

A COMMISSION MEETING OF MAY 20, 2013 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Vice Chairman Doney called the meeting to order.

PLEDGE OF ALLEGIANCE

Vice Chairman Doney asked everyone to stand and say the Pledge to the Flag.

ROLL CALL

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

APPROVAL OF MINUTES

Commissioner Putnam made the motion to approve the minutes for May 6, 2013 as presented and Commissioner Poss seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSIONER REPORTS

Commissioner Turk reported that she attended a City County Planning Board meeting last Thursday and they approved a conditional use permit for Creel Funeral Home. The conditional use permit is on the agenda tonight for Commission approval.

Commissioner Turk reported that she attended a Library Board meeting on May 9th. The Library Author Dinner was on May 8th. It was very well attended and they were able to raise approximately \$4,000. The books were sold and several silent auction items. The Library Board will be hosting a volunteer appreciation open house on May 22nd. The Library Board will be meeting in June to start on the budget.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The concrete tabletops have been replaced at the Big Spring picnic area. The shelter building and metal garbage can racks have been painted along with the garbage cans. The City's park contractor is working to get the Rod and Gun Club building painted.

The street crew has been assigned to work with the cemetery caretaker to make sure that the cemetery is ready for the Memorial Day weekend. Crews have been mowing, spraying and working on roads within the cemetery.

The street crew swept the downtown area in preparation for the cleanup weekend on Saturday, May 18th. Volunteers will be meeting to clean up the downtown area.

The City Manager recently attended the Great Open Spaces City Management Association (GOSCMA) Conference in Wyoming. GOSCMA is a regional association of ICMA members from Montana, Idaho, Wyoming, North Dakota and South Dakota.

Public Works is working with a company to remove and/or trim trees on parks and cemetery property which were identified as needing work done immediately in the tree inventory. They will also be working with some property owners to supplement funding to remove some boulevard trees as well.

The swimming pool is scheduled to be open on June 5th. The Library's summer reading program is scheduled to begin on June 4th.

At the City Commission meeting on May 6, 2013, Mr. John Behl spoke during the citizens' requests and complained to the Commission about a pile of dirt located on Warr Street at the intersection of 3rd Street North. The City Manager visited the site and took pictures of the dirt pile and other aspects of the area. The dirt is located on a portion of the street that is undeveloped and there are no residences adjacent to it. The pile of dirt, in its current location, prevents vehicles from driving into a ravine just east of the pile. It does appear that sometime in the distant past the ravine has been used as a dump area for debris and garbage. The ravine area is a major drainage for a portion of the heights and the area west of the cemetery. The City Manager would recommend that any changes to the contour of the ravine be carefully planned to avoid causing drainage problems in the future. The City Manager also recommended that any plans to develop Warr Street for access east of 3rd Street North be designed by a licensed professional.

CONSENT AGENDA

Commissioner Putnam made the motion to approve the acknowledgement of the claims that have been paid from May 1, 2013 to May 15, 2013 for a total of \$59,203.44 and Commissioner Hewitt seconded the motion. The motion passed unanimously.

REGULAR AGENDA - Resolutions, Ordinances & Other Action Items:

1. Public hearing to hear comments on a conditional use permit application submitted by Creel Funeral Home for the purpose of adding a crematory to the existing funeral home facility.

Vice Chairman Doney opened the public hearing to hear comments on a conditional use permit application submitted by Creel Funeral Home for the purpose of adding a crematory to the

existing funeral home facility. Planning Director Duane Ferdinand explained the following. The Creel Funeral Home, located at 601 W Main Street, was recently purchased by Ralph and Kendra Mihlfeld. The new owners have a desire to provide full mortuary services to the community through their funeral home and have determined that adding a crematory within the existing structure is feasible. The Creel Funeral Home is located within the Central Business (C-2) Zoning District where operating a crematory is not listed as a permitted use nor is it specifically listed as a conditional use in that district; however the ordinance provides that other uses not specifically listed as conditional can be authorized if it is determined that there are no or little impacts to the public, health, safety or general welfare. A public hearing was held on the application for a conditional use permit before the Lewistown Zoning commission on May 16, 2013. At the hearing the application was reviewed, public comments obtained and after discussion by the Zoning Commission, it was unanimously recommended that a Conditional Use Permit be granted for the establishment and operation of a crematory within the existing Creel Funeral Home facility. Mr. Ferdinand explained that the surrounding property owners were all notified about the proposal. Mr. Ferdinand stated that it should be noted that the crematory unit being installed was new in 2002. It will be moved to Lewistown from Helena and placed within the existing funeral home structure. It has a weight of 26,000 pounds. The stack would extend above the roof line no higher than about four feet. Mr. Ferdinand further explained that this is just the first step of the process. Once the Conditional Use Permit is approved by the City Commission, the new owners will take the next steps to meet building and fire codes and obtain the necessary DEQ and EPA permits. Regular inspections of the facility will be made by the state to assure that all requirements for the operation of a crematory are being met. Mr. Ferdinand finalized by stating that the Lewistown Zoning Commission recommended approval of a Conditional Use Permit for the operation of a crematory proposed for location at 601 W Main. Vice Chairman Doney asked for any other comments from the audience or Commission. There being none the public hearing was closed.

2. Discussion and action on approving a conditional use permit application submitted by Creel Funeral Home for the purpose of adding a crematory to the existing funeral home facility

Commissioner Poss made the motion to approve the conditional use permit application submitted by Creel Funeral Home for the purpose of adding a crematory to the existing funeral home facility 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. Mr. Myhre stated that there are two funeral homes located in the downtown area that provide funeral services and it is not uncommon for a funeral home to have a crematorium.

3. Discussion and action on approving Resolution No. 3812 a resolution approving the bylaws for Tourism Business Improvement District #1.

Mr. Myhre explained that the City Commission was petitioned in 2012 to create a Business Tourism Improvement District #1 (TBID). The City Commission followed the legal process to create a TBID #1. What a TBID basically allows the hotels in the district to charge an assessment their rooms. The assessment is collected and put into a TBID fund with the City. There is a five member TBID board that oversees the funds and determines how the funds will

be utilized to help generate economic development. Mr. Myhre explained that in order for the to be able to spend any of the assessment funds by laws must be put in place and approved by the City Commission. The bylaws have been reviewed by the City Attorney and have been approved by the TBID board. Commissioner Putnam made the motion to approve Resolution No. 3812 a resolution approving the bylaws for Tourism Business Improvement District #1 and Commissioner Hewitt 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.

3. Update from the Recycle Our Waste Lewistown (ROWL) Group.

Ms. Rosemary Kent with Recycle Our Waste Lewistown (ROWL) group gave the City Commission an update. Ms. Kent stated that they have never missed a month to collect the plastics. Ms. Kent explained that we were taking the plastics to Billings and now they are able to recycle through Pacific Steel in Lewistown. Ms. Kent stated that they are averaging about \$240 a ton per month and baling about 7 bales a month. Ms. Kent explained how many volunteers are necessary on the collection days. Ms. Kent explained that it is hoped that when Snowy Mountain Industries get their new building that they will be able to take over the recycling of plastics. The next step is to educate the students. Ms. Kent stated that would like to see the City get containers at the Civic Center when they have their events. Ms. Kent stated that we would like containers, storage and need money to hire a part time person to bale because this is getting bigger all the time. Ms. Kent stated that she would like someone from the Commission to work with ROWL to come up with solutions. Commissioner Doney explained that this is not on the agenda for action but will be on the next agenda for action.

4. Discussion and action on approving the bid for Earl Street

Mr. Myhre explained that he has been working with Staley Engineering to put together a project to rebuild Earl Street. The project was put out to bid and we received two bids. One from Century Construction in the amount of \$178,020 and one from Winkler Excavating in the amount of \$121,705 and recommend the Commission approve the bid from Winkler Excavating. Commissioner Hewitt asked if Mr. Myhre was familiar with Winkler Excavating. Mr. Myhre answered that he is not, but the engineers have worked with them before and are satisfied with their work. Commissioner Putnam asked how can there be such a discrepancy in prices especially mobilization. Mr. Myhre explained that sometimes it depends on how far it is trucked. Mr. Myhre explained that companies put their bids together a variety different ways and not always based on the actual cost of getting that material. Further discussion followed. Commissioner Putnam made the motion to approve awarding the bid to Winkler Excavating and Commissioner Poss 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.

CITIZENS' REQUESTS

Mr. Jack Behl stated that he would like to make it a matter of public record that he did file to be on the agenda tonight. Mr. Behl stated that he was contacted a few days ago that it would not be

on the agenda and as a result he does not have a decision because the item was not on the agenda. Mr. Behl explained that all he wants to do take his shovel and move some dirt to make the water go a different direction. Commissioner Putnam commented that your ditch is in the City and you moving dirt from one place to another affects someone else. Commissioner Putnam further commented that we as a Commission need to be sure that allowing you to move the dirt will not adversely affect your neighbors. Commissioner Putnam stated that she agree with Mr. Myhre's decision to take the item off the agenda until such time an engineering report is completed and a recommendation is made based on the engineering report. Mr. Myhre stated that he would like to clarify how to get items on the agenda for the City Commission meetings. The City Manager can put items on the agenda or the City Commission can put items on the agenda, and citizens can request to be put on the agenda but the final decision is the City Managers or one of the seven Commissioners. Mr. Myhre explained that the agenda item request he received from Mr. Behl was the exact information that was discussed during the citizens' request at the previous meeting and there was no new information. Mr. Myhre stated that when people change the direction of which way water flows it affects someone either upstream or downstream almost every time. Mr. Myhre further stated he does not think that should not be taken lightly. Commissioner Turk commented that she does not remember talking about water at the last meeting. Commissioner Doney stated that it appears that Mr. Myhre is going to work with Mr. Behl on getting rid of the garbage sometime this summer.

COMMISSIONER'S MINUTE

Commissioner Putnam stated that she lives across from Frank Day Park and in the last two weeks she has seen citizens bring their personal garbage to the park. Commissioner Putnam also saw it done at Symmes Park. Mr. Myhre asked if you could document when you see it being done and get the information to the Police Department.

Commissioner Berry asked if the City Commission is covered by errors and omissions insurance. Mr. Myhre answered that there is some coverage in the liability insurance purchased from MMIA. Mr. Myhre stated that if you acting in the scope of a City Commissioner you would be covered.

ADJOURNMENT

Vice Chairman Doney adjourned the meeting.

Dated this 20th day of May, 2013.

Gayle Doney, Commission Vice Chairman

ATTEST:

Nikki Brummond, City Clerk