

**A COMMISSION MEETING OF NOVEMBER 5, 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 Putnam made the motion to approve the minutes for October 15, 2012 and Commissioner Doney seconded the motion. The motion passed unanimously.

**COURTESIES**

There were none.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Berry reported that she recently attended a Central Montana Foundation meeting. The Central Montana Foundation approved a grant for computers at the Library. The Library will be purchasing two new staff computers and two new public computers. Commissioner Berry further reported that a citizen in town has started a backpack program to provide food for children over the weekend so that children are not going hungry. There are 230 eligible children for the program and currently the citizen is able to provide for 120 children and this is being done on a very discreet basis.

Commissioner Turk reported that she recently attended a City County Planning Board. The Board approved a conditional use permit for Jeff Whitcraft and is on the Commission's agenda this evening for action.

Commissioner Putnam reported that there will be a Park and Recreation Board meeting on Wednesday, November 7, 2012.

Commissioner Phillips reported that the Central Montana 911 Board met and discussed extending the three dispatch agreements. Those agreements are on the Commission's agenda this evening for action.

Commissioner Gremaux reported that there will be a Library Board meeting on November 8, 2012.

Commissioner Doney reported that there will be a Central Montana Health District Board meeting on Thursday, November 8, 2012.

Commissioner Hewitt reported that the Airport Board held their November board meeting on October 31, 2012.

## **CITY MANAGER REPORT**

City Manager Kevin Myhre reported on the following issues:

A resident on the 500 block of Watson Street has requested that the alley north of that block be made a one-way due to the steep hill on the west end. The resident feels that the alley is unsafe currently. Public Works notified the adjacent land owners of the request and requested comments. The alley is located between 5<sup>th</sup> Ave S and 6<sup>th</sup> Ave S and between Watson Street and Janeaux Street. The issue will most likely be placed on the November 19<sup>th</sup> Commission agenda.

Public Works has met with Mr. Rick Miller and toured the water facility associated with the Castle View Acres subdivision. The City Manager has asked the Public Works Director to prepare a report for me detailing the condition of the facility with concerns and recommendations.

While the City Manager was in attendance at the October Airport Board meeting, the Airport Board requested that the City and the Airport work on a document which lays out the responsibilities of each of the entities in regard to City services and maintenance of the Airports' facilities. The Airport Board is concerned about the maintenance of the frontage road which serves the airport leased properties along West Main Street.

The City Manager has requested assistance from Snowy Mountain Development to begin research funding opportunities to upgrade the water system which runs north from the City to the area of the Fergus County Fairgrounds and also the for the addition of a sewer system for the same area. A preliminary engineering report was completed for the sewer project in 2010 and most of the engineering for the water project was put together in the mid 1990s.

The City Manager has put together a summary of the processes and opportunities which are related to the development of a commercial business in the City. The document discusses building codes, zoning, public right-of-ways, business licenses, the tax abatement process, revolving loans for economic development, etc. We will use the document in each of the City offices associated with new development. The building department has also updated their permit application information.

Mr. Dan Clark, from the MSU Local Government Center has been scheduled to provide commissioner training fro the Lewistown City Commission on Thursday, November 15<sup>th</sup> from 5:30 p.m. to 8:00 p.m. at the Community Center.

Mr. Myhre explained that Mr. Dave King Sr. was at the first Commission meeting in October regarding the height of his fence. Mr. King did drop off for the Commission his suggestion for a change to the City's fence ordinance. Mr. Myhre explained that Mr. King did request this suggestion be on the agenda this evening; however, Mr. Myhre stated he did not feel it needed to be on the agenda again, but wanted to give the Commission some time to review the request and then determine what should be done. Mr. Myhre commented that it has been discussed that a permit system should be put in place so citizens wishing to put in fences learn about the provisions prior to putting in a fence. Mr. King commented that City Code part A is all about the height of the fences and part B states the following: corner lots in all zones shall not be permitted to have any fences, walls, hedges or other sight obstruction over three feet in height in the area designated as the "clear view triangle". Mr. King then showed the Commission a board which showed his interpretation of the sight triangle where his house is located on a corner lot. Mr. King feels that there is just a mistake in interpretation as it pertains to the height of his fence. Commissioner Putnam asked Mr. King if he had applied for a variance. Mr. King answered yes. Commissioner Gremaux asked the Commission what they would like to do with this issue. Commissioner Doney stated that she is not comfortable putting this issue back on the agenda until the fence permit provisions are discussed.

## **CONSENT AGENDA**

Commissioner Putnam made the motion to approve the acknowledgement of the claims that have been paid from September 28, 2012 to October 31, 2012 for a total of \$105,174.75 and Commissioner Hewitt seconded the motion. The motion passed unanimously.

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

1. Public hearing on a request by Jeff Whitcraft, JLW Architects, acting on behalf of David Whelton, for a Conditional Use Permit to provide second story residential units on property located at 524 1<sup>st</sup> Ave S.

Chairman Gremaux opened the public hearing to hear comments on a request by Jeff Whitcraft, JLW Architects, acting on behalf of David Whelton, for a Conditional Use Permit to provide second story residential units on property located at 524 1<sup>st</sup> Ave S. Mr. Myhre explained that the building being discussed is located at the corner of Pine Street and 1<sup>st</sup> Ave S and is a two story building. Planning Director Duane Ferdinand explained that the City received an application for a Conditional Use Permit submitted by Jeff Whitcraft on behalf of David Whelton. The Conditional Use Permit is seeking authorization to provide residential units on a second floor of a commercial building located in a zoning district designated Light Industrial (M-1). Residential units are not listed as permitted uses within an M-1 Zoning district; they may, however, be authorized after special review and it is determined that there would be no adverse impacts to the public health, safety or general welfare. The subject building was used previously as Southfork Rehab. The plans now are for the street level floor to become a dentist office operated by David Whelton. The upper story is planned to be converted into two apartment units. The Lewistown Zoning Commission reviewed the Conditional Use Permit on October 18, 2012. Prior to the zoning meeting, twenty-two letters describing the proposal were sent to surrounding property owners asking for comment. During that public hearing and subsequent discussion, there was no opposition expressed from any of the surrounding property owners. Two of the surrounding property owners expressed support for the project. Commissioner Gremaux asked if there were apartments at that location at one point. Mr. Ferdinand answered yes, there was and it was considered a nonconforming use, but has not been in use for 18 months then use is discontinued and a new review must be submitted and completed. Mr. Ferdinand further commented that at the zoning commission meeting, it was determined that the proposal would not have any adverse impacts to the neighborhood or community. Adequate off street parking exists to serve both commercial and residential purpose. Therefore, the zoning commission recommended unanimously that a conditional use permit be issued authorizing the apartment unit. The commission felt that the addition of residential uses at that location would be of benefit to the neighborhood. Mr. Bruce Williams was in the audience and stated that he supports this issue and thinks it is a great idea. Mr. Myhre commented that the City is working with Mr. Whelton on an encroachment permit to allow exiting on the south end of the building. Chairman Gremaux asked for additional comments from the audience and there being none, the public hearing was closed.

2. Discussion and action on approving a request by Jeff Whitcraft, JLW Architects, acting on behalf of David Whelton, for a Conditional Use Permit to provide second story residential units on property located at 524 1<sup>st</sup> Ave S.

Mr. Myhre explained that this Conditional Use Permit has been approved by the zoning commission and recommends the City Commission approve it also. Mr. Myhre further commented that City staff has not identified any issues and therefore recommends Commission approval. Commissioner Turk made the motion to approve the request by Jeff Whitcraft, JLW Architects, acting on behalf of David Whelton, for a Conditional Use Permit to provide second story residential units on property located at 524 1<sup>st</sup> Ave S. 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.

3. Discussion and action on Resolution No. 3802, a resolution declaring it to be the intention of the City Commission to create a business improvement district for the purpose of promoting tourism, conventions, trade shows and travel to the City of Lewistown, Montana

Mr. Myhre explained that in accordance with Montana Code 7-12-1101 through 7-12-1144 the City of Lewistown has the authority to create a Tourism Business Improvement District (TBID). The City of Lewistown has received a petition from six of the seven hotel owners requesting the City start the process to put into place a TBID. The request was to include all lodging facilities with six or more rooms within the boundaries of Lewistown. Mr. Myhre explained that there are only seven facilities in Lewistown that meet that criteria. The City of Lewistown has received a petition from six of the seven hotel owners requesting the City start the process to put into place a TBID. Commissioner Phillips made the motion to approve Resolution No. 3802, a resolution declaring it to be the intention of the City Commission to create a business improvement district for the purpose of promoting tourism, conventions, trade shows and travel to the City of Lewistown, Montana 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 approving Resolution No. 3800, a resolution relating to first amended and restated water system revenue bond (DNRC Drinking Water State Revolving Loan Program); amending authorizing resolution adopted April 17, 2006 and bond

Mr. Myhre explained that the City has the opportunity to reduce the interest rate on the water system revenue bonds for the remainder of the loan. This will help save money and pay less interest but not extended the term of the loan. The interest rate will go from an interest rate of 3.75% to 1.25%. Mr. Myhre explained that the City is required to have debt reserves in the amount of 125% of the highest principal and interest payment over the life of the loan. This refinance will allow us to have a loan reserve requirement and hope to give us more time to not have to look at raising rates. Further discussion followed. Commissioner Doney approved Resolution No. 3800, a resolution relating to first amended and restated water system revenue bond (DNRC Drinking Water State Revolving Loan Program); amending authorizing resolution adopted April 17, 2006 and bond 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. 3801, a resolution relating to first amended and restated sewer system revenue bonds (DNRC Water Pollution Control State Revolving Loan Program); amending authorizing resolution adopted April 19, 2004 and bonds

Mr. Myhre explained that there are three sewer loans and all the interest rates will be reduced without out extending the term. The City will be paying off the Rural Development Loan that was taken out to fund the Joyland Road sewer project. Commissioner Turk made the motion to approve Resolution No. 3801, a resolution relating to first amended and restated sewer system revenue bonds (DNRC Water Pollution Control State Revolving Loan Program); amending authorizing resolution adopted April 19, 2004 and bonds 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 the motion passed unanimously.

6. Discussion and action on Resolution No. 3803, a joint resolution adopting and approving bylaws for the Lewistown Airport Board, providing for an effective date, affirming the existence of the joint Airport Board, and repealing any prior rule or policy contrary to the bylaws attached hereto and made effective herein

Mr. Myhre explained that after Commissioner Seilstad left and upon further review of the Airport bylaws it was noticed that two things from the old bylaws had been left out. The first one is that when the Airport Board appoints new members they are to certify that information with both the City and the County and to his

knowledge that has never been done and is probably not a huge issue. The second item is in the old bylaws it stated that on or before July 31<sup>st</sup> of each year the Airport Board shall make an annual report in writing of its proceedings, and particularly of its expenditures to the City Commission. Commissioner Hewitt did not recall it being discussed. Commissioner Doney asked if has been being done. Mr. Myhre answered that no the City has not received any type of report. Commissioner Doney stated that she feels that the annual report is important.

Commissioner Putnam made the motion to approve Resolution No. 3803, a joint resolution adopting and approving bylaws for the Lewistown Airport Board, providing for an effective date, affirming the existence of the joint Airport Board, and repealing any prior rule or policy contrary to the bylaws attached hereto and made effective herein with the following amendments that Article IV 4.01 A include the frequency of meetings to be monthly and in Article II add I and put in the duty of annual reports to City Commission and County Commission 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.

7. Discussion and action on approving the extension for emergency services dispatch agreement between Fergus County and the City of Lewistown

Mr. Myhre explained that the City of Lewistown operates the Central Montana 911 center that is the only 911 center in a three county region. In order to do that the City has agreements with Judith Basin and Petroleum Counties to provide them 911 services. There is also an agreement with Fergus County to provide 911 services outside of Fergus County. Typically the agreements are for a three year period, but it has been determined that the resources and benefits need to be looked at for each county and a one year agreement extension. This will give the 911 Board time to review the agreements and determine any necessary changes that need to be made. Commissioner Putnam made the motion to approve the extension for emergency services dispatch agreement between Fergus County and 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.

8. Discussion and action on approving the extension of the emergency services dispatch agreement between Judith Basin County and the City of Lewistown

Mr. Myhre explained that the City provides dispatch service for Judith Basin all of the time. Commissioner Turk made the motion to approve the extension of the emergency services dispatch agreement between Judith Basin County and 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.

9. Discussion and action on approving the extension of the emergency services dispatch agreement between Petroleum County and the City of Lewistown

Mr. Myhre explained that the City handles all of Petroleum County's 911 calls, all of their CJIN work and the majority of their administration calls. Commissioner Doney made the motion to approve the extension of the emergency services dispatch agreement between Petroleum County and the City of Lewistown 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.

10. Discussion and action on second reading of Ordinance No. 1742, an ordinance amending Title 6, Chapter 2 Part 6 of the Lewistown city Code pertaining to the registration of dogs

Mr. Myhre explained that this ordinance was approved on first reading at the last commission meeting. Mr. Myhre further explained that he has not received any comments and recommends approving the second reading. Commissioner Turk made the motion to approve the second reading of Ordinance No. 1742, an ordinance amending Title 6, Chapter 2 Part 6 of the Lewistown city Code pertaining to the registration of dogs 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.

11. Discussion and action on approving the 2012-2013 snow hauling bids

Mr. Myhre explained that each year the City of Lewistown goes out for bid each year to hire a private contractor to help with hauling the snow off the streets. The City received two bids one from Casino Creek Concrete in the amount of \$93 per hour and one from Do-All Construction in the amount of \$87 per hour. It is recommended that the bid be awarded to Do-All Construction. Commissioner Turk made them motion to approve the awarding the 2012-2013 snow hauling bid to Do-All Construction 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, Hewitt, Phillips, Putnam and Turk. Commissioner Gremaux abstained because he works for Casino Creek Concrete.

12. Discussion and action on approving the 2012-2013 gravel bids

Mr. Myhre explained that the City goes out for bid each year for gravel so that when we need gravel we do not have to take the time to call around to get bids prior to purchasing. Mr. Myhre explained that the City only received one bid from Casino Creek Concrete. Mr. Myhre recommends approval of the bid from Casino Creek Concrete. 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, Hewitt, Phillips, Putnam and Turk. Commissioner Gremaux abstained because he works for Casino Creek Concrete.

**CITIZENS' REQUESTS**

There were none.

**COMMISSIONER'S MINUTE**

There were none.

**ADJOURNMENT**

Chairman Gremaux adjourned the meeting.

Dated this 5<sup>th</sup> day of November, 2012.

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Frank Gremaux, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk