

A COMMISSION MEETING OF JULY 16, 2012 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Gremaux called the meeting to order.

ROLL CALL

Present were Commissioners Berry, Doney, Gremaux, Hewitt, Phillips, Putnam and Turk.

APPROVAL OF MINUTES

Commissioner Hewitt made the motion to approve the minutes for the July 2, 2012 meeting and Commissioner Doney seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Putnam reported that the Park and Recreation Board did not meet yet in the month of July.

Commissioner Gremaux reported that the Library Board did meet, however the Library Director is going to give an annual report on the Library during the regular agenda.

Commissioner Hewitt reported that the Airport Board will be meeting on Wednesday, July 18th.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

Approximately half of the street in front of the Complex was excavated to prepare for geotextile fabric, new base material and paving. The road should be open to traffic the middle of this week.

The contractor has completed the East Fork Road. There will be a final walk through with the contractor and engineer on Friday, July 13th.

The Park and Recreation Department will be preparing the East Fork Recreation Area for summer use. They will be having the toilet facilities pumped and prepared and will also work to

get the well system operational. We may try to open the area for day use temporarily until the reservoir is drained. This issue will be discussed with the NRCS engineer to evaluate safety issues associated with draining the reservoir.

DC Excavating has completed the excavation of the parking area planned between the Mill Ditch and Yogo Inn. Gravel has been put in the driving and parking areas and large concrete blocks are being placed for a retaining wall. DC Excavating has donated thousands of dollars worth of work and is working very quickly. The gravel and blocks were purchased with funds from the Montana Fish, Wildlife and Parks Recreation Trail Program.

The City swimming pool was closed most of the day on Wednesday, July 11th due to a problem with the chlorination system. Replacement parts were obtained in Billings and the pool reopened in the evening.

The City Manager mailed a letter to businesses and residents of the downtown area explaining the parking regulations and asking them to adhere to the parking restrictions in the downtown area. While attending meetings with the downtown business owners, the City Manager received some complaints that the parking time limits were being abused by employees and downtown tenants. The City does not employ a parking enforcement officer and the day to day enforcement is part of the duties of the Code Enforcement Officer.

A new concessions building was built behind the first base dugout at Symnes Park for the Redbirds field. The new building is connected to water and sewer and is much larger.

There is an online poll on the News Argus website asking citizens whether or not fireworks should be allowed in the City limits are not. Commissioner Berry commented that if we do make the fireworks legal and was for a limited amount of time and then have extra enforcement prior to the limited timeframe.

CONSENT AGENDA

Commissioner Putnam made the motion to approve the acknowledgement of the claims that have been paid from June 28, 2012 to July 11, 2012 for a total of \$95,580.70 and seconded by Commissioner Doney. The motion passed unanimously.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Presentation of the Library Board annual report.

Mr. Myhre explained that the Lewistown City Code outlines how the Library Board is set up and operates. It is a municipal library and annually the Library Board shall report annually to the City Commission regarding the library and then discussion needs to be held on how much the City Commission will be funding the operations at the City library. The actual operation of the Library is a function of the Library Board which is appointed by the City. However, once the funds are allocated to the Library then the budget is monitored by the Library Board. Library Director KellyAnne Terry read the mission statement of the Lewistown Library. Ms. Terry

explained that the Library serves the entire community which includes both City and County residents. Ms. Terry reported that in 2011 96,000 items were circulated at the Library and there are 50,000 items in the Library which is a good indication of how much the Library is used. Ms. Terry explained that there are approximately 5,000 visitors each month at the Library. Ms. Terry commented that the Library is a department of the City but is governed by a Board of Trustees that are appointed by the City Commission. There are four full time staff and two part time staff and a great bunch of volunteers. Further discussion was held on some of the programs at the Library. Ms. Terry commented there are two great things that the Library provides for the community is free internet access and free meeting space for non profits. Ms. Terry explained that the Library Board asked for funding from the Library and the Library Board must provide a balanced budget and find funding to help with funding the operations at the Library. In order to help fund the summer reading program two fund raisers are held and are well attended. Ms. Terry commented that the Library is a great asset to the community.

2. Discussion and action on the City's contribution to the Library for fiscal year 2012-2013

Mr. Myhre explained that we will review the Library budget at this time. Last fiscal year the City gave the Library \$179,220 to operate the Library. In addition to that the City Commission put \$5,000 into the Library depreciation account on the condition that Library Board matches that with \$5,000 from their donations to build up the depreciation account. Ms. Terry explained that the Library Board is asking for a 3% increase in funding from the City Commission which covers the salary increase that was approved by the City Commission as part of the general union bargaining agreement. Further discussion followed. Commissioner Doney asked what the County's funding toward the library is? Ms. Terry answered that the County's funding is about \$43,000. Ms. Terry furthered commented that it is not equal and the County Commissioners are under the assumption that they do not pay for salaries but do pay for the operation of the Library. Ms. Terry commented that she has asked for an increase in funding from the County. Commissioner Doney made the motion to increase the City's 2012-2013 contribution by 3% and a \$5,000 contribution to the depreciation account contingent on the funds being available and Commissioner Turk seconded the motion. Commissioner Gremaux 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 filling a vacant position of the Board of Adjustment

Planning Director Duane Ferdinand explained that the Board of Adjustment is a five member board appointed by the City Manager and confirmed by the City Commission. Mr. Ferdinand explained that the vacancy was advertised and no one showed an interested to serve with the exception of the current member expressed a desire to continue serving on the board. The members serve for a term of three years. The duties of the board are to hear and decide on appeals from 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. Bob Hanson is a retired bank loan officer and has lived in Lewistown for the past 20 years. Mr. Hanson attended secondary school in Billings, served in the Navy for 4 years and granted from MSU in agricultural education. Mr. Hanson's past experience has been in agricultural extension and banking in Montana and adjacent states. Mr. Ferdinand stated that he recommends that the

City Commission appoint Mr. Bob Hanson to the Lewistown Board of Adjustment for an additional three year term. Commissioner Phillips made the motion to appoint Mr. Bob Hanson to fill a vacant position on the Board of Adjustment for an additional three year term and Commissioner Doney seconded the motion. Commissioner Gremaux 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 Resolution No. 3788, of the City of Lewistown, Montana supporting the HOME Investment Partnership program and designating Duane Ferdinand, Planning Director, City of Lewistown, as the Environmental Preparer for Neighborworks Montana Home Grant Application for Homebuyer assistance

Mr. Myhre explained that traditionally over the past twenty years the City of Lewistown has worked on programs for the home buying programs. Mr. Myhre furthered explained that over the last few years with the fall out of the mortgage market the federal government put restrictions in place that requires anyone working with a home assistance program that they must be certified as a mortgage broker and as a result the City was no longer able to participate in the programs. Mr. Myhre explained that a group out of Great Falls called Neighborworks is currently providing services that would allow City residents to participate in home buyer assistance programs should the City want to work with Neighborworks. The City of Lewistown has a housing advisory committee and they have recommended that in order for the City Lewistown to participate in these programs and pass a resolution to be able to participate in the Neighborworks Montana Home Grant Homebuyers assistance. Commissioner Turk made the motion to approve Resolution No. 3788, a resolution of the City of Lewistown, Montana supporting the HOME Investment Partnership program and designating Duane Ferdinand, Planning Director, City of Lewistown, as the Environmental Preparer for Neighborworks Montana Home Grant Application for Homebuyer assistance and Commissioner Phillips seconded the motion. Commissioner Gremaux 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 Resolution No. 3788,

Mr. Myhre explained that this is not the actual resolution to amend the 2011 – 2012 budget, but the resolution that must be passed stating the intention to amend the 2011-2012 budget. This is part of the legal process to amend the budget. The budget amendment is still being worked on and any abnormalities that happened last fiscal year will be adjusted as part of the budget amendment. Commissioner Putnam made the motion to approve Resolution No. 3788 a resolution stating the intention of the City Commission to amend the 2011-2012 budget of the City of Lewistown and Commissioner Doney seconded the motion. Commissioner Gremaux 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 the street maintenance assessment for fiscal year 2012-2013

Mr. Myhre explained that during the Committee of the Whole the street maintenance resolution that is passed on an annual basis was reviewed. Mr. Myhre explained that the reality is that is the street maintenance rate assessed remains the same then the City will operate the Street Department and remove snow to the level it was operated last year. However, the question of how much street repair will be done will depend on the rate the Commission choose to set. Mr. Myhre explained that street maintenance assessment is declining revenue when it comes to street repairs because the cost to repair streets continues to increase. Further discussion was held on different street maintenance rates.

Commissioner Turk made the motion to set a street maintenance assessment rate of \$.0235000 and Commissioner Berry seconded the motion. Commissioner Gremaux 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, Putnam and Turk. Commissioner Phillips voted against. Commissioner Phillips commented that he would like to see a City wide special improvement district.

7. Discussion and action on second reading of Ordinance No. 1743, defining small business food and beverage purveyors and setting forth requirements for the location, use and operations of such business

Commissioner Gremaux explained that this item was tabled at a prior meeting and in order for the Commission to move forward with it the ordinance will have to be removed from the table. Finance Officer Nikki Brummond explained that in order to discuss the item further it must be removed from the table, but only those that voted to put it on the table can make the motion to remove from the table. This is only if any member of the commission would like to further discuss this issue otherwise no action can be taken. Commissioner Berry made the motion to remove second reading of Ordinance No. 1743, an ordinance defining small business food and beverage purveyors and setting forth requirements for the locations, use and operations of such business and Commissioner Turk seconded the motion. Commissioner Gremaux asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously. Further discussion followed. Commissioner Putnam made the motion to approve second reading of Ordinance No. 1743, an ordinance defining small business food and beverage purveyors and setting forth requirements for the location, use and operations of such business and Commissioner Hewitt seconded the motion. Commissioner Gremaux asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

CITIZENS' REQUESTS

There are none.

COMMISSIONER'S MINUTE

Commissioner Turk stated that the Commission needs to address the activity at the Garfield bridge because there are several issues.

Commissioner Phillips asked if there is anything that can be done with the Superior Towing property, because the weeds are out of control. Mr. Myhre explained that he talked with the Police Chief today and they are working on getting the properties cleaned up.

Commissioner Hewitt stated that she has been asked by several citizens to bring to the Commission the issue of cell phone usage while driving. Mr. Myhre explained that this has been discussed in the past by Commissioners. Mr. Myhre further explained that cell phone usage has increased over the years, however statistics show there are less car accidents now than there was in 1999. Mr. Myhre commented that he would think that it would be higher and maybe there are not the number one reason for accidents.

ADJOURNMENT

Chairman Gremaux adjourned the meeting.

Dated this 16th day of July, 2012.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk