

A COMMISSION MEETING OF MAY 18, 2015 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Vice Chairman Gremaux called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

APPROVAL OF MINUTES

Commissioner Doney made the motion to approve the May 4, 2015 minutes and Commissioner Turk seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that the Lewistown Study Commission met on May 8th and Commissioner Byerly was scheduled to be interviewed but there was not a quorum. The surveys were reviewed, they are planning on compiling the survey results and they are taking some surveys. The next meeting will be May 26th at 7 pm at the Community Center.

Commissioner Turk reported that there was no Library Board meeting this month because there were not enough members to have a quorum. The Library's author dinner is 5/20/15.

Commissioner Hewitt reported that the Airport Board toured the bus barn and it will be a great a hangar. Commissioner Hewitt reported that the Office of Public Instruction got a grant in the amount of \$150,000 for a new classroom, storage and bathroom. The Airport Board and Kiwanis have been working on the rest area lease. The Airport Board is still waiting on approval from the FAA to sell the portion of the Airport.

Commissioner Byerly reported that he attended the Elected Officials training in Billings. Commissioner Byerly stated that as a new City Commissioner it was good to understand what other municipal governments are facing. The Executive Director of the League of Cities and Towns gave an update on the legislature and it was good and appears to have a handle on these issues. He reported that he did visit with other City Commissioners.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The majority of the Public Works staff will be assigned to the cemetery for the week of May 18th to prepare the cemetery for Memorial Day. The mowing and trimming is a major amount of work to get the whole area in a similar condition on one day. Typically the staff starts on one end and work their way back to the other end and then begin again.

The City staff have sprayed the parks and open areas in April but a number of dandelions have still emerged. The City staff will work to get them sprayed again if time allows. The cemetery will be the first priority with dandelions. Noxious weeds are also a strong priority.

The Library's summer reading program will begin on June 9th and registration will start at that time also. The program is always popular with kids and adults.

A large number of trees were recently bought and planted with funds donated from Northwestern Energy in 2014. A ceremony was held on Wednesday, May 6th at Symmes Park with an education display and discussion and assistance from Northwestern Energy's local employees and Fergus High School students from the FFA program.

The annual meeting of the Central Montana Foundation (CMF) will be held at the Elks Clubhouse on Tuesday, May 26th at noon. There will be short presentations for their major grant program as well as other annual business. There were two project grant applications submitted that directly affected the City of Lewistown. One is to provide some funding to the Friends of the Trails for work on the road at Fish Hatchery Park and the other is an application submitted by the Downtown Association for the Wayfinding Project. The event is a no host lunch.

The City staff are hoping to receive bids for the swimming pool improvements and have them ready for Commission action on the July 6th meeting. The plans are currently being reviewed by the Montana Health and Human Services.

The Legislature recently passed a law requiring Cities and Counties to fly a POW flag in front of their main business office. The City Manager has given a copy of the law to the Police and Fire Departments and asked them to take the steps necessary to meet the requirements of the law. It is unknown at this point if we will need to buy small United States and Montana flags to accommodate the additional load on the current poles. Approximately 180 local governments around the state will be installing the flags to meet the law and the State of Montana will be installing one flag on its pole at the Capital building.

The City Manager distributed an email from the Montana League of Cities and Towns Executive Director regarding a last minute legislative cut to the entitlement funding authorized for cities.

CONSENT AGENDA

Commissioner Hewitt asked that the claims be removed from the consent agenda.

Commissioner Doney made the motion to approve the acknowledgement of the claims that have been paid from April 30, 2015 to May 14, 2015 for a total of \$93,587.79 and Commissioner Hewitt seconded the motion and the motion passed unanimously.

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

1. Public hearing on Resolution No. 3877, a resolution approving property tax benefits for remodeling, reconstructing, or expansion of commercial property within the City of Lewistown.

Vice Chairman Gremaux opened the public hearing to hear comments on the property tax benefits for remodeling, reconstructing, or expansion of commercial property within the City of Lewistown. Mr. Myhre explained that the property is located at 502, 506 and 508 W Main Street. The application was submitted Ms. Nicole Wines and the application states that one portion of the building is being prepared for occupancy of a salon, the proposed use for 502 and 506 W Main Street is unknown at this time. Mr. Myhre explained that the application is in accordance with MCA 15-24-1502 which states that tax benefits may be received for remodeling or reconstruction of a building that increases its taxable value by at least five percent. Mr. Myhre further explained that when the City receives a tax benefit application the City must provide public notice, have a public hearing and then pass a resolution. If the application is approved, the tax benefits apply for the construction period, not to exceed 12 months, and for up to 5 years following the completion of the construction or the exemption period. Ms. Nicole Wines was at the meeting and introduced herself to the Commission. Vice Chairman Gremaux asked for comments from the audience and Commission. There being none, the public hearing was closed.

2. Discussion and action on approving Resolution No. 3877, a resolution approving property tax benefits for remodeling, reconstructing, or expansion of commercial property within the City of Lewistown

Mr. Myhre explained that a tax abatement looks at the increased value of the property after a remodel and brings in the new taxes gradually for a five year period. There are state laws that allow for tax abatements and this one requires that the building had to be empty for at least six months prior to the remodel. Commissioner Doney thanked Ms. Wines for coming to the meeting. Commissioner Doney made the motion to approve Resolution No. 3877, a resolution approving property tax benefits for remodeling, reconstructing, or expansion of commercial property within the City of Lewistown 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.

3. Discussion and action on appointing Harvey Nyberg to a two year term to the Lewistown Historic Resources Commission

Planning Director Duane Ferdinand explained that the Lewistown Historic Resources Commission (HRC) consist of seven members appointed by the Lewistown City Commission. There is currently one vacancy on the historic commission. The Lewistown HRC operates under the guidelines of City Ordinance 11-15. Mr. Harvey Nyberg has submitted an application seeking appointment to the HRC. Mr. Nyberg has been attending the historic commission meetings regularly and the other members of the historic commission feel that Mr. Nyberg would be a valuable asset to the commission. Commissioner Doney made the motion to approve appointing Mr. Harvey Nyberg to a two year term to the Lewistown Historic Resources Commission 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.

4. Discussion and action on approving the general union bargaining agreement for 2015 – 2018

Mr. Myhre explained that he has been working with the general union bargaining unit to negotiate a three year contract. They have reached an agreement and Mr. Myhre is asking for approval of the agreement. Mr. Myhre stated that he asked for language changes for sick and bereavement leave and that the changes are the same that were made to the Fire and Police Department union agreements. There was a

clarification to the overtime language that shift differential will not be paid when you are being paid overtime. They will receive shift differential when they actually work during those times outlined for shift differential. There was a provision added to the clothing allowance language that state a newly hired employee may not utilize more than \$100 of their annual allowance during the first sixty days of employment and is not eligible for any unused portion if they become no longer employed with the City. The only change to the health insurance is that the insurance increase was 5.3% and both the City portion and the employee portion will increase by that percentage. Mr. Myhre stated that when working on a contract it is always discussed whether it should be a percent or amount increase. Mr. Myhre stated that in this contract all positions will receive a \$.25 an hour increase and certain positions in the water, sewer, building and street departments will receive an additional \$1.00 an hour. Mr. Myhre explained that the reason for this is because those are the positions that are difficult to fill. Mr. Myhre stated that the union has approved the agreement and is recommending approval by the commission. Mr. Myhre stated that the other two years of the contract will be based on the cost of living. Mr. Myhre further stated that the increase for next year will be averaged and the same amount will be given to each position and the third year of the contract will be a straight cost of living increase. Commissioner Byerly made the motion to approve the general union bargaining agreement for 2015-2018 and Commissioner Doney 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.

5. Discussion and action on approving the purchase of a skid steer for the Public Works Department

Public Works Director Holly Phelps explained that the Public Works department budgeted for a skid steer this year. The one that we currently have is approximately fifteen years old. There are several attachments and it is utilized for the streets, cemetery and trails. The old one will be placed at the wastewater treatment plant. The crew has been test driving some and it was preferred to purchase the CASE mode. Ms. Phelps stated that she is asking the Commission to approve the 2015 CASE with a two year 2,000 hour warranty. Commissioner Turk asked how much was budgeted. Ms. Phelps answered that \$75,000 was budgeted. Commissioner Turk made the motion to approve the purchase of a skid steer for the Public Works Department and Commissioner Byerly 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 and action on appointing a business license committee

Mr. Myhre explained that he has put together a packet of information from about twenty different towns regarding business licenses. Mr. Myhre stated that Commissioner Putnam, Commissioner Turk, Commissioner Hewitt, and Commissioner Gremaux have expressed interest in serving on the committee. Mr. Myhre suggested having an odd number to be able to pass something to bring back to the Commission for approval but can put as many on the committee as you choose. Commissioner Turk commented that the final decision has to be made by the City Commission. Commissioner Gremaux answered that is correct. Mr. Myhre commented that the Commission can work on this subject during the regular meeting and do not have to do anything with the business licenses. Mr. Myhre further stated that the most difficult part of the issue is to come up with a law that is fair, equitable and enforceable. Mr. Myhre commented that was the goal when the changes were made in 2004. Commissioner Gremaux stated that no changes have to be made. Mr. Myhre agreed but there has been a request to look at the direct sales provision in the code. Vice Chairman Gremaux made the following appointments to the business license committee: Commissioner Gremaux, Commissioner Turk and Commissioner Putnam. Mr. Myhre asked that Finance Officer Nikki Brummond sit in on the meetings to help work through the issues and she knows the process and how it is currently enforced. Commissioner Gremaux stated that the meetings will be held in the upstairs meeting room at the Library with a time to be determined.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Vice Chairman adjourned the meeting.

Dated this 18th day of May 2015.

Frank Gremaux, Vice Chairman

ATTEST:

Nikki Brummond, City Clerk