

A COMMISSION MEETING OF JULY 21, 2014 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Doney called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Doney, Gremaux, Hewitt, Poss, Putnam and Turk.

APPROVAL OF MINUTES

Commissioner Hewitt made the motion to remove the July 7, 2014 minutes from the agenda for additions and corrections to be made and Commissioner Doney seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Poss reported that he attended a City County Planning Board recently and they met briefly for a conditional use permit that is on the agenda for approval.

Commissioner Turk reported she attended the most recent Library Board meeting. The budget was reviewed briefly and the Library Director has not gotten any response back from the County regarding their contribution to the Library for the upcoming fiscal year. The Library Director has only received one bid for the window replacement and will be looking at other options.

Commissioner Doney reported that the Central Montana Health District will be holding interviews on July 29th.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The Building Inspector is working with the owners of the Reids building to rectify issues of small pieces of mortar falling onto the sidewalk. The owner has scheduled a contractor to work on the building the week of July 21st. Safety barricades have been placed in the area temporarily.

The Water Department has removed the fire hydrant located at the alley entrance to McDonalds. The fire hydrant has been out of service for several years and the water department was unable to remove it without disrupting service to a large portion of town. A specialized contractor was hired to cap the hydrant line without shutting off the water service. The hydrant was then removed. The hydrant's location has been a concern because of the large amount of traffic in its proximity. The hydrant has been hit several times by vehicles.

The Street Department assisted the Airport by patching several potholes on a roadway within the Airport complex. The Airport Manager called to thank the City for the assistance.

The Trailhead park improvements have started. The stone pedestal has been set for the sculpture and the electrical contractor is installing the service and supply lines.

A group of area citizens is working with the Park and Recreation Board to identify a location for a Frisbee Golf course. Typically the courses are require little maintenance and preparation. The sport is becoming more popular in many urban areas.

There was a water main break in the 20 inch supply main in the area of Brewery Flats. The Water Department should have it repaired by the end of the week of July 18th.

Mr. Myhre reported that they are still working on the improvements to the water salesman. The sewer department is working to get a cement pad in place for the grass clippings to help with moisture run off. We are still waiting for the rest of the supplies for the sidewalk at 3rd Ave. S.

CONSENT AGENDA

Commissioner Gremaux made the motion to approve the consent agenda and Commissioner Turk seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid for June 30, 2014 for a total of \$106,371.09 and the claims that have been paid from July 1, 2014 to July 17, 2014 for a total of \$60,134.91.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on allowing a helicopter to land on Red Birds center field on July 31, 2014 for the class A state baseball tournament

Mr. Myhre explained that the City of Lewistown typically prohibits the flying of aircraft in the City unless they are landing on a officially approved teleport. Mr. Myhre stated that the Commission has a request before them from the Red Birds Baseball group to land a helicopter under the lights at the Red Birds field on July 31st for the Class A state baseball tournament. Mr. Jeff Bradley commented that the tournament date has changed from July 31st to July 29th. Mr. Myhre stated that this request was tentatively approved by the Park and Recreation Board but because of City Ordinance prohibiting it the City Commission would have to vote to vary from that ordinance for this event. Mr. Myhre explained

that he contacted the City insurance carrier and the City does not have any liability coverage for aircraft landing in our parks, it is specifically excluded from the policy for liability coverage. It was recommended that the City require proof of insurance from the Red Birds showing that event is covered and the City is additional insured for the event for 1.5 million per occurrence. Mr. Bradley reported that this is the first time in the history of Red Birds that they have hosted a State Tournament. Mr. Bradley stated they thought it would be a neat way to bring in the flag to start off the state tournament. Further discussion followed. Mr. Myhre stated that he does not feel this is not doable, but the City needs to make sure they are covered by liability insurance. Mr. Myhre further stated that if the Commission would like to approve this request he recommends approving it with the requirement of proof of insurance, the helicopter is covered and the City is named as additionally insured for the event in the amount of 1.5 million per occurrence. Commissioner Gremaux made the motion to approve with the conditions of the insurance and the date change and Commissioner Hewitt seconded motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

2. Discussion and action on a request from citizens to support a recreation district proposal

Mr. Myhre explained that the County Commissioners appointed a committee to look at a recreation district and Commissioner Poss was on the committee. The committee was established to help with the possibility of creating a recreation district for the Lewistown area. Mr. Myhre further explained that Mr. Kevin Kepler who also was on the committee would like to talk to the City Commission on how the City's funding would continue if a recreation district was created. Mr. Kepler stated that the committee gave the County Commissioners a recommendation that would fund the swimming pool and civic center. The budget recommended was \$522,000 that included a pool bond and additional capital improvements. The recommended district would be the City and the High School District and the City would be paying a budget of \$87,000 for the parks. Mr. Kepler explained that the recommendation set up the size of the district, the governing process, and budget. This recommendation was given to the County commissioners on June 18th and it was turned over to the Community Council to do their due diligence and as a result a counter recommendation was made to the County Commissioners. Mr. Kepler further explained that the Community Council met today and has alternates to what had already been recommended. Mr. Kepler explained the alternates in priority order. Alternate 1 would be to request a county wide mill levy with the exception of Denton. The county wide mill levy would be in the amount of \$139,000 a year for 20 years. It would be a mill levy only and no district created. The mill levy would support \$107,000 annually for the pool, \$20,000 would support capital improvements for the Civic Center and the remainder would go to other county communities that they could apply for to help with the recreation areas; estimating the pool would be a \$1.45 Million for phase I and the Friends of the Pool and the City would contribute \$300,000 to get the project going. Alternate 2 is to create a special recreation district outside the City and inside the high school district that would fund \$124,000 a year which would support a \$1.25 million bond and Friends of the Pool and the City contribute \$500,000 and additional capital expenditures as needed. Alternate 3 is the same as alternate 2 but would be county wide without the City or Denton. These 3 alternates will be presented to the County Commissioners on July 28th. Further discussion followed. Mr. Kepler explained that as a citizen group the Friends of the Pool met with County Attorney Tom Meisner to determine that if the County Commissioners does not put something on the ballot in November, which would mean the County Commissioners have to make a decision by July 28th and no later than August 12th. If that does not happen the citizen initiative group is prepared do a petition to establish a park district. Mr. Kepler explained that they would take the basic recommendation made to the County Commissioners and adjust the funding so that the district would be the City and the High School district so that district could be voted on and would be responsible for \$335,000 and the City would retain a budget authority of \$187,000. Mr. Kepler further explained that the \$522,000 budget is funded by 35% who reside outside the City and 65% that reside in the City and the population distribution in the district is 35% outside the City and 65% in the City. Further discussion followed. Mr. Kepler

explained that the citizens' initiative group is to posture themselves that if the County Commissioners make a decision that is unpassable because the recommended district does not include the City and think it will pass and then the citizens' initiative group will start the process to start the petition process. Mr. Kepler wants to know if the City Commission or is it feasible to have a district the size of the high school district with a funding level that is a portion of the total recreation district where the City would retain some budget. Commissioner Doney clarified what Mr. Kepler was asking and stated if the City Commission would support a petition if the County Commissioners go with a recommendation that is unpassable or don't do anything at all. Commissioner Hewitt recommended starting the petition now. Commissioner Turk stated that she supports the petition. Commissioner Gremaux supports the petition and Commissioner Doney stated that she whole heartedly supports a petition. Mr. Bill Berg commented that if a petition is started it is an easier option than allowing the process to be completed after all of the work that has been done for the recommendations. Mr. Kepler stated that it is his goal to get the County Commissioners to let the citizens' vote.

3. Discussion and action on a request from Rick Miller for the City to take over the electrical expense for Castle Ridge Acres water booster station

Mr. Myhre explained that Mr. Rick Miller has submitted a letter to the Commission requesting the City to take over the electrical expense associated with the Castle Ridge Acres water booster station. Mr. Myhre commented that the area has not been annexed but are working on letters for those properties that do not have annexation paperwork in place. Mr. Myhre further explained that Mr. Miller stated that if the City would chose to pay the electrical bills then Mr. Miller would maintain and pay for the cost of maintaining the water booster station until the area is annexed. The basis for the request is that the City of Lewistown gets the revenue from the water station and he does not receive any revenue but is having to pay the associated expenses. Commissioner Poss made the motion to deny the request from Rick Miller for the City to take over the electrical expense for Castle Ridge Acres water booster station until such time that the area is annexed 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.

4. Public hearing on a Conditional Use Permit for a temporary base of operations for Judith Mountain Plumbing, 609 W Belden Street

Chairman Doney opened the public hearing to hear comments on a Conditional Use Permit for a temporary base of operations for Judith Mountain Plumbing, 609 W Belden Street. Planning Director Duane Ferdinand explained that Mr. Vince Gies and Mr. Andy LaSalle have made an application for a Conditional Use Permit for the purpose of using a swelling unit located at 639 W Beldon Street as headquarters for their business known as Judith Mountain Plumbing. The use at that location is expected t be temporary as they are actively searching for property in a commercially zoned area to use as their business headquarters. The applicants state that property at that location will be used mainly for tool storage and receiving mail. No client or customers are expected to visit the property since all the business will be conducted off site and as a result the impacts to the neighborhood should be minor. Mr. Ferdinand explained that the proposed business headquarters is in an R-2 (Residential Two Family) Zoning District. A plumbing business headquarters planned for this location is not listed as a permitted use. The use, however, may be considered as a conditional use if recommended by the Lewistown Zoning Commission and approved by the City Commission. A hearing was held before the Lewistown Zoning Commission on July 17, 2014. All surrounding property owners were notified in writing and received no opposition. Mr. Ferdinand explained that the Zoning Commission's recommendation was to approve the Conditional Use Permit with a term limit of one year. Commissioner Turk asked Mr. Gies if he was okay with the one year term limit. Mr. Gies commented that he is going to try to find a place as soon as possible. Commissioner Poss commented that he does have the option to ask for more time. Mr. Myhre explained

that the Zoning Commission or City County Planning Board is looking that if there is no time limit then how long could the business go on and how it will be ran. Mr. Myhre further explained that that two people can run the exact same business two completely different ways and by having a time limit and complaints are received there is a better opportunity to address the issues. There being no more questions, Chairman Doney closed the meeting.

5. Discussion and action on approving a Conditional Use Permit for a temporary base of operations for Judith Mountain Plumbing, 609 W Belden Street

Commissioner Poss made the motion to approve the Conditional Use Permit for a temporary base of operations for Judith Mountain Plumbing for twelve months 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.

6. Discussion and action on Resolution No. 3851 a resolution describing the City Commission's intention to approve a petition requesting the annexation of territory, including Lots 2, 3, 4, 5, 6 and 7 of Block 15 school lands subdivision and Lot 8A, Block 15 of amended school lands subdivision, to the City of Lewistown

City Attorney Monte Boettger explained that when a citizen wants to be annexed into the City for various reasons would come to the City with a petition to annex. When the City Commission has a petition for annex they can discuss it and take comments and if it is in the best interest of the City can approve it. Mr. Boettger explained that the City has been approached by the prospective buyers of the property and under the impression that they were the owners of the property and wanted to annex. However, the individuals who want to buy the property want to be annexed and be assured it will be annexed prior to finalizing the purchase and the current owners of the property do not want to be annexed. Mr. Boettger further explained that in order to assure everyone that the property would be annexed this resolution of intent was created stating it will be annexed in the next 60 days. Mr. Boettger stated that if the property does not sell the item will come back before the Commission to rescind the action. The petition has the signatures of all future and present owners of the property. Commissioner Turk made the motion to approve Resolution No. 3851 a resolution describing the City Commission's intention to approve a petition requesting the annexation of territory, including Lots 2, 3, 4, 5, 6 and 7 of Block 15 school lands subdivision and Lot 8A, Block 15 of amended school lands subdivision, to the City of Lewistown 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.

7. Discussion and action on a determination that 1) the Lewistown Urban Plan is in conformance with the 2006 Lewistown Growth Policy; and 2) the zoning within the Lewistown Urban renewal District is in accordance with the 2006 Lewistown Growth Policy

Mr. Myhre explained that this is part of the process to establish a Tax Increment Financing District (TIFD) as an urban revitalization tool. To establish a TIFD certain provisions of state law must be followed. One of the provisions is for the City to have a Growth Policy in effect and that the Growth Policy supports the implementation of the TIFD. The Lewistown City County Planning Board at their regular meeting held on June 19, 2014, passed Resolution No. 3 that finds that the Lewistown Urban Renewal Plan is in conformance with the 2006 Lewistown Growth Policy; and that the zoning within the Urban Renewal District is in conformance with the 2006 Lewistown Growth Policy. Therefore, the City County Planning Board for the City of Lewistown recommends to the Lewistown City Commission that: 1.) The City of Lewistown Urban Renewal Plan is in conformance with the 2006 Lewistown Growth Policy and 2.) the zoning within in the City of Lewistown Urban Renewal District is in accordance with the 2006 Lewistown Growth Policy. Commissioner Poss made the motion to approve that 1) the

Lewistown Urban Plan is in conformance with the 2006 Lewistown Growth Policy; and 2) the zoning within the Lewistown Urban renewal District is in accordance with the 2006 Lewistown Growth Policy 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.

8. Public hearing to hear comments on Resolution No. 3852 a resolution approving the fiscal year 2015 work plan and budget for Tourism Business Improvement District #1.

Chairman Doney opened the public hearing to hear comments on Resolution No. 3852 a resolution approving the fiscal year 2015 work plan and budget for Tourism Business Improvement District #1. Mr. Myhre explained that this resolution establishes the 2015 work plan and budget for the Tourism Business Improvement District (TBID). Mr. Myhre explained that the TBID is a district that was created in the City limits where all hotels that have over six rooms participate by charging an extra \$1 for each room and is collected by the City. The expenditures budgeted this year are business enhancement, marketing, opportunity, miscellaneous operating costs including insurance. The TBID has done a lot this last year. Some were the 50 things to do in Lewistown brochures, funded ads in local tourism magazines, the basketball tournaments, and the historic road show. Mr. Myhre explained that some of the difficulties for the TBID board is getting a quorum and then there has been some difficulty collecting from all of the entities. The City is trying to help with that even though it is not our responsibility. Mr. Myhre commented that tonight on the agenda is a resolution to establish a formal method for helping with collection. Mr. Myhre stated this is their budget and they have a great capability for doing some great things for tourism in Lewistown by utilizing the funds. Chairman Doney closed the public hearing.

9. Discussion and action on approving Resolution No. 3852 a resolution approving the fiscal year 2015 work plan and budget for Tourism Business Improvement District #1

Commissioner Gremaux made the motion to approve Resolution No. 3852 a resolution approving the fiscal year 2015 work plan and budget for Tourism Business Improvement District #1 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.

10. Discussion and action on approving Resolution No. 3853 a resolution approving an assessment to defray the cost of the work plan and budget for Tourism Business Improvement District #1 for fiscal year 2015

Commissioner Gremaux made the motion to approve Resolution No. 3853, a resolution approving an assessment to defray the cost of the work plan and budget for Tourism Business Improvement District #1 for fiscal year 2015 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.

11. Discussion and action on approving Resolution No. 3854, a resolution levying a mandatory assessment on all lodging facilities in Tourism Business District Number 1 that do not pay assessments as set by the Lewistown City commission

Mr. Myhre explained that approximately a year ago the TBID board met to discuss how to work with the entities that do not pay the assessment on time. Essentially the language in Resolution No. 3854 and the resolution that was passed by the TBID board on June 25th this year outlines a procedure. Mr. Myhre commented that he did discuss this issue with other cities. Mr. Myhre explained that if the entity does not submit their assessment will be the number of days in the time frame multiplied by the number of rooms

and if it is not paid by a certain time the City will assess it against the entity. Commissioner Turk made the motion to approve Resolution No. 3854, a resolution levying a mandatory assessment on all lodging facilities in Tourism Business District Number 1 that do not pay assessments as set by the Lewistown City Commission with a date change of April 31st to April 30th 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.

12. Discussion and action on approving the street maintenance assessment for fiscal year 2014-2015 City Manager Kevin Myhre

Mr. Myhre explained that street maintenance was discussed during the Committee of the Whole and that currently the City assesses a rate of \$.030 per square foot that is capped at 15,000 square foot for a residential lot and charged the entire lot for commercial property. In order for a budget to be put together and the street maintenance resolution to be complete a rate needs to be set by the City Commission. Mr. Myhre stated that the street maintenance rate has gone up quite a bit in the last ten years; however, the costs associated have also increased. Mr. Myhre commented that the rate increases are directly related to what improvements can be done. Further discussion followed. Commission Doney stated that you can't do a commercial rate and a residential rate for street maintenance assessment. Mr. Myhre answered that yes we could, but the resolution would have to be changed. Mr. Myhre suggested that maybe a maximum on commercial would be a great help. There are some exemptions included in the current resolution. Mr. Myhre stated that he could put some options together to look at before a decision is made. Commissioner Doney explained that she feels the residents don't mind a small increase but the commercial businesses do and she does not want to prohibit commercial growth. Mr. Myhre will look at some options because the rates have changed over the years and a change maybe warranted. Commissioner Doney would like to see a residential rate and a commercial rate.

13. Discussion and action awarding the concrete bid for the Trailhead Park

Mr. Myhre explained that the City received two bids one from Century Construction in the amount of \$38,000 and one from STA Construction in the amount of \$18,887.28. Mr. Myhre further explained that the City has worked with both companies and both do great work, but with Century's schedule and size of project their overhead is higher. Mr. Myhre commented that he recommends the City Commission approve the bid from STA Construction. Commissioner Poss made the motion to approve the bid from STA Construction in the amount of \$18,887.28 and Commissioner Gremaux 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. Monte Boettger commented that as a resident of the park area wanted to tell the Commission that the improvement on Earl Street really showed the impact during the swim meet this last weekend.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 21st day of July 2014.

Gayle Doney, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk