

A COMMISSION MEETING OF MAY 5, 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: Berry, Doney, Gremaux, Hewitt, Poss, Putnam and Turk.

APPROVAL OF MINUTES

Commissioner Turk made the motion to approve the April 21, 2014 minutes and Commissioner Putnam seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Berry reported that she attended the Central Montana Foundation Board meeting. The Board gave money to the Central Montana Mentoring program, \$2,000 to Crime stoppers and the group that is starting the community garden. The group provided CMF with a plan and were given money to help get established. The annual CMF meeting is in May.

Commissioner Putnam reported that the Friends of the Pool had a pool fundraiser on Sunday.

Commissioner Turk reported that the Library is meeting later this month. The annual author dinner is May 14th and she still has tickets available.

Commissioner Poss reported that the Fergus County Park Board Committee is continuing to meet weekly.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The Crystal Lake SNOTEL report showing that the snow water equivalent was at 19.4 inches on May 1st was included in the packet. That number is much lower than the same date in 2011 which was

27.7 inches. The City will continue to monitor the changes and may begin increasing the reservoir level at East Fork if the snow water levels get back to normal.

The property line wall has been poured at 301 W Broadway and around the corner. Gravel and foam are being placed on May 1st, and then the contractor will move to the next section.

The parks contract will be advertised this month for mowing and maintenance services in the City parks. Typically they are three year contracts. We will also request an alternate bid for the cemetery mowing if any bidders are interested in that portion as well.

The Legion ball program is installing the light poles around the field in Symmes Park and has requested to place additional fencing around the perimeter of the outfield parking area. They are working with Park and Recreation Director Jim Daniels and the Public Works Department to address any concerns. The Park Board tentatively approved the fence if City concerns were addressed.

The City Manager will be attending the annual regional City Manager's Association in Mandan ND on May 6th through May 9th. One of the instructional topics includes discussion and tours of oil field impacts in the area.

Mr. Myhre explained that Cheri Kilby, Disaster and Emergency Service Coordinator, was present if there were any questions regarding the house on Ash Street. Mr. Myhre explained that Disaster and Emergency Services (DES) has been working to try to get a grant to buy and remove the Couch resident from the area that have been flooding on Ash Street. Ms. Kilby explained that she needs an entity to take the property and maintain it as open space to meet the goals of the FEMA mitigation funds. Mr. Myhre commented that the idea is that it is better to remove the few houses in the flood plain area than to build a huge system to try to protect them. Ms. Kilby commented that if DES can get some grant funds, there were be a 10% match that could be soft match from both the City and County. Commissioner Doney asked if the item could be on the next agenda for discussion and possible action.

CONSENT AGENDA

Commissioner Hewitt asked to have the claims to be moved out of the consent agenda.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

Commissioner Hewitt asked why there are asterisks behind some of the amount on the claims report and if that was stating the account is overspent. Finance Officer Nikki Brummond answered that yes, that is what it means but there may be a reason why it is overspent, for example something coded wrong, and a change required to comply with audit. Mr. Myhre explained that the object code may be over, but have the flexibility to do so as long as the bottom line of the account is not overspent. Mr. Myhre explained that the object codes that are overspent are looked at carefully during the budget process. Commissioner Gremaux made the motion to approve the acknowledgement of the claims that have been paid from April 17, 2014 to April 30, 2014 for a total of \$56,571.68. Commissioner Putnam seconded the motion and the motion passed unanimously.

1. Discussion and action on allowing ROWL to hang banners on the historic lights

Mr. Myhre explained that Recycle Our Waste Lewistown (ROWL) is asking permission to hang banners on the historic lights. The request is for twice a year. Commissioner Putnam asked if there was going to be some oversight. Mr. Myhre explained that he is requesting them to make the banners be consistent and the caveat that they are not to be used as advertisements. There will also be the understanding that we do not want it to conflict with other uses of the historic lights. Commissioner Gremaux made the motion to allow ROWL to hang banners on the historic lights and Commissioner Putnam 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.

2. Discussion and action on granting a railroad crossing to Bob McCray for the property previously owned by Century Construction at the junction of Highway 87 and the Truck Bypass

Mr. Myhre explained that Mr. Bob McCray is requesting a crossing license on the rail corridor. Mr. McCray has purchased the property located at the junction of Highway 87 and the Truck Bypass. Mr. McCray has worked with the Department of Transportation to get an approach access on the south side of the property adjacent to the approach across the highway from Bass Auction and Trailer Sales. Mr. Myhre further explained that he did do a lease analysis consistent with the current leases in place and estimate a possible lease cost of \$270. Commissioner Poss made the motion to grant a railroad crossing to Bob McCray for the property previously owned by Century Construction at the junction of Highway 87 and Truck Bypass with the understanding that the restrictions of rail banking will apply and to waive the fee if McCray is maintaining the trail and Commissioner Berry seconded the motion. Commissioner Turk asked he plans to do to maintain the trail in the area. Mr. McCray answered that he will be planting trees, widening the trail and maintaining the trail. Further discussion followed. Commissioner Putnam asked if the City charges for other leases and why would we not charge for this lease? Commissioner Gremaux answered that he is going to maintain the trail. Commissioner Putnam stated that she cannot vote for a blank statement of not charging and it needs to be reevaluated regularly and what if the person sells it and they do not continue to maintain the crossing. Discussion was held on the transfer of the crossing if the property would be sold and it would be considered by the City Commission. Commissioner Doney asked if a soft cost amount can be included in the lease agreement showing an amount. Commissioner Putnam stated that by putting an amount in there and having soft costs would not be setting a precedent. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and those Commissioners voting favor were Berry, Gremaux, Hewitt and Poss. Commissioners Doney and Putnam voted against and Commissioner Turk recused herself because of the possible conflict of interest.

3. Discussion and action on granting a railroad crossing to Monte Weeden adjacent to the Truck ByPass in exchange for a utility easement for the Fairgrounds Water and Sewer project

Mr. Myhre explained that the City is working with the County to get water and sewer out to the fairgrounds. The preferred route is to go through Monte Weeden's property that is directly south of the fairgrounds. Mr. Weeden is requesting two crossings across the Railroad Corridor. One is located on the east side of Highway 191 N across the highway from the fairgrounds and the other one is located on the south side of the Truck Bypass adjacent to Weeden Construction. Mr. Myhre explained that since the City owns the corridor, the Commission is the only entity which can make use decisions on the corridor. The deed restrictions on the property prevent the City from creating

additional encumbrances on the property so any use or crossings must be revocable. Mr. Weeden stated that he is just trying to make sure to protect the access that he has used since he purchased the property. Mr. Weeden stated that being a utility easement is a separate issue that should be addressed with the County. Mr. Weeden commented that he does not really want to pay a fee for the crossing that he has used for twenty years and if there is a fee it will have to be paid somehow. Mr. Myhre stated that the City is trying to help facilitate the water and sewer project at the fairgrounds. Mr. Myhre explained that typically there is a charge for an easement because the easement is taking a way a portion of the use of the property where the easement is located. City Attorney Monte Boettger explained that the City already has an established lease process in place. Mr. Boettger commented that the City cannot guarantee leases forever and does not recommend starting now. Mr. Boettger suggested that the lease process should be pursued and then determine how the City would be compensated for the easement. Further discussion followed. Commissioner Doney made the motion to remove items number three and four as action items from the agenda until more information can be provided to make an informed decision and Commissioner Turk 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 granting a railroad crossing to Monte Weeden for property located on the East side of Hwy 191 N across from the fairgrounds in exchange for a utility easement for the Fairgrounds Water and Sewer project

This item was removed from the agenda in the prior item by motion until more information can be provided to make an informed decision.

5. Discussion and action on accepting a land donation from the Central Montana Foundation

Mr. Myhre explained that the Central Montana Foundation (CMF) contacted him several weeks ago explaining that Mr. Dennis Norton had passed away and left in his will a couple parcels of land to the CMF. Mr. Norton wanted the parcels of land to be used to continue public access to upper spring creek. Mr. Myhre stated that these parcels are located about three miles south of town. Mr. Myhre explained that Fish Wildlife and Parks is not interested in the property because they are already committed to property that they are in the process of purchasing. Commissioner Berry stated that the CMF did contact the County and they were not interested. Commissioner Berry explained that there is nothing wrong with the property and if they accept land it is usually property that can be sold to be able to give money back to the community. Mr. Myhre explained that he has talked with the Chairman and Director indicating that if the City did take the property that the CMF could partner with the City to help gravel the area and erect a fence and a sign should be erected on the donation of the property and the rules of the area. Mr. Myhre stated the Commission should consider that the City already has an easement across this property for the water line. Commissioner Turk made the motion to accept the land donation from the Central Montana Foundation and Commission Putnam 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.

6. Discussion and action on sponsoring a Tourism Investment Infrastructure Program (TIIP) grant for wayfinding sign infrastructure

Mr. Myhre explained that he has been working with Snowy Mountain Development Corporation (SMDC) to apply for TIIP grant if the time line can be met. The wayfinding study will be done to give direction on what type of signs should be put up and where they should be located. The grant would

be the funding for the signs, and there would be a 10% match. Further discussion followed. If the City is awarded the grant it will come back before the Commission for approval. Commissioner Putnam made the motion to sponsor a Tourism Investment Infrastructure Program (TIIP) grant for wayfinding sign infrastructure and Commissioner Turk 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.

7. Public hearing to hear comments on Resolution No. 3846, a resolution of intention to adopt amendments to the 2006 Lewistown Growth Policy including Tax Increment Financing as an implementation resource.

Chairman Doney opened the public hearing to hear comments on Resolution No. 3846, a resolution of intention to adopt amendments to the 2006 Lewistown Growth Policy including Tax Increment Financing as an implementation resource. Mr. Myhre explained that the City Commission approved the Growth Policy in 2006. Mr. Myhre further explained that when the growth policy was approved it did not specifically cover the use of a tax increment financing district as an implementation source for economic development. The City has been the process of creating a TIF district and one of the provisions in State law for the implementation of a TIF district is that the City must have a Growth Policy and the Growth Policy must support the implementation of a TIF district. Mr. Myhre commented that this public hearing is part of the process to establish a TIF and to receive public input on amending the Growth Policy to include TIF district as an implementation source. Mr. John Toohey asked how much it would cost him. Mr. Myhre explained that it should not affect him because he does not reside in the TIF district, and there is no levy associated with the TIF district. Mr. Myhre explained that if a TIF district is implemented then a portion of the taxes stay in the TIF district. As a result outside of the TIF district there may be fewer funds for funding of City and School. Mr. Toohey commented there may be less funding then the City or School may need to pass a levy to help with the decline in funding due to the TIF district. Mr. Myhre commented that yes, the TIF district can affect a private citizens taxes. There being no further discussion Chairman Doney closed the public hearing.

8. Discussion and action on Resolution No. 3846 a resolution of intention to adopt amendments to the 2006 Lewistown Growth Policy including tax increment financing as an implementation resource

Commissioner Poss made the motion to approve Resolution No. 3846, a resolution of intention to adopt amendments to the 2006 Lewistown Growth Policy including tax increment financing as an implementation resource and Commissioner Turk 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.

9. Public hearing to hear comments on Resolution No. 3847, a resolution of intention to adopt amendments to the 2006 Lewistown growth policy establishing the land use designation for the Yogo/Railroad Annexation No. 2014-1, Document 114163

Chairman Doney opened the public hearing to hear comments on Resolution No. 3847, a resolution of intention to adopt amendments to the 2006 Lewistown growth policy establishing the land use designation for the Yogo/Railroad Annexation No. 2014-1, Document 114163. Mr. Myhre explained the City annexed some property earlier this year and as part of the TIF district process those properties need to be designated as to what they are going to be used for and incorporated into the City zoning. Mr. Myhre stated this resolution states the intent to designate the newly annexed

property as an expansion of adjacent commercial land use designation with the northern portion included in the Central Business District and the southern portion included in the Wholesale-warehousing district. There being no further discussion Chairman Doney closed the public hearing.

10. Discussion and action on Resolution No. 3847, a resolution of intention to adopt amendments to the 2006 Lewistown growth policy establishing the land use designation for the Yogo/Railroad annexation No. 2014-1, Document 114163

Commissioner Gremaux made the motion to approve Resolution No. 3847, a resolution of intention to adopt amendments to the 2006 Lewistown growth policy establishing the land use designation for the Yogo/Railroad annexation No. 2014-1, Document 114163 and Commissioner Berry 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.

11. Public hearing to hear comments on Ordinance No. 1746, an ordinance of the City Commission of the City of Lewistown, Montana, adopting the zone map amendment to establish the initial zoning classification for the area generally located east of Daws Street and South from the Yogo Inn property along the railroad land, known as the Yogo/Railroad Annexation No. 2014-1, Document 114163.

Chairman Doney opened the public hearing to hear comments on Ordinance No. 1746, an ordinance of the City Commission of the City of Lewistown, Montana, adopting the zone map amendment to establish the initial zoning classification for the area generally located east of Daws Street and South from the Yogo Inn property along the railroad land, known as the Yogo/Railroad Annexation No. 2014-1, Document 114163. Mr. Myhre explained this is an ordinance to adopt the zone map amendment to establish the initial zoning classification for the Yogo/Railroad annexation plat. There being no further discussion Chairman Doney closed the public hearing.

12. Discussion and action on first reading of Ordinance No. 1746, an ordinance of the City Commission of the City of Lewistown, Montana, adopting the zone map amendment to establish the initial zoning classification for the area generally located east of Daws Street and South from the Yogo Inn property along the railroad land, known as the Yogo/Railroad Annexation No. 2014-1, Document 114163

Commissioner Hewitt made the motion to approve first reading of Ordinance No. 1746, an ordinance of the City Commission of the City of Lewistown, Montana, adopting the zone map amendment to establish the initial zoning classification for the area generally located east of Daws Street and South from the Yogo Inn property along the railroad land, known as the Yogo/Railroad Annexation No. 2014-1, Document 114163 and Commissioner Putnam 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.

13. Discussion and action on authorizing the City to finance the mini mall improvement through the Intercap program

Mr. Myhre explained that the City estimates the improvements to the mini mall to be approximately \$100,000 and obviously the City could fund the improvements from City reserves with the understanding that when the taxes would be paid is unknown. Therefore, to effectively use City resources we would like to fund the improvements through the intercap program. The intercap

program has an interest rate of 1% and can be paid off at any time without penalty. Commissioner Gremaux made the motion to approve authorizing the City to finance the mini mall improvements through the Intercap program and Commissioner Turk seconded the motion. Commissioner Putnam asked why the financing was not discussed when the repairs were approved by the Commission. Mr. Myhre answered that was discussed when the improvements were approved and the Commission does not have to approve this but helps not to deplete the City's reserves. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and those voting in favor were Commissioners: Berry, Doney, Gremaux, Hewitt, Poss and Turk. Commissioner Putnam voted against it.

CITIZENS' REQUESTS

Mr. toohey asked what could be done about the pigeons. Commissioner Doney suggested that he work with Mr. Myhre and the Animal Control Officer to see what could be done.

COMMISSIONER'S MINUTE

Commissioner Hewitt stated that Ms. Kuhlman created a pamphlet that is 50 things to do in Lewistown and would like to know if the downtown association was involved with it. Mr. Myhre explained that was a project approved and funded by the Tourism Business Improvement District.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 5th day of May 2014

Gayle Doney, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk