

**A COMMISSION MEETING OF SEPTEMBER 2, 2014 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY 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. Commissioner Byerly was absent.

**APPROVAL OF MINUTES**

Commissioner Putnam made the motion to approve the August 18, 2014 minutes and Commissioner Gremaux seconded the motion. The motion passed unanimously.

**BOARD AND COMMISSION REPORTS**

Commissioner Putnam reported that she attended a Central Montana Foundation meeting on August 26<sup>th</sup>.

**CITY MANAGER REPORT**

City Manager Kevin Myhre reported on the following issues:

The swimming pool is closed for the season and most of the staff have returned to school. The Friends of the Pool are working on plans to begin a support drive for the County Park District levy in November. The Friends of the Pool have inquired about funds from the City for advertising and information dissemination.

There have been a huge amount of improvements completed at Trailhead Park and many more will need to be completed prior to the unveiling ceremony on Saturday, September 6<sup>th</sup>. The Trails, Ales and Bales event will begin at 3 p.m. and ends at 7 p.m. The unveiling ceremony will be held at 5 p.m.

Mr. Alec Hanson has retired as Executive Director for the League of Cities and Towns. Mr. Dave Nielson from Helena has accepted the Interim Director position. Mr. Nielson is the retired City Attorney from Helena and is not interested in the position long-term. Mr. Myhre expects that there will be some changes in the league operations and activities as the process moves forward.

The annual League of Cities and Towns conference will be held in West Yellowstone on October 8, 9, and 10<sup>th</sup>. If you are interested in attending please notify the City Manager for the Finance Officer as soon as possible.

As required by City Ordinance, the City Manager has notified approximately fourteen property owners in the area of Castle Butte Road and Roundhouse Road that they are required to submit a Utility Service Agreement and/or a Waiver of Annexation to the City in order to continue receiving water service. If they can legally disconnect and choose to do so to avoid completing the documents, they need to notify the City Office of their plans and if necessary request a time extension in order to install a connection to an alternative water source. The Water Department intends to disconnect any property that fails to return the required documents.

Century Construction is paving in Lewistown and the Street Department will be assisting them with traffic control. The Street Department staff will be doing some patching as well but in limited amounts.

### **CONSENT AGENDA**

Commissioner Turk made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda consisted of the acknowledgement of the claims that have been paid from August 14, 2014 to August 28, 2014 for a total of \$120,777.35.

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

1. Discussion and action on a request from Northwestern Energy to install an electrical utility line in the railroad corridor

Mr. Myhre explained that the request this evening from Northwestern Energy is a connection from a power line behind the Yogo Inn to a power line behind Lewistown Propane. Mr. Noah Davis from Northwestern Energy explained that the original request was for a line to be ran from behind the Yogo to a substation on boulevard street, to a substation behind Lewistown Propane and then to one to spring creek. These two circuits are the only two circuits in the town system that are not tied together. Mr. Davis further explained that both of the circuits to handle a fair amount of commercial and residential electricity and in the heart of downtown Lewistown. Mr. Davis reviewed the placement of the line with the Commission. Mr. Davis stated that the new pole at the north end would be in existing right of way and the pole at the south end would be placed in a private easement and the junction can be located near the center of this line but there is enough room to move either way from the center to accommodate any of the City's concerns. Mr. Davis stated that we are aware that this property is rail banked and that if the railroad were to come back that they would have to remove the line. Further discussion followed. Mr. Myhre stated that he is comfortable with this request as long as Northwestern Energy is willing to enter into the standard lease agreement for railroad property and that this does not cross the traditional railroad bed and much less cumbersome on the railroad corridor. Mr. Myhre stated that the last request was for seven cents per square foot, capped at five years and a onetime payment.

Commissioner Poss made the motion to approve a request from Northwestern Energy to install an electrical utility line in the railroad corridor using the standard railroad lease at a rate of seven cents per square foot and capped at five years with a onetime payment 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.

## 2. Discussion and action on confirming Gary Slagel as a City Manager appointment to the Lewistown Board of Adjustment

Planning Director Duane Ferdinand explained that the Lewistown Board of Adjustment is a 5 member board whose appointments are confirmed by the City Commission. The members serve for a term of three years. The duties of the board are to hear and decide appeals on decisions made by an administrative official in the interpretation and enforcement of the zoning ordinance and to authorize variances from the terms of the zoning ordinance. Mr. Gary Slagel has expressed an interest in serving on the Lewistown Board of Adjustment. Mr. Slagel received his secondary education in Slanagan, IL and subsequently attended Utah State University. He received a degree in Wildlife Management in 1977 and shortly thereafter began a career with the Bureau of Land Management (BLM). He retired from the BLM in 2013 after having served at the local BLM office as the Missouri Breaks National Monument Manager. He continues to make his home in Lewistown with his family. Mr. Ferdinand stated that it is recommended the Commission confirm Mr. Gary Slagel as a City Manager appointment to the Lewistown Board of Adjustment. Mr. Ferdinnad explained that Mr. Slagel if appointed would replace Mr. Hal Conard who has served on the Board of Adjustment since he attended his first meeting on March 30, 1994. Commissioner Poss made the motion to confirm Gary Slagel as a City Manager appointment to the Lewistown Board of Adjustment and Commissioner Putnam 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. Discussion and action on appointing Toni Gies to a two year term to the Lewistown Historic Resources Commission

Mr. Ferdinand explained that the Lewistown Historic Resources Commission (HRC) operates under the guidelines of City Ordinance 11-15. The duties of the HRC are to maintain a system of survey and inventory of historic and prehistoric properties; use the National Register of Historic Places to designate properties; consult on applications, environmental assessments and other similar documents pertaining to historic districts; review zoning regulations for applicability to issues of historic districts; make recommendations to the Board of Adjustment to approve or disapprove applications for variances; render advice and guidance to property owners on restoration of historic buildings; conduct public information or educational programs; and insure compliance with State guidelines regarding certifications. The HRC consists of seven members appointed by the Lewistown city Commission for two year terms. Ms. Gies has asked to be considered for appointment to fill the one vacancy on the HRC. Ms. Gies received her secondary schooling at St. Leo's and Fergus High School. Further education included receiving a Masters Degree in Fine Arts from the University of Montana. Ms. Gies taught art and

family/consumer sciences for 23 years in Billings. Ms. Gies has also been involved in the Montana History Project and is also on the Board of directors of the Central Montana Historical Association. Mr. Ferdinand stated that because of Ms. Gies's interest in local history and historic resources it is recommended that she be appointed to the Lewistown Historic Resources Commission. Commissioner Poss made the motion to appoint Toni Gies to a two year term to the Lewistown Historic Resources Commission 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.

4. Discussion and action on Resolution No. 3858, a resolution redefining the boundaries of Street Maintenance District No. 1 in the City of Lewistown, Montana

Mr. Myhre explained that the City of Lewistown has one Street Maintenance District. The district boundary is essentially the City limit boundary. This resolution establishes the boundary for the street maintenance district so that the assessment can be set in order to maintain the streets in the City of Lewistown. Commissioner Turk made the motion to approve Resolution No. 3858, a resolution redefining the boundaries of Street Maintenance District No. 1 in the City of Lewistown, Montana 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.

5. Public hearing on the cost of maintenance of Boulevard District no. 12, cost of maintenance reserve and administration for Lighting Districts and cost of maintenance in Street Maintenance District No. 1

Chairman Doney opened the public hearing to hear comments on the cost of maintenance of Boulevard District no. 12, cost of maintenance reserve and administration for Lighting Districts and cost of maintenance in Street Maintenance District No. 1. Mr. Myhre explained that in order for the City of Lewistown to provide several different services the City has established a special assessment. A boulevard assessment is collected to help with the maintenance of the boulevards, which are located in the center of the roads on Boulevard and 7<sup>th</sup> Ave N. The properties located adjacent to those boulevards pay an additional cost to help with maintaining the boulevards. The city of Lewistown has multiple lighting districts throughout the city. The amount of lights in each district varies depending on the request of the neighborhood that wanted to create the district. Mr. Myhre further explained that if you drive to a certain area of Lewistown and there are street lights on the streets the residents in that neighborhood pay a lighting assessment to pay for the lights in the district. Mr. Myhre stated that there is one street maintenance district that is the entire incorporated City and all property is assessed regardless to help fund the maintenance of the streets in the City limits. Commissioner Doney asked for comments from the audience and Commission. There being none, the public hearing was closed.

6. Discussion and action on Resolution No. 3859, a resolution of the City Commission of the City of Lewistown levying and assessing a special tax to cover the cost of maintenance of Boulevard District No. 12, in the City of Lewistown, Montana for the fiscal year beginning July 1, 2014 and ending June 30, 2015

Commissioner Poss made the motion to approve Resolution No. 3859, a resolution of the City Commission of the City of Lewistown levying and assessing a special tax to cover the cost of maintenance of Boulevard District No. 12, in the City of Lewistown, Montana for the fiscal year beginning July 1, 2014 and ending June 30, 2015 and Commissioner Hewitt seconded the motion. Mr. Myhre stated that to clarify the total amount being assessed is \$575.70.

Commissioner Putnam asked if it is worth the time and effort to pass this resolution for the boulevard assessment. Finance Officer Nikki Brummond explained that it does not cover all of the maintenance associated with the boulevard district and this assessment helps with the cost. 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 Resolution No. 3860, a resolution levying and assessing the cost of maintenance reserve and administration, and supplying of electrical current for the street lights within the City of Lewistown, to properties within particular lighting districts

Mr. Myhre explained that a total of \$113,492.84 will be assessed to cover electrical service and maintenance for the 16 lighting districts in the City of Lewistown. Mr. Myhre explained that that the historic district is maintained by Central Electric, but the remainder districts are maintained by Northwestern Energy. Commissioner Putnam made the motion to approve Resolution No. 3860, a resolution levying and assessing the cost of maintenance reserve and administration, and supplying of electrical current for the street lights within the City of Lewistown, to properties within particular lighting districts 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. Discussion and action on Resolution No. 3861, a resolution estimating the cost of maintenance in Street Maintenance District No. 1, specifying the assessment option and levying an assessment on properties for Street Maintenance

Mr. Myhre explained that the City of Lewistown has a Street Maintenance District that is essentially the incorporated City limits boundary. Each year the City Commission sets a street maintenance rate that is used to calculate the annual assessment. The rate is assessed against the assessable square footage of all lots in town. There are some exceptions that set maximums and provide offsets for larger properties. Mr. Myhre explained that if there is a large lot with a portion undeveloped then there is a provision that exclude a portion of a lot from the assessment. If a residential lot is more than 15,000 square feet, then it is capped at 15,000 square feet for assessment purposes. Mr. Myhre further explained that he is recommending a couple of changes this year. One added provision is every residential lot occupied by not more than one single family residence and permitted accessory uses and which is not adjacent to an established publicly maintained road right of way shall be assessed for every square foot therein of the actual area or 10,000 square feet, whichever is less. Mr. Myhre explained that this provision will give a 33% deduction in the amount of assessable square footage for a single family residential lot that is not adjacent to a publicly maintained road. The second added provision is that every residential subdivision, less than 10 years old, that is entirely under the ownership of the original developer, has no dwelling unit erected on any lot, and has no publicly maintained roadways within the subdivision, shall be assessed for every square foot therein of the combined actual

area of all lots, or 15,000 square feet, whichever is less. Mr. Myhre explained that as a developer develops a new subdivision and still owns the subdivision it will limit their exposure to street maintenance assessment to 15,000 square feet for the whole subdivision until a lot is sold within the subdivision. Mr. Myhre stated that the City Commission has not set an assessment rate for fiscal year 2015. The street maintenance rate for last year was three cents per square foot. Commissioner Gremaux stated that he would like it noted in the minutes that at some time before next budget he would like to address separating the businesses and residential into two different districts. Mr. Myhre stated he does not feel that keep the rate the same will be detrimental to move forward while evaluate the streets and look at making some changes. Commission Poss made the motion to approve Resolution No. 3861, a resolution estimating the cost of maintenance in Street Maintenance District No. 1, specifying the assessment option and levying an assessment on properties for Street Maintenance with the rate staying at three cents per square foot and Commissioner Putnam 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.

9. Public hearing on the 2014-2015 budget for the City of Lewistown.

Chairman Doney opened the public hearing to hear comments on the 2014-2015 budget for the City of Lewistown. Mr. Myhre explained that the City of Lewistown is presenting its final budget for fiscal year 2015 for approval. Mr. Myhre further explained that the overview of the budget is summarized on one sheet. Mr. Myhre stated that the City is not making any major changes this fiscal year and not expanding any services with the exception of increasing the staffing in the area of code enforcement. Some discussion was held on the possible difficulty in hiring a part time code enforcement employee. Mr. Myhre stated that he intends on hiring a permanent part time employee and will have a six month probationary period. 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 Resolution No. 3862, a resolution relating to final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2014 and ending June 30, 2015

Commissioner Turk made the motion to approve Resolution No. 3862, a resolution relating to final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2014 and ending June 30, 2015 and Commissioner Gremaux seconded the motion. Mr. Myhre explained that this resolution outlines how the City of Lewistown will operate its budget. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

11. Public hearing on Resolution No. 3863, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law

Chairman Doney opened the public hearing to hear comments on Resolution No. 3863, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law. Mr. Myhre explained MCA 2-9-212 the City of Lewistown can increase its mill levy to cover health insurance costs over what the costs were in 2000. This allows the City to mill additional levy to help offset the rising costs of health insurance premium. Mr. Myhre commented that the City has been doing this since 2000.

12. Discussion and action on Resolution No. 3863, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law

Commissioner Putnam made the motion to approve Resolution No. 3863, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law 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.

13. Discussion and action on Resolution No. 3864, a resolution providing for the annual tax levy mills for fiscal year beginning July 1, 2014 and ending June 30, 2015

Mr. Myhre explained that this is approving the City of Lewistown budget. Mr. Myhre further explained that the City has determined that a \$1,285,767 tax levy, requiring 221.17 mill levy to balance the general fund budget, it has determined that \$124,711 permissive medical tax levy requiring a 21.45 mill levy to fund the increase in health insurance premiums and it was determined that \$5,813 tax levy requiring 1 mill levy to fund the local government study. The tax levy for the fiscal year 2015 is 243.62 mills. Commissioner Putnam made the motion to approve Resolution No. 3864, a resolution providing for the annual tax levy mills for fiscal year beginning July 1, 2014 and ending June 30, 2015 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.

14. Discussion and action on approving the submittal of the Montana Main Street Program application for way finding signs and installation

Mr. Myhre explained that Kathie Bailey with Snowy Mountain Development Corporation put this grant together. Mr. Myhre commented that if you recall the City of Lewistown made application to the Montana Main Street program last year for a grant for putting together a way finding plan. Now the City would like to submit a grant to help with procuring way finding signs. The way finding plan is done and the next step is procuring the signs. Commissioner Poss made the motion to approve the submittal of the Montana Main Street Program application for way finding signs and installation 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.

15. Discussion and action on entering into an agreement with the Montana State Historic Preservation Office (SHPO) for the purpose of conducting a condition assessment of the Power Mercantile Building, 302 W Main Street

Mr. Ferdinand explained that the Montana State Historic Preservation Office (SHPO) has offered to the City of Lewistown a Certified Local Government (CLG) Special Project sub grant in the amount of \$5,000. If the City approves entering into the agreement the City will hire a professional architect and/or structural engineer to conduct a condition assessment of the Power Mercantile Building located at 302 W Main Street and the building's historic addition located at 301 W Broadway Street. The task will include the preparation of a condition assessment report that addresses the structural needs of the buildings, including a cost estimate for repair and rehabilitation. The funding for the project is being provided by the National Park Service through the SHPO. The required matching funds to be provided must amount to a minimum of \$3,000. The Lewistown Historic Resources Commission (HRC) has voted to provide \$1,000 from the City's historic fund 2384 as part of the local match. The remaining matching funds will be from private sources. Mr. Dave King is the owner of the Power Mercantile Building and has given consent to enter the building for the purpose of conducting the assessment. The Lewistown HRC is supportive of the project. The assessment and the report will answer the question that potential developers have been asking: "is the building sound?" The City can be a partner in answering this question and furthering the redevelopment goals for downtown as outlined in the Downtown Master Plan. Commissioner Turk made the motion to approve entering into an agreement with the Montana State Historic Preservation Office (SHPO) for the purpose of conducting a condition assessment of the Power Mercantile Building, 302 W Main Street and Commissioner Hewitt seconded the motion. Commissioner Doney commented that she thinks it is a good idea to get this assessment done. Commissioner Putnam stated that she is concerned about the owner of the building not putting any funds toward the project. 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**

There were none.

### **COMMISSIONER'S MINUTE**

Commissioner Doney encouraged everyone to attend the Chokecherry Festival, and the dedication of Trailhead Park.

Commissioner Turk asked about the residence located at the corner of Ouellette and Washington. Mr. Myhre someone still owns the property. Commissioner Turk asked if the City takes shrubbery. Mr. Myhre answered no the City only takes grass and leaves.

**ADJOURNMENT**

Chairman Doney adjourned the meeting.

Dated this 2<sup>nd</sup> day of September, 2014.

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Gayle Doney, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk