

**A COMMISSION MEETING OF JUNE 16, 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 Turk made the motion to approve the June 1, 2015 minutes and Commissioner Gremaux seconded the motion. The motion passed unanimously.

**COURTESIES**

There were none.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Doney reported that she was unable to attend the recent Local Government Study Commission meeting.

Commissioner Turk reported that she was unable to attend the Library Board meeting. The Library Board was able to complete the Library Directors performance review.

Commissioner Byerly reported that the Central Montana Health District is meeting this week.

Commissioner Hewitt reported that she attended the Airport Board meeting on June 3<sup>rd</sup>. WTI is requesting to put in a drain field and septic tank. Mr. Stein came to the Airport Board and requested to be able to lease more property located near his building. Commissioner Hewitt reported that Mr. Stein and Ms. Campbell came to the Airport Board and asked if something could be done to the frontage road that is located in front of their property. Commissioner Hewitt reported that there were over a hundred planes that flew in for the airport fly in. It was a great turn out.

Commissioner Putnam reported that she attended the Park and Recreation Board meeting. The Jaycees requested use of some of the trail space at Trailhead Park for a concert they are sponsoring on June 25<sup>th</sup>. The board did approve this request. Commissioner Putnam explained that there will be some reservation kiosks located at a couple of the parks that will allow people to reserve the area. It will cost \$25 to reserve the area. You can still use the area for free but are not guaranteed the space. The pool opened on June 10<sup>th</sup>. The pool district is still organizing.

## **CITY MANAGER REPORT**

City Manager Kevin Myhre reported on the following issues:

Most of the streets in the paving project have been paved and patching is continuing in several areas. There were some weather and break down delays which slowed the progress some.

The Machler stream restoration project is hoping to finalize the FEMA Flood Plain work and is hoping to begin in the fall. The City has been notified that both the County and the City Flood Plain Departments need to provide documentation of the public notice to affected residents because the project crosses jurisdictional boundaries.

Several of the City's flood control reservoirs began filling above the low water discharge during the recent rain events in the area. They are now releasing more than they are taking in and should return to the static pool levels in the near future. The creek levels will remain higher until they return to normal.

The City Manager has received a letter from the Airport Board Chairman requesting assistance from the City and the County for a long term maintenance solution for the frontage road which serves the leased properties along the highway. A copy of the letter is in your packet. The road is an internal access road built by the Airport to facilitate the leasing of the lots along the highway. The City Manager recommends that the City, County and Airport Board explore funding options to pave the road surface to reduce the amount of maintenance needed on the road. Commissioner Byerly asked if any of the lease money is earmarked for road maintenance. Mr. Myhre answered not that he is aware of. Mr. Myhre explained that make up of the Airport Board.

The Ice Skating Association poured a concrete driveway from the parking lot to the building on June 9<sup>th</sup>. They are working to get the area seeded and put together for the summer season.

At the request of the Council on Aging Board, the Director for the Council on Aging has requested that her staff not park in the City Complex parking lot, on 4<sup>th</sup> Ave in the same block, or on Watson Street between third and fourth so that there is adequate parking for the increasing numbers of customers utilizing the grubstakes program in the morning until 1 p.m. The Community Center is leased free to the Council on Aging (COA) and the parking lot is a shared parking lot for both facilities. The COA website indicates that they now have 23 employees/volunteers. The Director has also made the same request to the City Office for City staff. The City Manager is concerned about the sustainability of the program in this location

with the current growth rate and does not believe it is appropriate for City staff to park in the surrounding residential areas to leave public facility spaces vacant.

The City Pool is now open. Only one boiler is operating but it is able to get the pool heated with the new pool blanket that was purchased last year.

### **CONSENTA AGENDA**

Commissioner Doney made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from July 1, 2015 to June 11, 2015 for a total of \$57,686.84.

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

1. Discussion and action on a request from Vicki Eades to run sheep on lots located in the City limits

Mr. Myhre explained that Ms. Eades is asking to run sheep on a piece of property that is located adjacent to highway 191 N. There are some vacant lots there that are located in the City limits. Mr. Myhre reviewed the cadastral map that was included in the packet and shows the current City limits and the lot was annexed in 1903. Ms. Eades asked the Commission if she could run her sheep on some property owned by John Peterson. Ms. Eades explained that in 2011 she was contacted by Mr. John Peterson to see if she would like to run her livestock on the property to graze the grass and keep the fire hazard down. Ms. Eades stated that she ran her livestock on the property in 2011 and 2012. In 2013 Mr. Peterson asked Ms. Eades to refence the property because some of the property was being used without Mr. Peterson's permission. Ms. Eades explained that she had her livestock on the property in 2013 and 2014. Both years she was requested by the Police Department to remove the livestock because of the lots being located in the City limits. Ms. Eades explained that one portion of the property is so rough it cannot be mowed. Ms. Eades explained that she has contacted the adjacent landowners and there appears to be no concerns from the ones that were contacted. Ms. Eades reviewed the letters from adjacent landowners with the Commission. Further discussion followed. Commissioner Doney commented that she would like to know more about the complaint and when it happened. Mr. Myhre answered that he believed it was two years ago and does not have any details of what it was. Mr. Myhre explained that the issue that staff has when we have those type of requests is that City Code 6-3-21 states that it shall be unlawful for any person to keep or cause to be kept, within the limits of the city, any domestic animals. Domestic animals shall include horses, mules, donkeys, cattle, swine, sheep, goats, chickens, ducks or turkeys. The only exception is miniature potbellied pigs which was added in 1995. City Attorney Monte Boettger explained that when an area is annexed there are provisions in city code and in state law that if you legal use that is existing on the property and then you are incorporated into a city that use can continue. Mr. Boettger further explained that there is a provision in city code that states if you discontinue the use for an eighteen month period then you have abandoned your ability to come back at a later date and reestablish the use. Commissioner Putnam commented that if there were animals on the property when it was annexed into the City and there was not a time period of

eighteen months where there was no animals, then they could have animals on the property. Mr. Boettger stated that it is a possibility if it can be established that there has been animals on the property since it was annexed. Mr. Myhre commented that lots of ideas have been discussed, but what happens if you do not like a City ordinance and want to allow sheep then you can get rid of the City ordinance. Mr. Myhre further commented that if you don't like the ordinance but want to allow it in certain situations then you put provisions in the ordinance that allows it in certain situation. Commissioner Doney does not see a legal mechanism to allow for this request. Commissioner Byerly commented that he thinks there is one mechanism to do this and this makes perfect sense but unless the mechanism we use that it is an existing use and was grandfathered in which means it has been used as livestock for twenty three years. Commissioner Byerly stated that as a Commission we just say yes to a common sense proposal then next meeting there will be someone wanting chickens. Commissioner Byerly stated that if we assume there has been livestock on the property and that livestock has continued on the property without a break it would be okay. Mr. Myhre stated that the Commission can vote and take action however you chose, but if you feel there is sufficient evidence or reason to believe there has been a continuing use on this property historically then you can vote stating you believed this to be a continuing use and will authorize as long as it continues under these provisions. Mr. Myhre further stated that his only concern is that if there are problems you can handle it under the nuisance ordinance or someway to rectify problems if we have any. Commissioner Poss stated that he thinks this makes perfect sense but it is the application of it and how we move forward with the request. Commissioner Doney stated that she would like to have one more meeting to think about this and talk to constituents to see if there is going to be something else that comes of it and would allow the complaining party the opportunity to speak. Commissioner Doney stated that she would like to think about the ramifications and the precedent that could set. Commissioner Putnam would like to know the prior ownership of the property. Commissioner Putnam made the motion to table the item until the next meeting 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.

## 2. Discussion and action on authorizing the City Manager to sign an application for federal funding assistance for the Lewistown Airport to purchase the bus barn facility

Mr. Myhre explained that he received a request from the airport manager to sign a request for an application to the federal government for a grant in the amount of \$417,870 with a match from airport funds is \$46,430 for a total of \$464,300 which provides the funds necessary to purchase the bus barn located at the airport. Commissioner Turk asked what equipment is going to be purchased for \$250,000. Further discussion followed. Mr. Myhre stated that the Airports engineer put this grant together. Commissioner Byerly made the motion to approve authorizing the City Manager to sign an application for federal funding assistance for the Lewistown Airport to purchase the bus barn facility and Commissioner Hewitt seconded the motion. Commissioner Doney stated that she does have some questions with the figures on the grant. Commissioner Putnam would like the funding breakdown specified. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and those Commissioners voting favor were: Byerly, Doney, Gremaux, Hewitt, Poss and Turk. Commissioner Putnam voted against.

### 3. Discussion and action on

Mr. Myhre explained that the Ice Skating Association along with the Friends of the Pool have been working on a joint concept to tear down the two restrooms that service the park area. Mr. Myhre further explained that the two groups have worked with the engineer working on the pool improvements to come up with preliminary plans to demolish a building and build two masonry standalone bathrooms and a type of locker room building. The regional tourism grants that are available are for things that are multi seasonal, multi-use facility that encourage seasonal tourism. Mr. Myhre stated they would like to be able to apply to the Central Montana Tourism group for a grant to help fund the building of the building and the estimate is around \$300,000/ This is the second grant request the two groups did send a request to a private company and received \$10,000 to help with the funding. Mr. Myhre explained that the two groups are asking the City's Parks department to be the sponsor of the grant and to pay for the grant writing in the amount of \$1,500. The expense is not currently budgeted but will be budgeted in the next fiscal year is this is approved. Commissioner Turk made the motion to approve authorizing the Parks and Recreation department to apply for a tourism grant to fund a multi season ice/pool restroom & concession facility 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 an amended County water and sewer development agreement

Mr. Myhre explained that this agreement was approved by the City Commission in February and the County Commissioners were not happy with it and requested a couple more changes. The only changes made are one on page two that adds the following language "The City agrees that when a water or sewer customer files an application for connection, where any of the fees described herein would be collected, Fergus County will be provided a copy of the application within 10days of the customer making such application." The other change is the indemnity language. This change is due to the county worrying about collecting the funds and when it will be received. Commissioner Doney made the motion to approve the amended County water and sewer development agreement and Commissioner Turk 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.

### 5. Discussion and action on approving a tree removal bid for City properties

Mr. Myhre explained that each summer the City needs to have trees removed and the Public Works Director has worked with the two vendors. Public Works Director Holly Phelps explained that she asked a couple of the large tree removal companies to provide a bid for the removal of up to eighteen trees. There were two bids received one from Avidity tree service in the amount of \$8,000 for just the tree removal at the pool and the second bid is from Davey tree service and is a per hour bid of \$81.60. The Davey bid will allow the City to add trees and the bid is good for up to one year. Ms. Phelps stated that her recommendation is Davey Tree Service. Mr. Myhre stated the recommendation is to approve Davey Tree Service for the rate of \$81.60 per hour and public works with work them to get the trees down. Commissioner Byerly

made the motion approve Davey Tree Service for a rate of \$81.60 per hour and Commissioner Turk 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.

6. Discussion on the implementation of Commissioner stipend as outlined in Resolution No. 3817.

Commissioner Putnam stated that she serves on the Central Montana Foundation Board and the awards for those scholarships was the same Monday as this meeting. Commissioner Putnam explained that she spent twelve to fourteen hours reviewing the scholarship applications and scoring them. Once this is done you take your scores to another meeting that was about four hours long and determine who received the scholarships. Commissioner Putnam stated that she wanted to attend the meeting and the foundation did ask them to attend the meeting. Commissioner Putnam reported that she called Mr. Myhre and told him that she was going to attend the high school awarding meeting instead of the City Commission meeting. Commissioner Putnam further stated that as a result of missing two prior meeting she was not paid for this meeting and had put in at least sixteen hours of work. Commissioner Putnam stated that provision in the resolution that was passed for not being paid for a meeting after missing two meetings and have to be approved and always have to notify if going to be absent is a little short as to what could happen. Commissioner Putnam thinks that the resolution should be reworded. Commissioner Putnam would like to amend the resolution. Mr. Myhre stated that it is not on the agenda for action tonight, but you can give us some direction and will bring it back at the next meeting for changes to be approved. Commissioner Putnam feels that the wording should be a Commissioner in good standing. Further discussion followed. Mr. Myhre stated that how the resolution is worded and put together is up to the City Commission but would ask that there is no wiggle room for staff to decide or be put in a position to decide what is excused and is not excused because it puts staff in a terrible position. Different scenarios were discussed. Mr. Myhre explained that the Commission has the discretion to set it up anyway they choose but would ask that you leave no discretion up to staff to decide who is doing right or wrong. Mr. Boettger stated that he will come up with a couple of different option for the resolution and it will be on the agenda for the next meeting.

### **CITIZENS' REQUESTS**

Ms. Nancy Fry Moline addressed the Commission stating that she is asking for help with her neighborhood. Ms. Moline stated that she lives at the corner of Corcoran and Daws on a dirt road. There is an irrigation ditch that runs along her house and is owned and run by the ditch association. The water is supposed to stay in the ditch and have always suffered from water in the basement. Ms. Moline further explained that when the water is pumped out of the basement it has nowhere to do because of the street. Ms. Moline explained that she has called the Public Works Department many times to get help with the street. Ms. Moline stated that her request is that someone from the City come and do something about the street. Ms. Moline stated that her second request is something be done about the trailer house and lot owned by Mr. Ron LaTray. Ms. Moline stated she would like your help and know that the City has the power to go in and clean up the lot and put it on the taxes. Ms. Moline stated she is tired of living like this and would the Commission to take a look at the area and do something.

**COMMISSIONER'S MINUTE**

Commissioner Doney asked about the difference in building permit revenue. Mr. Myhre answered that it varies.

**ADJOURNMENT**

Chairman Poss adjourned the meeting.

Dated this 16<sup>th</sup> day of June 2015.

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Rick Poss, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk