

A COMMISSION MEETING OF SEPTEMBER 8, 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 Doney made the motion to approve the August 17, 2015 minutes as presented and Commissioner Putnam seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that the Local Government Study Commission had Local Government Center Executive Director Dan Clark come and talk to them last Monday. It was well attended and there was a great question and answer session. Commissioner Doney explained that at the next meeting they will be looking at different charters.

Commissioner Putnam reported that she attended the Park and Recreation Board meeting on September 2nd. There was a presentation by Mr. Don Bost on the improvements they would like to make at Symmes Park for some the historical monuments there. Commissioner Putnam reported that the Ice Skaters Association reported on their project and they are currently working on some repairs in the building and will be ready to make ice the weekend before Thanksgiving.

Commissioner Hewitt reported that she attended the recent Airport Board. Commissioner Putnam reported that BLM has requested the ability to store some concrete culverts. It is being considered by the Airport Board. The gravel pit at the Airport will be used extensively this fall. The center lines on the runways have been repainted.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The Veterans group and volunteers have complete the refurbishment of the missile located in Symmes Park. The painted surface was removed from the structure and it was prepped, primed and repainted. Decals were then applied and sealed. There was a great turnout of volunteers to accomplish the task. The group was also supported by several local business owners.

The American Legion baseball program is improving the infield to the Ryan Sparks field at Symmes Park with additional topsoil and grass. There have been a large amount of improvement at the field in recent years through volunteer efforts and donations. New fencing, lights, concession area, and bleachers have been installed over the past 10 years.

The contractor has done a large amount of work at the pool with concrete removal and site preparation. The roofing material has been removed from the bathhouse and City staff have removed the fixtures and mechanical equipment from the bathhouse.

Century will begin work on the annual chip seal project in September. The chip sealing process helps to seal the asphalt from water and ice penetration that occurs through the winter and wet periods. Chip sealing prolongs the life of the asphalt through the sealing process and also by providing an additional wearing course to the street surface.

The City Manager placed information in the Commissioner packets regarding a community project designed to engage the public of Central Montana in a planning and implementation process to build and strengthen our community. Through a series of four meetings in October and November, facilitators will work with participants to develop a plan to move forward. The meeting is called Recharge our Community.

The Recycle Our Waste Lewistown (ROWL) representative met with me to discuss concerns about their current location on the rail banked are leased by Pacific Steel. ROWL has been working to get power to the facility and are worried that the City may not allow them to stay there. The City Manager does not foresee any problems with them staying at that location and told them the City Commission would be supportive of them staying at that location. The current lease with Pacific Steel was paid through the end of the year. The ROWL program does not have the funds to lease space for the facility. Please let the City Manager know if any Commissioners would like to revisit the issue.

The annual League of Cities and Towns Conference will be held in Bozeman on October 7-9. The agenda was included in the Commission packets. If any Commissioners are interested in attending, please let Finance Officer Nikki Brummond know as soon as possible.

CONSENT AGENDA

Commissioner Hewitt asked that the claims be removed from the consent agenda. Commissioner Hewitt asked for some clarification on a few claims.

Commissioner Hewitt then made the motion to approve the consent agenda as presented and Commissioner Gremaux seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from August 1, 2015 to August 31, 2015 for a total of \$199,263.58.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

Mr. Myhre asked that if there was no one in the audience for the public hearing then could item number 3 be discussed first.

3. Discussion and action on a request to make improvements in Symmes Park by the Veterans group
Mr. Don Bost addressed the Commission explaining that he is the Commander of Post 16 American Legion and is here to represent the Sons of the American Legion, the Post and also the Auxiliary. Mr. Bost explained that a group of Veterans just finished the restoration of the missile located at Symmes Park. The group now has a pretty good plan of events that they would like to complete over the next two to three years. Mr. Bost explained that starting at the museum they would like to install a sidewalk all the way through the memorials. Mr. Bost explained that the Statue of Liberty needs some attention and would they like to remove it from the base and rebuild a new base similar to the one that is at the cemetery. The Veterans Vietnam Memorial is in pretty bad shape and they would like to restore the memorial. The final artillery piece would be addressed in the third year. Mr. Bost explained that it is the intention to put historical information at each item. Mr. Bost explained that they would like to have the support of the City. Mr. Myhre explained that this request has been approved by the Park and Recreation Board and now is before the Commission for their approval. Commissioner Hewitt made the motion to approve the request for the improvements at Symmes Park and Commissioner Byerly seconded the motion. Commissioner Poss thanked Mr. Bost for his hard work and the dedication of the local Veterans. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

1. Public hearing on approving an application for a Conditional Use Permit for plumbing material storage in an existing building located at in a Residential Two-Family Zoning District

Chairman Poss opened the public hearing to hear comments on an application for a Conditional Use Permit for plumbing material storage in an existing building located at in a Residential Two-Family Zoning District. Planning Director Duane Ferdinand explained that the City of Lewistown is in receipt of an application submitted by John and Diane Reishus requesting approval to establish and operate a plumbing shop/plumbing material storage facility in an existing building located at 417 W Water Street. The intended use for the building is not listed as a permitted use within a Residential Two-Family (R-2) Zoning District. The use, however, may be authorized as a Conditional Use if recommended by the Lewistown Zoning Commission and approved by the Lewistown City Commission. Mr. Ferdinand explained that the building has been used for several commercial purposes in prior years. Mr. Ferdinand stated that the Lewistown Zoning Commission convened on August 20, 2015 to consider the request for a conditional use. The property owners surrounding the subject property were notified about the proposed action and were asked to comment. No comments were received from the public about the proposed action. Mr. Ferdinand explained that the Zoning Commission recommended that the conditional use be permitted since there is unlikely to be any adverse neighborhood impacts as a result of the proposed uses of the building. Commissioner Putnam asked if there could be a stipulation that nothing is to be stored outside the building. Chairman Poss asked for anymore comments from the audience and Commission. There being none, the public hearing was closed.

2. Discussion and action on approving a Conditional Use Permit for plumbing material storage in an existing building located at in a Residential Two-Family Zoning District

Commissioner Doney made the motion to approve the Conditional Use Permit for plumbing material storage in an existing building located at in a Residential Two-Family Zoning District with the condition of no storing of plumbing fixtures etcetera outside the building and Commissioner Putnam 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.

4. Discussion and action on confirming Mr. Clay Dunlap as a City Manager appointment to the Lewistown Board of Adjustment

Mr. Myhre explained that the Board of Adjustment is a five member board whose appointments are confirmed by the City Commission. The members serve for a term of three years. The duties of the board are to hear and decide appeals on the decisions made by an administrative official in the interpretation and enforcement of the zoning ordinance and to authorize variances from the terms of the zoning ordinance. Mr. Clay Dunlap is a citizen of Lewistown and is retired from a career in teaching and school administration. Mr. Dunlap last served as Superintendent of Schools in the community of Winnett. Mr. Dunlap serves on the Trails Committee and is active in assisting in community events and other organizations. Mr. Dunlap has demonstrated an interest in serving the community and would be a good addition to the Board of Adjustments.

Commissioner Gremaux made the motion to approve confirming Mr. Clay Dunlap as a City Manager appointment to the Lewistown Board of Adjustment and Commissioner Doney 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 approving a business license for JMB Plumbing LLC

Mr. Myhre explained that JMB Plumbing is working on a project in Lewistown. In accordance with the current ordinance a business license for a plumber must be approved by the City Commission. Mr. Myhre stated that all paperwork is in order and recommends approval.

Commissioner Turk made the motion to approve a business license for JMB Plumbing LLC and Commissioner Hewitt 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 approving a business license for Action Plumbing Plus

Mr. Myhre explained that this is another business license for Action Plumbing Plus. Mr. Myhre stated that all paperwork is in order and recommends approval. Commissioner Putnam made the motion to approve a business license for Action Plumbing Plus and Commissioner Hewitt 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.

7. Public hearing to hear comments on Resolution No. 3885, a resolution approving the fiscal year 2016 work plan and budget for Tourism Business Improvement District #1.

Chairman Poss opened the public hearing to hear comments on Resolution No. 3885, a resolution approving the fiscal year 2016 work plan and budget for Tourism Business Improvement District #1. Mr. Myhre explained that the Tourism Business Improvement District (TBID) is a district made up of several of the motels and hotels located in the City of Lewistown. The ones that are members are hotels or motels that have six rooms or more and are required by the district to charge \$1 per room per night. The revenue is submitted to the City on a quarterly basis. The TBID has a board of directors that is appointed by the City Commission. The TBID Board of Directors determine the use of the funds. Included in their budget is advertising, grants to promote business and insurance. Mr. Myhre further explained that the TBID Board of Directors did vote today to change the district requirements from six rooms or more to seventeen rooms or more. The reason is one motel has not been participating and has not be involved in any of the district. Mr. Myhre stated it is a successful program. Commissioner Poss asked for any additional comments from the audience or Commission. There being none the public hearing was closed.

8. Discussion and action on approving Resolution No. 3885 a resolution approving the fiscal year 2016 work plan and budget for Tourism Business Improvement District #1

Commissioner Doney made the motion to approve Resolution No. 3885 a resolution approving the fiscal year 2016 work plan and budget for Tourism Business Improvement District #1 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.

9. Discussion and action on approving Resolution No. 3886 a resolution approving an assessment to defray the cost of the work plan and budget for Tourism Business Improvement District #1 for fiscal year 2016

Mr. Myhre stated that the resolution has been amended to reflect the change that was made in accordance with the TBID board meeting today. The change was as follows the District Board of Directors met on September 8, 2015 and voted to amend the assessment and participation level from all lodging facilities with 6 or more rooms to all lodging facilities with 17 or more rooms. Mr. Myhre stated that the TBID was established by resolution not ordinance and feels the change can be made by resolution.

Commissioner Turk made the motion to approve Resolution No. 3866, a resolution approving an assessment to defray the cost of the work plan and budget for Tourism Business Improvement District #1 for fiscal year 2016 and Commissioner Putnam 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.

10. Discussion and action on Resolution No. 3891, a resolution authorizing the City of Lewistown to submit a Treasure State Endowment Program Grant Application

Mr. Myhre explained that at the last Commission meeting the City Commission voted to move forward with the Treasure State Endowment Program application. Mr. Myhre stated that in order to make that application a resolution must be passed by the City Commission and signed by the Chairman.

Commissioner Doney made the motion to approve Resolution No. 3891, a resolution authorizing the City of Lewistown to submit a Treasure State Endowment Program Grant Application and Commissioner Putnam 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.

11. Discussion and action on approving the lease agreement between the City of Lewistown and Toole County for the use of a City owned fire truck

Mr. Myhre explained that Toole County has had several fires in the area and during a fire their fire truck was taken out of service by a road grater. Toole County was in an emergency situation and needed a fire truck and the City of Lewistown was able to assist. Engine 2 reserve pumper was transported up there for them to use until their truck can be put back into service. Mr. Myhre stated that the agreement is between Toole County and the City of Lewistown which compensates the City \$1,000 a month for the use of the truck the agreement is for one month that can automatically renews for a period not to exceed 24 months. Toole County is required to insure it and it was trucked up to Toole County. Commissioner Gremaux asked how long they anticipate needing it. Fire Chief Keith Kucera Commissioner Gremaux made the motion to approve the lease agreement between the City of Lewistown and Toole County for the use of a City owned fire truck and Commissioner Hewitt 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.

12. Discussion and action on Resolution No. 3887, a resolution redefining the boundaries of Street Maintenance District No. 1 in the City of Lewistown, Montana

Mr. Myhre explained that Resolution No. 3887 sets the boundary for Street Maintenance District No. 1. There is only one street maintenance district. Commissioner Turk made the motion to approve Resolution No. 3887, a resolution redefining the boundaries of Street Maintenance District No. 1 in the City of Lewistown, Montana and Commissioner Hewitt 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.

13. Public hearing on the cost of maintenance of Boulevard District no. 12, cost of maintenance reserve and administration for Lighting Districts and cost of maintenance in Street Maintenance District No. 1

Chairman Poss opened the public hearing to hear comments on the cost of maintenance of Boulevard District no. 12, cost of maintenance reserve and administration for Lighting Districts and cost of maintenance in Street Maintenance District No. 1. Mr. Myhre explained that this is a public hearing for the three different types of special assessments that the City assesses on parcels. Mr. Myhre stated that the boulevard maintenance is for those properties that have a boulevard located in front of their house on Boulevard or 7th Ave the cost to maintain those is estimated at \$575.70. Mr. Myhre commented that the second assessment is for the lighting districts and the town is broke up into sixteen lighting districts. The cost of the lighting districts is all different because the type of lights and other factors are different for each district. The cost to maintain the districts is estimated at \$130,000.74. The last assessment is for Street Maintenance and the rate is \$.031 per square foot. A residential house is capped at 15,000 square foot and if not abutting a publicly maintained road it is capped at 10,000. Commissioner Poss asked for comments from the audience and Commission. There being none the public hearing was closed.

14. Discussion and action on Resolution No. 3888, a resolution of the City Commission of the City of Lewistown levying and assessing a special tax to cover the cost of maintenance of Boulevard District No. 12, in the City of Lewistown, Montana for the fiscal year beginning July 1, 2015 and ending June 30, 2016

Commissioner Byerly made the motion to approve Resolution No. 3888, a resolution of the City Commission of the City of Lewistown levying and assessing a special tax to cover the cost of maintenance of Boulevard District No. 12, in the City of Lewistown, Montana for the fiscal year beginning July 1, 2015 and ending June 30, 2016 and Commissioner Hewitt seconded the motion. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and those Commissioners voting in favor were: Byerly, Doney, Gremaux, Hewitt, Poss and Turk. Commissioner Putnam opposed because she thinks the City should absorb the cost.

15. Discussion and action on Resolution No. 3889, a resolution levying and assessing the cost of maintenance reserve and administration, and supplying of electrical current for the street lights within the City of Lewistown, to properties within particular lighting districts

Commissioner Putnam made the motion to approve Resolution No. 3889, a resolution levying and assessing the cost of maintenance reserve and administration, and supplying of electrical current for the street lights within the City of Lewistown, to properties within particular lighting districts and Commissioner Turk seconded the motion. Commissioner Byerly stated that he appreciated the discussion during the committee of the whole and the explanation and the fact that the assessment on the lights was able to maintain a zero increase for several years. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

16. Discussion and action on Resolution No. 3890, a resolution estimating the cost of maintenance in Street Maintenance District No. 1, specifying the assessment option and levying an assessment on properties for Street Maintenance

Mr. Myhre stated that the rate of \$.031 was voted and approved by the City Commission in August which is approximately a 3% increase. Commissioner Doney made the motion to approve Resolution No. 3890, a resolution estimating the cost of maintenance in Street Maintenance District No. 1, specifying the assessment option and levying an assessment on properties for Street Maintenance and Commissioner Putnam 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.

17. Public hearing on the 2015-2016 budget for the City of Lewistown.

Chairman Poss opened the public hearing to hear comments on the 2015-2016 budget for the City of Lewistown. Mr. Myhre stated that the overall budget for the City of Lewistown this year is proposed expenditures of \$10,660,744.55, proposed revenues are \$8,733,192.09. The overall budget is made up of a lot of different funds with one of the major funds being the general fund which is funded largely by tax revenues the anticipated revenue for the general fund is \$3,012,511. Some of the other major funds are Street Maintenance with an estimated revenue of \$1,009,256, Water with an estimated revenue of \$1,054,712 and Sewer with an estimated revenue of \$1,642,109 which does include a \$500,000 grant. Mr. Myhre stated that this is a balanced budget and meets the requirements of state law. Mr. Myhre stated that every year the City does have an audit done annually. Commissioner Poss commented that when he served on the Commission years ago there wasn't much of a carry over and with the efficiencies in management have helped with the cash reserve to maintain for emergency and operating. Mr. Myhre stated that in the late 1980's and early 1990's the City borrowed money on a regular basis to operate until the tax revenues were received. Commissioner Putnam stated she appreciated the discussion on the budget and the ability to get answers to her questions. Commissioner Poss asked for comments from the audience and Commission. There being none, the public hearing was closed.

18. Discussion and action on Resolution No. 3892, a resolution relating to final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2015 and ending June 30, 2016

Commissioner Putnam made the motion to approve Resolution No. 3892, a resolution relating to final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2015 and ending June 30, 2016 and Commissioner Doney 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.

19. Public hearing on Resolution No. 3893, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law

Chairman Poss opened the public hearing to hear comments on Resolution No. 3893, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law. Mr. Myhre explained that this mill levy covers the increase in health insurance premiums since 2001 and is very restrictive use in accordance with law. Commissioner Poss asked for questions and comments from the audience and Commission. There being none the public hearing was closed.

20. Discussion and action on Resolution No. 3893, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law

Commissioner Putnam made the motion to approve Resolution No. 3893, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law and Commissioner Doney seconded the motion. Commissioner Byerly thanked everyone for the discussion during the committee of the whole and answering questions. Commissioner Putnam would like it to go on the record that the method that is used by the State of Montana to come up with this stuff is absurd and over complicated. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

21. Discussion and action on Resolution No. 3894, a resolution providing for the annual tax levy mills for fiscal year beginning July 1, 2015 and ending June 30, 2016

Mr. Myhre explained that the mill value for the City of Lewistown is \$6,279. Mr. Myhre stated that the City has determined that a \$1,302,051 tax levy, requiring a 209.77 mill levy to balance the general fund budget. Mr. Myhre further stated that the City has determined that a \$135,403 permissive medical tax levy requiring 21.57 mill levy is required to fund the increase in premium contributions for group insurance benefits. Mr. Myhre explained that when the citizens voted to study the local government a mill would be assessed for two years to cover the associated expenses and this is the second year of the local government study. Commissioner Doney made the motion to approve Resolution No. 3894, a resolution providing for the annual tax levy mills for fiscal year beginning July 1, 2015 and ending June 30, 2016 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.

CITIZENS' REQUESTS

Mr. Frank Westhoff asked who sets the agenda. Commissioner Turk commented that if we have an issue we want addressed then we ask to have it on the agenda. Mr. Myhre explained that the agenda is set by what items need to be handled by the City Commission for example like this evening the budget has to be passed and there are items that have to be approved by the Commission in order to pass a budget. Mr. Myhre stated that he reviews the agenda prior to every meeting with the Chairman. A lot of it is timing and when requests are made.

COMMISSIONER'S MINUTE

Commissioner Turk stated she got a call from Ms. Nancy Fry-Moline and would like to know where the City is at on working on the issues in her neighborhood. Mr. Myhre answered that some of the grass got mowed and some of the property owners are looking at what can be done with the trailer. The Police Department is working on the issue in the area. Commissioner Turk reported that there are some storage containers on East Evelyn and wanted to know if those were in compliance with the ordinance.

Commissioner Gremaux asked about the street patch at the corner of the high school. Public Works Director Holly Phelps answered that repair was done by a private contractor and it will be repaired this week by the private contractor.

Commissioner Doney asked to be excused from the September 21st meeting due to a 7 day trial.

ADJOURNMENT

Chairman Poss adjourned the meeting.

Dated this 8th day of September, 2015.

Rick Poss, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk