

A COMMISSION MEETING OF JUNE 1, 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 May 18, 2015 minutes and Commissioner Hewitt seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Putnam reported that she attended the annual meeting for the Central Montana Foundation. They gave out about \$110,000 in scholarships and grants in the amount of \$240,000 over the last couple of months.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The City Attorney and the City Manager met with the County Commissioners on May 28, 2015 to discuss some modifications to the Fairgrounds Water and Sewer Repayment Agreement that was approved by the City commission in February. The updated agreement will be on the agenda for the second meeting in June. The pending annexation of certain properties located in the areas of Castle Butte Road and Roundhouse Road were also discussed.

Century has begun preparing streets for overlays and may start paving as soon as May 29th. Several streets have been milled in portion or entirely and have a temporary rough surface.

The Central Montana Foundation has awarded funding for both the Wayfinding Project and some improvements at the Fish Hatchery Recreation Area. The City is matching the funds for the Wayfinding Project and is currently working to get approval from the Department of Transportation.

City staff have been working to get the current pool up and running for the season. The main pump bearings were sieved and the pump was sent to Great Falls to be rebuilt. It should be installed on Friday, May 29th. Jim Daniels is working to have staff trained for the season.

The Council on Aging has had much of the vegetation around the building removed and replaced with new plants and shrubs.

CONSENT AGENDA

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Byerly seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from May 15, 2015 to May 31, 2015 for a total of \$182,211.79.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on approving Resolution No. 3878, indicating the Commission's intent to annex certain properties adjacent to Castle Butte road, Roundhouse road, Southland road and Reservoir Drive located in the E 1/2 of section 22, the W 1/2 of section 23, NW 1/4 of section 26 and E 1/2 of Section 27, T15N, R18E, P.M.M. Fergus County, Montana, into the City of Lewistown

Chairman Poss welcomed everyone to the meeting and invited anyone that would like to speak to be sure to state their name for the record and asked that only one person at a time talk to allow everyone to hear what is being said. Mr. Myhre explained that in April a City Commissioner requested that the proposed annexation be brought back before the Commission in May, however, due to scheduling staff was not able to bring the proposed annexation to the Commission until this meeting. Mr. Myhre stated that Resolution No. 3878 refers to annexation map 2015-1 and essentially this is the same map that was looked at in November with the exception of two full lots along the road that was an agreement approved by the City Commission in May. Mr. Myhre reviewed the lots that have water, a waiver of annexation, undeveloped and those that do not have water service. Mr. Myhre stated that the City is going to be annexing the road right of ways as part of the annexation and that those properties located in the road right of way have a right to protest. Mr. Myhre explained the process and that if the City Commission approves Resolution No. 3878, the staff will put together a list of citizens that need to be notified by state law and notices will be sent. The legal notice will be published in the paper on Saturday which will start the twenty day comment period and once the twenty day period is expired the comments and protests will be compiled for the City Commission to review and then determine if they would like to move forward with the annexation and the resolution will be on the July 6th agenda for action. Ms. Angela Alaers read the following letter: Thank you for taking the time to listen to our questions and concerns. We realize our area is under consideration for annexation into the City. While we are trying to understand it all and figure out how we can afford the taxes if this is to proceed, we are left quite concerned that we will have to move. We live on the corner of Castle Butte Road and Roundhouse Road. We chose that location because for one it is a home that has had many family generations living there, huge family gatherings, and we wanted to carry on that tradition when we were raising our children. It is a location we could afford. When the water lines were first being run up into our area Dale & I discussed our option of having it run into our home and quickly decided against it. The deciding factor was that we have a well and a septic that is easy to maintain and we ultimately did not want another monthly bill. As the years moved on, with no disrespect towards our neighbors, others began to build around us and requested that the City of Lewistown water lines be run to their properties which was that individuals choice. With all of those properties fulfilling their desire to live up on Castle Butte and Roundhouse Road and having their needs met, we were told that because of all that, we are wholly surrounded and we will be taxed regardless if we have water or not from the City. We feel as if we are the ones who do not have a choice now and are open to possible future discussion of another option. We realize that perhaps we don't quite understand or are not aware of the details with a few agreements we have heard about regarding annexing properties. The City has chosen not to annex a property that has water services, yet is possibly going to move forward annexing our property that does not have any water services. We do not feel that it is fair to us and are sincerely, asking you to please take into consideration these points and if there could be another solution. In closing we would like to let the City of Lewistown know that we have thoroughly enjoyed our home and property and it has been a blessing to raise our family in this community. We are not wanting to move, however if the vote goes toward annexing our property, we will have to choose to look at leaving. Mr. Don Knox talked with the Commission regarding annexation, City services and weed control. Mr. Frank Westhoff asked if the City had service agreements for everyone receiving City water. Mr. Myhre answered that yes the City should have signed service agreements for all residents and nonresidents that have City water. Discussion was held on how the City gets home owners to sign the service agreements and how many people have signed or not signed the agreements. Mr. Westhoff asked what the requirements for annexation are. Mr. Myhre answered that is a simple question with a lot of answers and if the City wants to annex property they need follow state law. Further discussion followed. Ms. Joyce Taurman addressed the Commission and stated that they have lived in their house for 48 years and bought their house outside of the City limits because it fit their budget. Ms. Taurman commented that they are going to be annexed and they receive no

benefits from the City and anything they use from the City they pay for and they donate to several different things in the City. Ms. Taurman stated she does not know why they are being annexed because they do not receive any services and none of their neighbors have any services. Commissioner Doney made the motion to approve Resolution No. 3878, a resolution indicating the Lewistown City Commission's intent to annex lands contiguous to the City that are adjacent to Castle Butte Road, Roundhouse Road, Southland Road and Reservoir Drive located in the E ½ of Section 22, the W ½ of Section 23, NW ¼ of Section 26 and E ½ of Section 27, T15N, R18E, P.M.M. Fergus County, Montana and Commissioner Putnam 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.

2. Discussion and action on approving Resolution No. 3879, a resolution suspending the prohibition of the discharge of private fireworks within the City for the period of twelve o'clock noon to twelve o'clock midnight on the fourth of July, 2015

Mr. Myhre explained that after the last meeting he forwarded all of the details to the City Attorney and he drafted Resolution No. 3879 which is a resolution suspending the prohibition of the discharge of private fireworks within the City limits. Commissioner Doney stated that she has had very little comment from citizens either way. Commissioner Gremaux stated he has heard comments not to allow it. Commissioner Putnam has heard comments that they go off anyway and it is not enforced. Commissioner Poss asked what the fine for setting off fireworks is. Mr. Myhre stated it would be the standard fine for misdemeanors. Commissioner Byerly stated that he appreciates the time that was put into this discussion and was interested in this issue. Commissioner Byerly explained that he is not as interested in this issue and based on the information provided by the Fire and Police Chief either way the Commission goes on the issue is not a big deal for those departments. Commissioner Byerly does not feel that there are any citizens that are really advocating for fireworks and the discussion that was held was valid and good, but doesn't know that there is enough positive for the City or the Commission. Further discussion followed. Commissioner Gremaux made the motion to disallow Resolution No. 3879, a resolution suspending the prohibition of the discharge of private fireworks within the City for the period of twelve o'clock noon to twelve o'clock midnight on the fourth of July, 2015 and Commissioner Putnam 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.

3. Discussion and action on varying from City code 11-4-6 for the Lewistown School District regarding infrastructure improvements

Public Works Director Holly Phelps explained that the School District bought the old Torgerson's property and are planning on doing an addition and building upgrades to the property. Ms. Phelps explained that the City Code regarding curb, gutter and sidewalks in commercial and industrial zones was included in the packets. Ms. Phelps further explained that curb and gutter is required at the time of property improvements in industrial areas. These items were discussed during the plan review and now the school district is asking for a variance from City code. Mr. Myhre explained that the School District was informed during plan review that because the property is located in an industrial zone it is required to install curb and gutter as part of the property improvements. The School District is asking the City to vary from City code with regards to installing curb and gutter until the street located in front of the property is paved. It was clarified that the improvements would be for the front of the building and at this time there is no indication as to when the street will be paved. Further discussion followed. Commissioner Doney made the motion to deny the request from the Lewistown School District to vary from City code 11-4-6 regarding infrastructure improvements and Commissioner Putnam 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 the invitation to bid for the Lewistown Swimming Pool improvements

Mr. Myhre explained that the swimming pool improvements is a big project and the engineer asked that the City Commission review and approve the invitation to bid for the improvements. Mr. Myhre explained that there are a couple of alternates and that is because if the bids do not come in where expected it gives the City the opportunity to make adjustments to the project without starting the bidding process over. Commissioner Putnam made the motion to approve the invitation to bid for the Lewistown Swimming Pool

improvements 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.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Poss thanked Commissioner Byerly for all of the extra time and work that he did on the annexation. Commissioner Doney agreed and thanked Mr. Myhre for all of the information that was compiled and made available for the Commission to read.

ADJOURNMENT

Chairman Poss adjourned the meeting.

Dated this 1st day of June 2015.

Rick Poss, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk