

A COMMISSION MEETING OF APRIL 6, 2015 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Poss called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

APPROVAL OF MINUTES

Commissioner Doney made the motion to approve the March 16, 2015 minutes and Commissioner Putnam seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported on the most recent Local Government Study Review meeting. Commissioners Putnam and Turk were in attendance and were interviewed by the Commission. The survey is being circulated and will be reviewed at the next study commission meeting on April 10th.

Commissioner Turk reported that she attended the Library Board meeting on Thursday, March 19th. The budget was reviewed and 90% of the budget has been spent. The claims for May were approved. The board is preparing to do the Library Directors performance review in May. The author dinner is scheduled for May and the Irish Culture Night raised approximately \$1,100 for the Library. Library Director KellyAnne Terry will be attending the Montana Library Association conference in April. As a fundraiser the Friends of the Library are selling t shirts.

Commissioner Byerly reported that the Central Montana Health District meeting will be next week. Commissioner Byerly also asked that there be an agenda item for discussion and action on the May 4th meeting. The item will be an agreement to address one of the issues with the

Castle Butte Annexation. That way the issue would be resolved if the Commission chooses to move forward with the Castle Ridge, Castle Butte Annexation.

Commissioner Putnam reported that she attended the Park and Recreation Board meeting. There was a discussion on the picnic tables up at East Fork Park. Someone from the Muzzleloaders was at the meeting to confirm that they will be hosting their event the last week in June of 2015 at the East Fork Park. The Ice-skating group updated the board on their progress and it was decided to keep the boards up through the summer because of the want for summer rollerblading. The landscaping in the area and on Cook Street will be completed later this spring. The changes to the trail were discussed.

Commissioner Hewitt reported that she attended the recent Airport Board meeting. The military flew in and put in a wreath on the grave of Robert McNary, it has been ten years since his death and it was done to honor him. The Montana Aerial Applicators will be having their annual meeting in August this year. Commissioner Hewitt reported that the Airport Board did submit a bid on the bus barn and was the successful bidder and will be working to determine what they will do with the building. The Kiwanis Club came and asked for their contract for the Rest Area be renewed. The Kiwanis Club is going to be working on more stringent rules for the occupants of the rest area.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The demolition project at the Berg lumber property is proceeding well and the building has been reduced to the original shed structure. It was built with a concrete base and it is in much better condition than the portion that was removed. The Public Works Department staff will be working to get a wall built on the east side so that its contents are protected from weather and vandalism.

A new sign showing the Civic Center use rates has been installed at the front window area of the lobby. It should be very helpful in public education of necessary fees.

The City Manager has met with the utility billing and maintenance staff to discuss the appropriate billing methods for the fairgrounds. It is a unique connection system and not easily incorporated into the standard billing procedures for customers. The Public Works Director will prepare an explanation and recommendation for the Commission for an upcoming meeting.

On April 1st, the Park and Recreation Board approved a request by the Lewistown Ice Skating Association to erect a chain link fence around the refrigeration unit and the distribution manifold channel to prevent access and vandalism. The board also approved their request to leave the rink's perimeter boards in place for the summer to facilitate roller hockey on the concrete area. They will remove some portions to provide better access from the park area.

Since the last Commission meeting, the chimney section of the Broadway Building has collapsed and a portion of the upper story wall is now open. The Building Department and the City

Attorney have been working to get the owner to take mitigating actions on the building for some time. A warrant for his arrest was in affect at the time the building portion collapsed. The owner has since been arrested and posted bond. Staff is working with the owner to gain compliance and mitigation for safety issues.

The City Manager, Fire Chief and the Fire Council have been working to review and encourage a minor amendment to the mutual aid agreement that has traditionally been in place among the county's fire districts. It is hoped that the process will be completed quickly to make sure they are prepared for another fire season. Mr. Myhre stated that they feel that they are not making changes in the actual process but including procedures that are currently occurring in the county.

The Local Government Review Study Commission has delivered blank survey forms to both the Library and City Office for distribution. The survey was also printed in the Lewistown News Argus. Both offices are also taking completed surveys that are delivered to the City.

The City Office continues to get calls, and the discussion about backyard chickens continues to be a topic of discussion on social media and in the community. The City Manager would like to bring the issue back to the Commission with the intent of getting final direction from the Commission as to whether there is support to draft an ordinance allowing chickens within the City. Commissioner Putnam asked that it be on the next meeting, which is the April 20th Commission meeting.

Ms. Kathie Bailey, Executive Director of Snowy Mountain Development Corporation (SMDC), explained that the property located at 411 E Main known as Ernie's Auto has been submitted to DEQ to request eligibility for a targeted brownsfield agreement to start the process to assess the property. SMDC has received a verbal confirmation

CONSENT AGENDA

Commissioner Putnam made the motion to approve the consent agenda and Commissioner Doney seconded the motion. The motion passed unanimously. The consent agenda contained the acknowledgement of the claims that had been paid from March 13, 2015 to march 31, 2015 for a total of \$109,538.17.

REGULAR AGENDA - Resolutions, Ordinances & Other Action Items:

1. Public hearing to obtain public comments regarding the City of Lewistown's overall community development needs for economic development, housing and neighborhood revitalization and public facilities, including the needs of low and moderate income persons and the possibility of applying for a Montana Community Development Block Grant (CDBG)

Chairman Poss opened the public hearing to hear public comments regarding the City of Lewistown's overall community development needs for economic development, housing and neighborhood revitalization and public facilities, including the needs of low and moderate income persons and the possibility of applying for a Montana Community Development Block Grant (CDBG). Ms. Kathie Bailey, Executive Director for Snowy Mountain Development

Corporation addressed the Commission. Ms. Bailey explained that she was there to explain the various funding programs that are offered by the Community Development Block Grant program (CDBG). The CDBG program is available to serve the community in regards to low to moderate income residents. There are primarily three categories of funding: housing, public facilities and economic development. There are some planning grants available to help activities associated with any of the three categories. CDBG is funded by the federal government which is money from the Housing and Urban Development. The money is administered by the State of Montana, and municipalities can apply for funding up to \$450,000 for a public facility project and can apply separately for a housing project up to \$450,000. Ms. Bailey explained that if businesses are in need they can come to the City and ask if the City would work with them to apply for an economic development grant. The City is not competitive for the public facilities grants unless possibly targeted at economic development, but can apply for housing because it is targeted at low to moderate income. In order for the City to apply for the programs there needs to be two public hearings. The first public hearing which is the one tonight is just a general public hearing about CDBG program, listening to the public and what they see as needs in the community. Ms. Bailey explained that if any project moves forward then a second hearing is required. Ms. Bailey further explained that the City of Lewistown's housing task force has asked that the City of Lewistown look at a housing rehabilitation program. This would be the first step in that process. Chairman Poss asked for comments from the audience and Commission. There being none, the public hearing was closed.

2. Discussion and action on approving Resolution No. 3875, a resolution of the City Commission of the City of Lewistown, Montana establishing a service plan for future annexation as required under Montana Code Annotated Title 7, Chapter 2, Part 43 "annexation of contiguous land; Part 44 "Annexation of contiguous government land; part 45 "Annexation of wholly surrounded land; part 46 "Annexation by petition"; and, Part 47 "Annexation with provision of services"

Mr. Myhre explained that on November 17, 2014 the City Commission passed Resolution No. 3868 which was a service plan for future annexation as required by Montana Code. The City does have one in place that must be updated every five years but can be updated or amended at any time. Mr. Myhre explained that since Resolution No. 3868 was passed, he has sent that to the State of Montana Department of Commerce Community Technical Assistance Program (CTAP) that assists communities with service plans and development issues. Mr. Myhre further explained that CTAP put out a model plan which the City used to develop their plan and sent the plan for their review and recommendations. There were some recommended changes and the City Manager has made the recommended changes and did make a recommendation for a change. Mr. Myhre commented that it was recommended that the term Exhibit A be noted after the 2010 Urban Growth Boundary term throughout the document. Mr. Myhre stated that the following sentence was changed from "Furthermore, the City of Lewistown plans to consider annexation of new subdivision developments in a timely manner whenever a developer submits a development proposal to the City for annexation" to "Furthermore, the City of Lewistown plans to consider annexation of new subdivision developments in a timely manner whenever a developer submits a development proposal within the Urban Growth Boundary (Exhibit A) to the City for annexation". It was explained that CTAP suggested that Item number 3 on page 4 section D be removed and the following statement be added to the main section D "Prior to

annexation, the City shall review the Lewistown Growth Policy for guidance in determining the most appropriate zoning classification for the property proposed to be annexed.” Mr. Myhre further explained that CTAP recommended that the City explicitly state that “In areas where water distribution and/or wastewater collection facilities have not been constructed, the City will not be responsible to provide those services.” Mr. Myhre stated that statement has been added to Section E Item 1 and Section F Item 5. Mr. Myhre explained that was all of the CTAP recommendations and his recommendation is to add item 4 to Section G which is “As a general policy, the City will assist annexed areas in planning for the extension of water, wastewater and /or storm water facilities. In areas where ten or more developed properties are annexed without water distribution and/or sewer collection services, the City will contract with a professional firm to provide a preliminary engineering report to identify extension options and costs for the provision of city services which are not available at that time.” Further discussion followed. Mr. Myhre explained that in Section H Item 3 refers to a City Engineer and the City does not employ an engineer so it is recommended that is be changed from Engineer to Public Works Director. Mr. Myhre explained what the annexation service plan does for the City. It lines out the City’s capacity for growth in the areas of sewer, water, streets and service providers. It outlines the policies and procedures for areas considered for annexation. The plan still states that it is the developer’s responsibility to for the development of the infrastructure and not the City’s. Commissioner Putnam commented that the Commission recommend that the examples be removed because the examples would be unnecessary and antiquated over time. Commissioner Putnam made the motion to approve with corrections and additions Resolution No. 3875, a resolution of the City Commission of the City of Lewistown, Montana establishing a service plan for future annexation as required under Montana Code Annotated Title 7, Chapter 2, Part 43 “Annexation of contiguous land; Part 44 “Annexation of contiguous government land; part 45 “Annexation of wholly surrounded land; part 46 “Annexation by petition”; and, Part 47 “Annexation with provision of services” and Commissioner Turk seconded the motion. Mr. Frank Westhoff asked what statute the City is using for annexing Castle Butte Road and how the City can annex a road to get to a piece of property to make it contiguous to the City. Commissioner Byerly answered that this resolution does not have anything to do with annexing roads, but if the Commission moves forward with the annexation it is very important to get that answer and would like to direct the question to the City Attorney. Further discussion followed. Commissioner Poss 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 approving an electrical license for Annette Smith Electric

Mr. Myhre explained that an electrician from Jefferson City has applied for a business license in order to do some electrical work in Lewistown. Mr. Myhre stated that we have all of the necessary and proper documentation and she is licensed by the State of Montana. Commissioner Gremaux made the motion to approve the electrical license for Annette Smith Electric and Commissioner Doney seconded the motion. Commissioner Poss 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 approving and authorizing the City Manager to sign a City of Lewistown Construction Agreement with the State of Montana

Mr. Myhre explained that this is the second time this has been on the agenda, but the first time it was removed because the City had not seen a copy of the plans. Mr. Myhre further explained that the other concern was the lighting. Mr. Myhre reported that once some of the lighting is replaced in the project the City will be responsible for the operation cost and will not be responsible for maintaining the lights. Mr. Myhre stated that the City has seen the plans and reviewed the plans and do not have any concerns at this time. Commissioner Putnam made the motion to approve and authorize the City Manager to sign a City of Lewistown construction agreement with State of Montana and Commissioner Gremaux seconded the motion. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

CITIZENS' REUQUESTS

Mr. Brandon Beriault thanked each of the Commissioners for their service to the community. He knows it is a thankless job and knows that they take the time to take care of the City's business.

COMMISSIONER'S MINUTE

Commissioner Hewitt asked about an agreement with Mr. Flament. Mr. Myhre answered yes the Commission did approve an agreement with Mr. Flament for continued use of City water for a certain amount of time while looking for another water source.

Commissioner Turk wondered how the Commission could acknowledge the good deeds in the community. Mr. Myhre stated that courtesies are part of the regular agenda and at any time the Commission can get him the information.

ADJOURNMENT

Chairman Poss adjourned the meeting.

Dated this 6th day of April 2015.

Rick Poss, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk