

A COMMISSION MEETING OF DECEMBER 16, 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, Putnam, Poss and Turk.

APPROVAL OF MINUTES

Commissioner Turk made the motion to approve the minutes for November 4, 2013, November 18, 2013 and December 2, 2013 and Commissioner Hewitt seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSIONER REPORTS

Commissioner Putnam reported that she recently attended the Park and Recreation Board meeting on December 12th. There was a progress report on the ice skating rink and on Tuesday and Thursday the Boys and Girls Club are using the ring and afterward if youth hockey.

Commissioner Hewitt reported that she attended the most recent Airport Board meeting. The school district bus barn contract will run through the school year and there has been no change to the situation. The fencing around the Airport will not be put up until next spring.

Commissioner Turk reported that she attended a Library Board meeting on December 12th. The budget was reviewed and the \$800 to repair the boiler was taken out of the Library Capital Improvement fund. The website has been updated with a new look and hope to have it online the first of the year. The Friends of the Library raised \$489 and there will be two sales in January. The first will be the regular sale on the first Saturday in January and the other will be sometime during the winter fair. Library Director KellyAnne has been appointed to the Montana Memory Project advisory council. The Library will be closing at noon on December 24th and December 31st. The Chili Bowl has been moved to January 31, 2014 and is a fund raiser for the summer reading program.

Commissioner Turk reported that the City County Planning Board met recently and approved a conditional use permit for Mr. Shane Wetzel and it will be on the agenda tonight.

Commissioner Doney reported that the Central Montana Health District meeting on December 19, 2013.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The County Commissioners are planning to have an action item on their next agenda to appoint a working committee to prepare a detailed plan to create a Recreation District. The Community Council recommended that they proceed with planning of the district to take to a vote of the proposed area. Commissioner Putnam expressed that her biggest concern is that the County is very concerned with the water and sewer project to the fairgrounds and do not usually like to deal with more than one project at a time. Commissioner Putnam feels that the County Commissioners will need a lot of encouragement to move forward with the Recreation District.

The Street Department with the exception of one employee has a new street crew this winter and they are learning the process. With over 45 miles of street, there are a lot of things to learn and some things will be done differently, at least for awhile.

The Street Department snow blower unit is at the point of being unserviceable. It is around 40 to 50 years old. The Public Works Director is looking for a unit to replace it and as a result the Street Department is removing snow by loading it with a wheel loader.

The Street Department has added a new sanding unit which is installed on a pickup. The unit enable the crew to sand critical areas of town in a more effective and efficient manner.

Olness and Associates completed the onsite work for the annual audit on December 9th, 10th and 11th. A draft of the audit findings were included in the Commission packets for review. The full audit report will be completed in early 2014. Mr. Myhre explained that the Finance Officer and himself have talked and are going to have the auditors come back to help with closing out the year. The auditors will help to close out the year which will allow the new Bookkeeper to have a fresh start for the new fiscal year.

There will be no committee of the whole meeting the first meeting in January 2014. Elections for the Chair and Vice Chair positions will be held at that meeting. Board appointments will be done at that meeting also.

Overall the water system and the City buildings fared well through the recent cold spell with minimal problems. The Library did have a frozen pipe but it did not burst and they are taking steps to keep it from happening again.

CONSENT AGENDA

Commissioner Doney made the motion to approve the acknowledgement of the claims that have been paid from November 27, 2013 to December 11, 2013 for a total of \$613.86 and \$82,717.94 and Commissioner Turk seconded the motion. The motion passed unanimously.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Public hearing to hear comments a Conditional Use application submitted by Mr. Shane Wetzel for the purpose of operating a chiropractic office in a Light Industrial Zoning District.

Chairman Gremaux opened the public hearing to hear comments a Conditional Use application submitted by Mr. Shane Wetzel for the purpose of operating a chiropractic office in a Light Industrial Zoning District. Planning Director Duane Ferdinand explained that Mr. Shane Wetzel has submitted an application for a Conditional Use Permit for the purpose of opening and operating a chiropractic office at 714 1st Ave S in Lewistown. The property is located in an M-1 (light industrial) Zoning District. Mr. Ferdinand further explained that a business such as that being proposed is not listed as a permitted use in an M-1 Zoning District; however, it may be authorized as a conditional use after review by the Lewistown Zoning Commission and final approval by the Lewistown City Commission. Mr. Ferdinand stated that the proposed enterprise is on property located at the intersection of 1st Ave S and Brassey Street. If approved, it will occupy a structure that has been remodeled into an office building. Mr. Ferdinand commented that most of the property located on 1st Ave S is being developed into commercial enterprises rather than industrial uses. Some of the uses include the Central Montana Community Health Center, a retail meat store, a veterinary office and other commercial establishments. The proposed chiropractic office appears compatible with other uses in the neighborhood. The Lewistown Zoning Commission held a public hearing on December 12th on the request to open and operate a chiropractic office in an existing structure located at 714 1st Ave S. Mr. Ferdinand reported that Mr. Shane Wetzel was in attendance at the meeting and explained that this will be the 5th chiropractic office in Lewistown. Mr. Wetzel's proposed hours will be flexible and will be driven largely by patient demand. There will be adequate off street parking available. Mr. Ferdinand reported there were no public comments offered at the Zoning Commission meeting and one letter was received that endorsed the proposal. The fire and building departments have cleared the building for the use intended. The size of the existing structure is 18' wide by 66' in length. However, only about 500 square feet of the structure will be occupied by the proposed chiropractic office. Mr. Ferdinand stated that the Zoning Commission voted unanimously to recommend approval of the application for a Conditional Use Permit for the proposed chiropractic office for the reasons that the business would be a good addition to the community and there appears to be no adverse impacts evident. It would be a good use for the newly remodeled structure. Also, the neighborhood has developed into commercial rather than industrial uses. Chairman Gremaux asked for comments from the audience and Commission. There being none, the public hearing was closed.

2. Discussion and action on a conditional use application submitted by Mr. Shane Wetzel for the purpose of operating a chiropractic office in a Light Industrial Zoning District

Mr. Myhre explained that at the last City Commission meeting the zoning in that area was discussed and to change that zoning is not a fast process and by following the conditional use permit process will allow Mr. Wetzel to open his business soon. Mr. Myhre asked if the scale is still open. Mr. Wetzel answered that Mr. Greg Smith does not have any plans on closing the scale, but will not be running the scale out of his office. Mr. Ferdinand stated that the Zoning Commission approved the Conditional Use Permit with no special conditions. Commissioner Poss made the motion to approve the conditional use permit submitted by Mr. Shane Wetzel 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.

3. Discussion and action on authorizing the City Manager to make application to the Department of Natural Resources and Conservation (DNRC) for a planning grant in the amount of \$5,000 for the Highway 191 water and sewer project

Mr. Myhre explained that the City of Lewistown is working with Fergus County on a joint project that is looking at putting sewer and increasing water capacity along Highway 191 North which goes to the fairgrounds and putting sewer facilities in the Riverdale addition. Mr. Myhre further explained that both the City and County are going to contribute \$10,000 and a \$15,000 TSEP grant for the preliminary engineering report. Mr. Myhre stated that he is anticipating that the cost to prepare the preliminary engineering report and the cost to apply for the grants for the project will be approximately \$39,000; therefore, is asking for approval to apply for an additional \$5,000 renewable resource planning grant from the DNRC. Commissioner Doney made the motion to authorize the City Manager to make application to the Department of Natural Resources and Conservation (DNRC) for a planning grant in the amount of \$5,000 for the Highway 191 water and sewer project 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.

4. Discussion and action on entering into an agreement with Robert Peccia and Associates for engineering services for the Highway 191 water and sewer project

Mr. Myhre explained that the City of Lewistown is working with Fergus County on a joint project that is looking at putting sewer and increasing water capacity along Highway 191 North which goes to the fairgrounds and putting sewer facilities in the Riverdale addition. Mr. Myhre stated that the committee advertised for requests for qualifications for a professional engineering company to prepare the preliminary engineering report. Mr. Myhre reported that ten requests for qualifications were received and it was narrowed down to three which were interviewed by the committee and the committee is recommending Robert Peccia and Associates to the City Commission for approval to prepare the preliminary engineering report. Further discussion followed. Commissioner Poss made the motion to approve entering into an agreement with Robert Peccia and Associates for engineering services for the Highway 191 water and sewer project 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 those Commissioners voting in favor were: Berry, Doney, Gremaux, Poss, Putnam and Turk. Commissioner Hewitt voted against. Commissioner Hewitt clarified for the record that she is in favor of the project but is not favor of the engineering firm.

5. Discussion and action on Resolution No. 3834, a resolution authorizing the City Manager to act for the City in all matters concerning the Estate of Dorothy Jones

Mr. Myhre explained that Ms. Dorothy Jones was a Lewistown resident that recently passed away and did have a will in place, however, the personal representative passed prior to her passing. As a result there is no personal representative to administer her will. Mr. Myhre further explained that when this happens and there is only one beneficiary of the will then Montana Code Annotated sets out who can be appointed to be the representative for the will. Mr. Myhre stated that since the Library is the only beneficiary of the will and it is a governmental entity under the City of Lewistown, it is recommended that the City Manager be appointed to act for the City in all matters concerning the Estate of Dorothy Jones as the City's representative for the Lewistown Public Library. Commissioner Berry made the motion to approve Resolution No. 3834, a resolution authorizing the City Manager to act for the City in all matters concerning the Estate of Dorothy Jones 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.

6. Discussion on the 1996 option to purchase property at 306 5th Ave S. City Manager Kevin Myhre

Mr. Myhre explained that in 1996 the City Council at that time entered into an option to purchase real property owned by Brown's Heating and Sheet Metal located in Lots 1 and 2, Block 5 Morase Addition. This property is located across the street from the Civic Center. The current parking lot across the street from the Civic Center was purchased in the late nineties by the City exercising their option to purchase the property from Brown's Heating and Sheet Metal. Mr. Myhre further explained that the City still has the option to purchase the real property and the owners of Brown's Heating and Sheet Metal just inquired through their attorney if the City was still interested in the option in the chance they were to sell the property. The City Attorney requested that this be on the agenda for discussion to see what the thoughts are of the City Commission. Mr. Myhre stated that he has looked at the property and discussed it with the Park and Recreation Director and it would make sense to keep the option in place. Mr. Myhre commented that currently the Civic Center does not have a lot of parking and I know there is a group of citizens that would like to at some point add a racquet ball court on the Civic Center. The Commissioners commented that they feel the option should remain in place.

CITIZENS' REQUESTS

Mr. Steve Williams asked the Commission if he could place road reflectors at the intersection of Daws behind the Petro Depot. Mr. Myhre stated that he recommends going ahead and putting them up and in the spring the City will look at a more permanent solution.

COMMISSIONER'S MINUTE

Commissioner Poss stated that he would be on the County planning group for the recreational district. Mr. Myhre stated he will get him a copy of the form that needs to be submitted to be considered for the board.

ADJOURNMENT

Chairman Gremaux adjourned the meeting.

Dated this 16th day of December, 2013.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk