

A COMMISSION MEETING OF MARCH 4, 2013 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.

PLEDGE OF ALLEGIANCE

Chairman Gremaux asked everyone to stand and say the Pledge to the Flag.

ROLL CALL

Present were Commissioners Berry, Doney, Gremaux, Hewitt, and Turk. Commissioner Putnam was absent.

APPROVAL OF MINUTES

Commissioner Doney made the motion to approve the minutes for February 20, 2013 as presented and Commissioner Hewitt 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 a Central Montana Foundation (CMF) Board meeting. The CMF gave money to the Art Center to finish their roof, money was given to the weed district for some 4-H education, and the Lewistown Hoppers received some money for some shelves. Commissioner Doney stated that she did attend their open house and was very impressed with the improvements that have been made.

Commissioner Turk reported that a Zoning Board meeting was held on the 21st and two conditional use permits were approved. Those two permits are on the agenda for Commission approval tonight.

Commissioner Turk reported that she met with the Library Director to go over the Library's policies and procedures and there will be a meeting on March 7, 2013 for the Library's strategic plan.

Commissioner Doney reported that she attended a Central Montana Health District Board meeting and they reviewed the current staffing concerns and are looking to hire new office staff.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The City Manager, Park and Recreation Director Jim Daniels, and Commissioner Turk met with a committee from the Big Spring Watershed Council to discuss their wishes to develop a plan to make several improvements to the picnic area at the Fish Hatchery. The facility is in need of some upgrades and some replacement of equipment. We discussed short term and long term tasks that need to be completed. Short term tasks include removing one or two picnic tables that are damaged, removing debris from brush thinning that has already been done, taking the flag down until proper lighting can be budgeted for and installed, painting rusted surfaces, and assessing and removing reasonable hazards in the area. The group requested to raise funds to develop a long term task plan with a funding plan. They will present their plan to the Park Board when it has been completed.

The City Manager has been tracking bills which may adversely affect Lewistown. If you hear of bills that concern you or would like more information about please let the City Manager know.

Public Works is working to fill potholes as weather allows. Due to slow melt and relatively low temperatures, most holes still have ice in them which reduces the effectiveness of the pothole mix. If you are getting complaints about certain areas, please let me know and I can get them on Public Works list.

A copy of a letter to Castle Ridge Acres Subdivision was included in the commission packets. The City Manager would like to mail the letter to the residents of the subdivision the first week of March if the Commission does not request changes.

The Lewistown News Argus is currently running an online poll asking the public if they support demolishing historic stone structures to create more parking in the downtown area. They have had a large response.

CONSENT AGENDA

Commissioner Doney made the motion to approve the acknowledgement of the claims that have been paid from February 15, 2013 to February 28, 2013 for a total of \$173,563.76 and Commissioner Berry seconded the motion. The motion passed unanimously.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on setting CTEP project priorities

Mr. Myhre explained that there is \$18,400 in CTEP funding that the Commission has not set a priority for and there were some proposals discussed during the committee of the whole. Mr. Myhre explained the proposals as follows: the American Legion Auxiliary requested \$10,593 to enhance the eastern portion of Veteran's Park, which would include a picnic area, landscaping and some other amenities. Mr. Vanderbeek gave a proposal for funding to make some

improvements at the fish hatchery park and picnic area. Mr. Robert Langford asked that a light on Casino Creek Drive would be beneficial for the kids sledding and a project for the Paris Laundry park and questioned if the sidewalk at the Mini Mall would qualify for CTEP funding. Commissioner Turk asked that the American Legion Auxiliary work with the Trails committee for the improvements at trailhead park. Further discussion followed. Commissioner Turk made the motion to prioritize the following projects for CTEP \$10,593 for the American Legion group to work with the trailhead improvements group, \$4,000 for improvements at the fish hatchery picnic area, look at putting a light for sledding on Casino Creek Drive and any remaining funds can be redistributed among the four remaining projects not yet completed and Commissioner Berry seconded the motion. Commissioner Doney stated that she supports all of the projects but does not feel she can vote for the projects because she is vice chairman of the American Legion Auxiliary. Commissioner Gremaux asked for comments from the audience and Commission. There being none, the question as called for and the motion passed unanimously. Commissioner Putnam was absent and Commissioner Doney abstained.

2. Discussion and action on an application submitted by Clint Sessions for a Conditional Use Permit for the purpose of conducting a bird and fish taxidermy enterprise at 314 E Lake Avenue

Planning Director Duane Ferdinand explained that Mr. Clint Sessions submitted a conditional use permit application for the purpose of conducting a bird and fish taxidermy enterprise at 314 E Lake Avenue. Mr. Ferdinand explained that the dwelling unit located at 314 E Lake Ave lies within a Residential Two Family (R-2) Zoning District. The recorded owner of the property is Justin Elings. Operating a business such as that contemplated by the applicant is not listed as a permitted use within an R-2 Zoning District. The use may, however, be considered as a conditional use if it determined that there will be no adverse impacts to the public health, safety or general welfare. The application was considered by the Lewistown Zoning Commission at a public hearing on February 21, 2013. The Zoning Commission listened to public testimony and considered all the facts prior to making a recommendation to the Lewistown City Commission. It is recommended that the application should be approved with the condition that the taxidermy enterprise be limited to birds and fish and not be expanded to large animal work. Mr. Ferdinand stated that the applicant gave assurances that he is not interested in doing taxidermy work on other than birds and fish and the work will be conducted within the dwelling unit as well as an adjacent shop/garage type structure. Commissioner Turk made the motion to approve the Conditional Use Permit for Clint Sessions and Commissioner Doney seconded the motion. Commissioner Gremaux asked for comments and questions from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

3. Discussion and action on an application submitted by Alvin Shawver for a Conditional Use Permit for the purpose of conducting an upholstery business enterprise on property located at 209 1/2 W Evelyn Street

Mr. Ferdinand explained that Mr. Alvin Shawver submitted an application for a Conditional Use Permit for the purpose of conducting an upholstery business enterprise on property located at 209 1/2 W Evelyn Street. The dwelling unit located at 209 W Evelyn Street lies within a Residential Two-Family (R-2) Zoning District. The recorded owners of the property are Tom and Faith Foster. Located behind the main dwelling unit is a small living quarters combined

with a garage. This part of the property is considered 209 ½ W Evelyn Street. This is where the upholstery business will be conducted if approved. Operating an upholstery business such as that contemplated by the applicant is not listed as a permitted use within an R-2 Zoning District. The use may, however, be considered as a conditional use if it is determined that there will be no adverse impacts to the public health, safety or general welfare. The application was considered by the Lewistown Zoning Commission at a public hearing held on February 21, 2013. The Zoning Commission listened to public testimony and considered all the facts prior to making a recommendation to the City Commission that the application should be approved. The overall impacts to the neighborhood will likely be minimal. It is, therefore, the recommendation of the Lewistown Zoning Commission that the Conditional Use Permit application be approved with the condition that any debris or trash not be allowed to accumulate beyond acceptable limits. Also, access through the alley should not be blocked from use by surrounding property owners. Commissioner Turk made the motion to approve the Conditional Use Permit and notifying the individual that the alley will remain the same priority regardless that a business is in that location and Commissioner Doney seconded the motion. Commissioner Gremaux asked for comments and questions from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

4. Discussion and action on the submission of the annual Certified Local Government (Historic Preservation) Grant Application to the Montana State Historic Preservation Office and the authorization to enter into a grant agreement once the grant is approved.

Mr. Myhre explained that the Lewistown Historic Preservation Office is funded partially by the Certified Local Government (Historic Preservation) Grant Application which is a \$5,500 grant and there are some matching funds that are provided by the City because of office space and equipment. Mr. Myhre recommends the Commission approve moving forward with the submission of the grant and enter into the agreement once the grant is approved. Commissioner Doney made the motion to approve the submission of the annual Certified Local Government (Historic Preservation) Grant Application to the Montana State Historic Preservation Office and authorize the City Manager to sign and enter into a grant agreement once the grant is approved and Commissioner Hewitt seconded the motion. Commissioner Gremaux asked for comments and questions from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

CITIZENS' REQUESTS

Mr. Ron LaFountain read the following: he has been trying to figure out why our downtown is so empty and noticed one thing different between now and 35 to 40 years ago today. Is that the downtown does not have any kids and when he was growing up there were always kids downtown and the reason was there were schools in the downtown area. Where the kids were, the parents were and where the parents were there was money. He believes we need to bring kids back to the downtown area. He believes a new vision is a good idea and a multipurpose park is a good idea. There could be underground parking; main area could be basketball courts, there could be three on three basketball tournaments or flag football. Every downtown business would benefit. He is filing a formal complaint against Reids that it is unsafe and request that it be inspected and condemned. Once Reids is condemned he requests that Mr. Dave King and he

be allowed to demolish and salvage material from the buildings. Then Mr. LaFountain will donate the lot to the City for a park or something. Mr. LaFountain stated that the lot is worth approximately \$100,000 and the ball is in the City's hands.

Mr. Gregory Clark stated that he sent an email to the Commissioners and a letter to the paper. Mr. Clark stated that the irresponsibility of a proposal like that and tearing up a historic structure is beyond appalling. The fact that this City would let this happen and leave a hole in the middle of downtown is very sad.

Mr. Eric Vanderbeek stated that tearing something done is the best approach and something should be able to be done to enhance the area.

Mr. LaFountain stated that he did not buy the building to tear it down. He loves the building but the building is falling apart and it will take a lot of money to repair it.

Mr. Clark asked the Commission to authorize a study of the buildings to allow an intelligent decision to be made.

COMMISSIONER'S MINUTE

Commissioner Turk asked if there was any zoning with regards to dumpsters. Mr. Ferdinand does not think there are any specifications regarding dumpsters.

Commissioner Doney explained that there will be a corned beef and cabbage meal and all proceeds will go to the wounded warrior project.

ADJOURNMENT

Chairman Gremaux adjourned the meeting.

Dated this 4th day of March, 2013.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk