Part 2 of the Lewistown City Code pertaining to parking restrictions

Ms. Phelps explained that this has been discussed at the last few Commission meetings. This is an ordinance to amend City code that allows trailers and campers to be parked in residential zoned areas for the time period of April 1st to November 1st. Snowmobile trailers could be parked from November 1st to April 1st. Otherwise these vehicles are not allowed to be parked on the residential streets. Ms. Phelps explained that she has received only a few comments. One comment being that this is very lenient and another comment is that the time frame could be shortened. Commissioner Poss made the motion to approve the first reading of Ordinance No. 1756, an ordinance amending Title 10, Chapter 4 Part 2 of the Lewistown City Code pertaining to parking restrictions and Commissioner Gremaux seconded the motion. Further discussion followed. Commissioner Hewitt commented that the time frame that is allowed is too long and if you are going to own trailers you really should have somewhere to store it. Commissioner Hewitt made an amendment to the motion to change the time frame from June 1st to November 1st. Commissioner Byerly asked for a second to the amendment. There was no second to the amendment and therefore it died for lack of a second. Ms. Phelps explained that currently the parking ordinance is five days and there are citizens that abuse it. As long as the vehicle moves within five days tit is allowed, which makes this code very hard in enforce. This change does not get rid of the five days, but allows recreational vehicles in accordance to the seasons. Mr. Harvey Nyberg spoke against this change. Mr. Nyberg stated that he has lived other places that people do not like this type of a law because they feel big brother is watching them, and a lot of young people own this type of trailers and probably can't afford to pay the storage fee and if this is an issue we should encourage neighbors to work together. Further discussion followed. Commissioner Byerly stated that it is his understanding this is currently unenforceable and asked why this change would be it more enforceable. Ms. Phelps explained that yes there will be when they will be allowed and a time they will not be allowed. There was some discussion on the fine. Commissioner Byerly asked if the Commission could comment on the motion. Commissioner Hewitt stated that because of the long time frame she is not in favor of the motion. Commissioner Gremaux stated that changes can be made because this is only the first reading. Commissioner Poss stated that this is not that strong of a rule but is a start and as time moves forward this will become more stringent. Commissioner Putnam stated that she agrees with Commissioner Poss. The

question was called for. Commissioners Gremaux, Poss and Putnam voted for the motion. Commissioners Byerly and Hewitt voted against. The motion died due to a lack of four affirmative votes.

4. Discussion and action on approving the purchase to upgrade the water meter reading software

Ms. Phelps explained that the City has worked with Sensus metering since the late 1990s. It is now upgraded to a laptop route and GPS. As with all technology upgrades are inevitable. Sensus has asked that we upgrade, which as a result we will be going to our own channel for meter reading. There will be upgraded computer reading software and a unit that will go in the vehicle. There are 25 water meters and MXUs included in this proposal. Sensus would like us to upgrade the handhelds also. Ms. Phelps explained that this is a proprietary vendor and system. Ms. Phelps recommends that the commission approve the purchase to upgrade the software and that this was budgeted. Further discussion followed. Commissioner Putnam made the motion to approve the purchase to upgrade the water meter reading software at a cost of \$28,200 and Commissioner Poss seconded the motion. Commissioner Byerly asked for comments from the Commission and audience. The question was called for and the motion passed unanimously.

5. Discussion and action on awarding the 2017-2018 snow hauling bids

Ms. Phelps explained that only one snow hauling bid was received. Ms. Phelps stated that the amount has remained the same, but is a different contractor than last year. The contractor is able to provide all of the trucks required and would recommend awarding the snow hauling bid to Do All Construction. This was advertised in the newspaper and courtesy calls were done to contractors. Commissioner Hewitt made the motion to award the snow hauling bids to Do- All Construction and Commissioner Putnam seconded the motion. Commissioner Byerly asked for comments from the Commission and audience. The question was called for and the motion passed unanimously.

6. Discussion and action on awarding the 2017-2018 gravel bids

Ms. Phelps explained this bid is for the upcoming construction season and is an annual bid. The bids were advertised in the newspaper and bids were sent to the two contractors available. Ms. Phelps stated that the City only received one bid and the bid has remained relatively the same, and only a slight increase due to processing costs and employee costs. Commissioner Putnam made the motion to approve awarding the 2017-2018 gravel bids to Casino Creek Concrete and Commissioner Hewitt second the motion. Commissioner Gremaux abstained. Commissioner Byerly asked for comments from the audience and Commission. There being none, the question was called for and those voting in favor were Byerly, Hewitt, Putnam and Poss.

CITIZENS' REQUESTS

Mr. Jonathan Moor asked about the first reading of the ordinance vote. It is his understanding from the City charter a vote of four is required for an item to pass. City Clerk Nikki Brummond, explained that is correct that in order for an item to pass affirmative vote of four is required regardless of the number of Commissioners in attendance.

Mr. Mike Chapman asked when the divot on the Library can be address. Ms. Phelps explained that is was discussed at a previous Commission meeting and approved. However, the contractor that the City was going to work with did not meet government regulations and will be working to bring it forward.

COMMISSIONER'S MINUTE

Commissioner Byerly stated that he will be absent from the next Commission meeting.

ADJOURNMENT

Chairman Byerly adjourned the meeting.

Dated this 6th day of November, 2017.

Dave Byerly, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk