

A COMMISSION MEETING OF JULY 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 June 15, 2015 minutes as presented 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 last Local Government Study Commission meeting.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The Lewistown Sea Lions hosted a swim meet over the 4th of July weekend at the City Pool.

There was a Color Run sponsored by the Veterans Auxiliary on the trail system within the City on the 4th of July. This is the second year of the event and was very popular last year. Commissioner Doney reported that the event was well attended and even though streets were blocked off on the route, there was still a person that was almost hit by a car and would like to work with the Police Department next year to see what could be done differently.

Downtown on Wednesday evenings 2nd Ave S between Main Street and Janueax St will be closed through the summer. Several of the businesses are sponsoring booths and music in the area in a plaza type atmosphere. The City has authorized the event. There was a great turnout on Wednesday, July 1st to kick off the summer.

The Library's summer reading program is in full swing. The Lewistown Fire Department recently assisted the Library with a summer reading program event for kids at the Library. The Lewistown Police Department will be attending a similar event later in the summer. The events are introducing and recognizing local emergency responders as a part of a Heroes theme. The Library also recently hosted a small music concert on the lawn at the Book Station.

The City staff have been working to make some repairs to irrigation systems on several city properties in town. There was some vandalism to a control box in the City Cemetery and the Parks Department is working to extend the irrigation system into the area of Kiwanis Park where the skateboard park had been located. Lawn areas are drying much more rapidly than usual this summer season.

The City Office will be short staffed through the summer into the fall. There is one staff out on maternity leave. The financial officer will be assuming most of the duties of the bookkeeper's responsibilities during that time period.

The Muzzleloaders recently held their annual event at the East Fork Reservoir Recreation Area. They have held the event at the facility for several years and are very helpful in cleaning up the site before and after the event.

New outdoor display boards are being installed at the shelter locations at Frank Day Park, Brewery Flats, and at the Fish Hatchery to display information and reservation schedules for the sites. The facilities are typically open for public use but can be reserved for a nominal amount at the Civic Center. This process should assist event organizers in planning efforts and encourage more use at the sites.

CONSENT AGENDA

Commissioner Hewitt asked to remove the consent agenda and asked some question regarding the claims. The questions were answered by the City Manager. Commissioner Doney then made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The consent agenda was the acknowledgement of the claims that have been paid from June 16, 2015 to June 30, 2015 for a total of \$693,921.25.

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

1. Discussion and action on Resolution No. 3880 a resolution annexing 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 of 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

Chairman Poss stated that he knows everyone wants to be able to speak, so when you speak please stand up and state your name and only one person at a time. Mr. Myhre explained that the final resolution was handed out tonight, but in the Commissioner's packets was a draft resolution, a spreadsheet and the all of the comments that were received by the City Clerk. The spreadsheet shows the name and whether they are the owner or resident of the property, if a protest or comment was received, the number of lots, and the service address, the geo code to identify the property, if they have city water when a waiver was signed and if it is a valid protest. A valid protest is if they did not sign a waiver on the property or a previous owner did not sign a waiver and there were 18 valid protests. There were a lot more letters than that expressing their displeasure with the annexation but in the legal terms of annexation there were 18 lots that had not waived their legal right to protest and those owners have sent in a letter of protest. Mr. Tom St. John addressed the Commission stating that he has a signed petition of signatures from their meeting last week and a handout that contrary to what the Commissioners and City Manager have said Lewistown is actually in a state of population decline not a state of growth. Mr. St. John asked if the Commissioners actually polled anyone in their wards regarding annexation. Commissioner Turk, Putnam, and Gremaux answered that they have talked to many people in their ward regarding the annexation. Mr. St. John asked what the result of the conversation was and Commissioner Gremaux answered they are in favor of it. Mr. St. John stated the Mr. Byerly wrote a statement in the paper stating that he feels responsible to the citizens of Lewistown and they would be strong supporters of annexation. Mr. St. John stated that he believes Mr. Byerly and all of you as elected officials have a responsibility to vote in a manner in line with the majority opinion of all your constituents. Mr. St. John stated the poll that was recently done on the News Argus website stating 70% of the people answering the poll are against annexation. Mr. St. John stated he encourages the Commission to do the right thing to vote against annexation, push back against the City's anti-business attitude and devote your time to the most important matter in the City and that is getting it back on its economic feet. Mr. Frank Westhoff addressed the Commission asking why it is necessary to annex Castle Butte Road. City Attorney Monte Boettger answered that it is public road, the City will be maintaining the road and the City's water line lies beneath. Mr. Westhoff asked if Castle Ridge Acres would be contiguous if you did not annex Castle Butte Road. Mr. Boettger answered that, not the way the map is presently configured it would not. Mr. Westhoff stated that the Castle Butte Road has to be annexed in order to make Roundhouse Road and Castle Ridge Acres contiguous. Mr. Boettger answered that the land has to be contiguous to be part of the annexation. Mr. Westhoff stated that Castle Ridge Acres would not be contiguous unless Castle Butte Road is annexed. Mr. Boettger answered no that is correct. Mr. Westhoff asked what role does water play in annexation. Mr. Boettger answered that water is important because as people request services, one of the conditions to receive that service is to acknowledge and sign a waiver to waive their protest to come into the City so that it is understood at some point they will be coming into the City. Mr. Boettger explained that the typical way the City does annex people is that when they request services they have to immediately annex and if they are immediately contiguous they have to petition the City to annex which is how the City prefers it. Mr. Boettger further explained that in this situation the water line was expanded to the area and citizens hooked up and it wasn't possible to annex because there were separate properties in the area. The property owners signing the waivers are not contiguous until there are enough property owners that have City services who are in a position to come into the City. Mr. Westhoff stated that in a contiguous land annexation the rule is that you have to be contiguous and that is why the City had to annex Castle Butte Road in order to make Castle Ridge contiguous and if the area is contiguous to the City then it can be

annexed, is that true. Mr. Boettger stated yes the area has to be contiguous. Mr. Westhoff stated so water is yeah or nay and if you have or don't have water doesn't mean you can or can't be annexed because there are people being annexed that do not have City water. Mr. Westhoff went on to say that if a person is contiguous and does not have City water they are just as eligible to get annexed as somebody that has City water in a contiguous land annexation. Mr. Westhoff asked who picked the properties that are going to be annexed. Commissioner Putnam answered the City Commission. Mr. Westhoff answered so the Commission chose who was going to be included in this annexation and so you passed house A to get to house C even though they are all contiguous. Commissioner Putnam stated that they excluded agricultural land. Mr. Westhoff commented that he has 55 acres. Commissioner Putnam commented that those acres are not being annexed. Mr. Westhoff stated the question was who picked and chose who would be annexed and who wouldn't be annexed. Commissioner Putnam answered that they did not have names of anyone and had lots and looked at lots that appear along the area that is being considered for annexation. Mr. Westhoff stated that there are small lots and big lots and lots on Southland Road that are not being annexed. Mr. Westhoff further stated that there are 13 properties that are contiguous to the annexation that are not being annexed and who said those should not be annexed. Commissioner Turk answered we did and asked if he had a list of those properties. Mr. Myhre answered that on the exterior boundary of any annexation there are lots that are not being annexed because you have to stop a boundary someplace. Mr. Myhre explained further that when the City Commission looked at the area they asked where people had services and then gave the City Manager the boundary for the annexation. Mr. Myhre stated that is why when you look at the map the boundary of the annexation area closely follows the boundary of those people that have connected to City water services. Mr. Myhre further stated that in the State of Montana if you ask to have City water services the City can require annexation in order for you to get those City water services. Which is one of the provisions by which annexation occurs and is common. Mr. Tom St John stated that a lot of these services were not requested. You actually asked a lot of people on Castle Butte Road for easements to get waterline in and you make it sound like everyone being annexed requested water and that is not the case at all. Mr. St. John further stated that there are two houses at the top of Castle Butte Road right on the highway that are being left out and the guy 400 yards back are being taken in because he has water and the other guys don't. Ms. Miranda Pompeii explained she owns a house on Castle Butte Road on the way up and yes the water goes across but they are not connected to it because the previous owners never chose to hook up but we are part of that. Mr. Myhre answered correct that he believes with your property they put a tap in and signed a waiver of annexation for the property and so it is all set up and is just waiting for the owner to decide to hook on to the system. Mr. Westhoff commented that he has the urban boundary map that he's sure you guys approved it and it goes along with the picking and choosing. Mr. Westhoff explained that there is a large area East of Highway 238 where there is not growth at all and can you tell why that is. Commissioner Poss answered that the Montana Department of Transportation sets the Urban Growth Boundary not the City Commission. Mr. Myhre answered he thinks that is because there are no water or sewer mains extended up to that area and the only main system that goes up there goes to the old water tank located above Lewistown Propane. Further discussion followed. Mr. Myhre explained that the map was put together by the Montana Department of Transportation and set the area the City did work with them to set the area but they ultimately set the growth boundaries for the City of Lewistown. Mr. Jim Viall stated you are talking about the boundaries of the water and everything else but Montana state law when you go to annex it clearly states that you are to go to natural boundaries and you are avoiding that all over the place. Mr. Viall further stated that by state law the City has to

have a five year annexation plan and he looked at several other cities annexation plan and they had a lot more pages than Lewistown. Mr. Viall commented that he got the information of the annexation from the last five years and nowhere in the annexations is there a City plan that you are supposed to have that mentions somewhere annexing the area you are now proposing. Mr. Viall stated that here is a clear example that what you are doing is going on your merry way and doing what you want to do. Ms. Judy Taurman asked how you can skip Moen and Peterson, does Moen have agriculture I don't think so it is a residential house. Ms. Judy Taurman stated these are business owners and is this why you are not annexing them. Ms. Judy Taurman further stated that Kevin said they would not zig and zag but what else is that and how is it possible with boundaries. Mr. Myhre answered the boundaries are drawn with what the City Commission gave us to work with. Ms. Judy Taurman stated that she said you are not annexing ones that are agriculture and I do not think that Peterson is agriculture and I do not think Moen is agriculture land and not on whatever you say is an island. Mr. Myhre stated that his definition of an island would be if you annex around someone's house in the middle of an annexation area then you are creating an island and the property would be wholly surrounded at that point. Mr. Myhre stated that an annexation waiver is an agreement between two people two entities the City of Lewistown and whoever is signing the waiver in exchange to get water. So whether or not it was voluntary in these cases where houses were connected to water and the waiver was signed in exchange for getting water and so a lot of times people signed a waiver for water because they wanted it. Ms. Judy Taurman asked if the City goes through the annexation are you going to take care of the pump house and replace the pipe that was installed that is too small, are we going to get fire hydrants because that is City code and whose expense. Mr. Myhre answered that the City Commission will determine to what level that system is upgraded but he was told the City would take over the water system. Ms. Judy Taurman verified that when you say the City you are speaking for the City. Mr. Myhre answered the City Commission is the one who authorizes us to take over that water system. When the developer of the subdivision came to the City and asked them to take over the system the Commission stated they would not take over the water system until the subdivision was annexed. Further discussion followed. Ms. Sandy Ayers asked if the City owns Brewery Flats. Mr. Myhre answered they City owns part of it and Fish Wildlife and Parks owns part of it. Ms. Ayers asked why half of Southland Road is being annexed and half is not and if the City owns Brewery Flats isn't that contiguous. Mr. Myhre stated that Brewery Flats has not been annexed into the City. Ms. Ayers asked if you included all the people that were zig zagged in and out in the voting process if they were included would you have enough to go ahead with the annexation. Mr. Myhre answered he believes so, there were 18 protests that came in that are considered valid out of 88 lots. Mr. Myhre stated that larger lots could have been brought in but if people wanted square lines and big blocks I still think there were enough waivers in place to do that but the City Commission drew those boundaries and said this is what they were looking at and it closely followed where the urban style development has occurred with smaller type lots avoiding the agriculture type lots and the lots that are on the exterior boundary that do not have City services. Commissioner Putnam stated that we had no idea when we looked at the lots which had waivers and which did not so it was not part of the information we were given to set the boundaries. Ms. Joyce Taurman addressed the Commission stating that when they look out there kitchen window that person is not being annexed in, when we look out our living room window that person is not being annexed in and I just say it is pick and pluck. Ms. Joyce Taurman said that she knows there are several people in town that have both water and sewer and we have neither, we have no streets and street lights. Ms. Joyce Taurman commented that Mr. Myhre said he would keep Castle Butte Road open but I know how much the

streets were open this winter when it snows it is bad news. Ms. Joyce Taurman stated there are 22 stores on Main Street that are empty, no bus, train or plane, and the bottom line is we believe along with a lot of other people can see Lewistown going to hell in a hand basket and think we have to stop and bring Lewistown back. Ms. Joyce Taurman went on to say that she knows the mayor in Great Falls gets \$47,000 and asked Mr. Myhre to report to them how much he makes. Mr. Myhre answered the base salary for the City Manager in Lewistown is about \$88,000. Commissioner Turk stated she wanted to comment addressing the picking and choosing, stating she lives on East Evelyn and when she looks out her front window she sees three houses in front of me, a house to the east and a house to the west getting the exact same amenities as myself but they are not in the City limits so the boundary has to be drawn somewhere. Ms. Jeanie Rickert asked if the landowners that do not want to be annexed sue the City is Monte the Attorney that is going to handle the lawsuit. Mr. Boettger answered yes. Ms. Rickert commented is what it is going to cost the City will affect everyone in town so I think it behoove the Commissioners to weigh the pros and cons on what it will cost in losing people, have you looked at how many houses are for sale in this town, how many empty business are in this town come on people you have to stop and think outside the box. Ms. Rickert stated you need money everyone needs money why don't you start looking at all of the parks that you have inside the City they are City owned property and who pays the taxes on those. Ms. Rickert stated there are not taxes on City owned property. Commissioner Byerly asked is she is suggesting we sell the City Parks. Ms. Rickert stated that maybe you should look at some of these parks and look at the one you bought that was Paris Cleaners, why don't you sell it to the adjacent landowners and get it back on the tax roll. Ms. Rickert further commented that the City bought all of the trails from the railroad why don't you look at that and get it back on the tax rolls. Ms. Rickert stated you need to look at what makes Lewistown a pleasant place to live and not chase people out of here. Commissioner Doney stated she thinks having families use the parks and trail is pleasant. I think having families in Lewistown and having families come into Lewistown will help Lewistown. Commissioner Doney commented further that she does not believe in selling parks and selling the future of Lewistown away. Commissioner Doney stated she was told by Ms. Jill Flament that what the City should have done was to annex immediately every time there was a water hook up. Commissioner Doney further stated that she does not know what happened in the 90's but does know that Castle Ridge subdivision water is not up to par and does not meet the testing requirements that the City has so you are jeopardizing 6,000 people with a subdivision and if that water gets tainted it jeopardizes the entire town. Commissioner Byerly stated let's all agree that everybody involved with Castle Ridge which was done under the mayor form of government would have done things differently. I think the City County Planning Board and the developers would have done something different and certainly the City would not enter into a deal like that again. There was no deal as that was part of the problem. Mr. Sherman Taurman asked if the fire hydrants are put in the subdivision then what size of main needs to be installed to service a hydrant. Public Works Director Holly Phelps answered that is regulated by DEQ and the minimum size of line to a fire hydrant is a six inch line. Ms. Phelps explained it would have to be designed by an engineer and go to DEQ for approval. Ms. Suzanne Westhoff addresses the Commission stating that her husband had six questions and they were purposely addressed toward the Commissioners but they were answered by the lawyer for the most part. Ms. Westhoff went on to say that she personally feels that the Commissioners are not ready to vote on this tonight you do not know enough about it, you just opened your envelopes prior to the meeting starting and I do not feel you are qualified to make an educated guess at this time other than Dave Byerly. Mr. Dick Krillenberger stated that he is a City resident and wants to comment on the earlier question asked about if the Commissioners

asked their constituents what they think of it and explain the cost to the City resident. Mr. Krillenberger stated he has two Commissioners in Ward I Frank and Dave and neither one of them called me and asked me what I thought about this annexation. Mr. St. John he talked briefly about the decrease in population since 1960. Commissioner Doney stated that she appreciates everyone coming and giving their opinion. Commissioner Byerly stated he would like to address Mr. Krillenberger's comment stating that he wrote a column for the paper and in the article he said his number was in the phone book and listed his City email. Commissioner Byerly further stated that there is no way in the world after all the time he has put into this issue is he going to call everyone in his ward. Commissioner Byerly stated that he has had a lot of calls from City residents and when City residents understand what this issue is about at least how he sees it they have been extremely supportive of going forward. Commissioner Byerly stated at the end of the day the people that are elected to these chairs have got to make the best decisions that we can and I think we are trying to do that for the future of Lewistown. You may disagree, you can run against us, you can vote against us but the form of government has nothing to do with it and a lot of the issues we are here about tonight are because of the old form of government which was not as effective as this. Further discussion followed. Ms. Angela Alaers asked for a response regarding her letter of protest. Commissioner Doney answered stated that we all have feelings and none of us take this issue lightly, this isn't the easiest job and nothing comes easy and I do not take any of the comments lightly. Mr. Westhoff stated the City annexed Castle Butte Road in order to make Castle Ridge Acres contiguous to the City. Commissioner Byerly answered yes. Mr. Westhoff stated that we have already agreed that water has nothing to do with a contiguous land annexation. Commissioner Byerly stated that he thinks when this Commission looked at this annexation, looked at the properties out of town, and they looked at the two biggest clusters of homes outside the City limits that were on City water and that is what is being annexed. Further discussion followed. Attorney Jim Hubble stated that one of the Commissioners stated a while ago that they did not know who did and did not have services when the map was drawn. Which is entirely contradictory. Commissioner Putnam stated that she did not know the names of the people that owned the lots but did not know which lots were owned by who. Mr. Boettger stated that when the Commission was looking at areas to annex there were various locations considered for annexation but what the Commission looked at was where there are the City services and it was not necessarily identified by lot or owner. Ms. Jessie Kinsey stated that this month will mark her living in the community for a year and she is having a hard time swallowing the increase in taxes that we are looking at. Ms. Kinsey reported that she called the courthouse and they are looking at paying approximately \$1,200 more in taxes and when she did her math it is more than we paid in Gallatin County by \$1,400 as well as Cascade County and she would like to know what additional services we will get for the \$1,200. Commissioner Doney stated that she reviewed her tax statement and 61% of our taxes go to the school district, 27% goes to the City and 12% to the County. Further discussion followed. Ms. Bobbie Rouns stated she does not know why the City Commission would want to annex more property into the City when you do not take care of what you have other than more tax dollars coming into the City. Mr. Mike Ayers stated that he has a handicapped daughter and the County plows his road guaranteed every day at 6:30 am and they are very careful about not plowing in my driveway incase an ambulance or anyone else comes to his house should his daughter have a seizure. You can't guarantee that because you can't plow the streets that you drive on already and now I will have to sit and wonder if I will be able to get an ambulance to the house in time for her. Mr. Ayers further stated that they are telling him he will not receive any more services than the water he already has and that scares him to death because all it takes is one for her and yes granted

she has not had one for a very long time and without the medical she needs is all it would take but you guys sit there and say you're not going to get anything else. Mr. Ayers stated right now we're not getting anything else but at least right now I know that the county road is going to be open which means if someone can't get to my house I can at least get out and when the wind blows up there strange things happen to my road. Mr. Ayers commented that does not matter to you guys if she pops a seizure and dies well it is just the cost of living right. Mr. Ayers went on to say that you say this is a great thing for everyone really I do not see it at all. Commissioner Putnam stated she did not say it was a great thing for everyone and if you have any thought that we are enjoying sitting here and listening to the things you said and the upset you all have that we are enjoying it, you are incorrect. Commissioner Putnam stated further this was not done to harm anyone and this is being done for the future to growth of the City. Commissioner Hewitt made the motion to table the item for two weeks. Commissioner Poss stated the motion fails for lack of a second. Commissioner Doney made the motion to approve Resolution No. 3880, a resolution annexing 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 of 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. Mr. Myhre stated that if Resolution No. 3880 is passed by the City Commission it would make the annexation affective October 1, 2015. This is gives staff time to get the zoning process started, update the 911 maps and get all the necessary information to the county. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and those voting in favor were Commissioners: Byerly, Doney, Gremaux, Poss, Putnam and Turk. Commissioner Hewitt voted against.

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

Mr. Myhre explained that at the last meeting the Commission heard the request from Ms. Vicki Eades to have her sheep graze in the City limits for a period of time. There was some question on how long there has been livestock at that location and the Commissioners wanted more time and the ability to talk to their constituents and think about it. Mr. Myhre states that the current owners are John and Margaret Peterson, prior to them was Graves, prior to them was Norman and owners in 1991 were Hawkins. Ms. Eades read the following statement from Mark Machler. I, Mark Machler, have lived part time or full time at address 117 Highway 191 Norther formally 622 1st Ave North since 1958. During those years, I have witnessed livestock of several varieties pastured on the land northeast of my property or south of the old Cooper Oil location. I believe there have been cows, sheep or horses grazing that property almost every year. In my opinion, sometimes the stock was left too long; however, I have no objections to having livestock in the area. Ms. Eades stated she talked to all surrounding property owners and all have no problem with the issue. Mr. Myhre reviewed the complaints the Police Department has received in the past regarding the issue. Commissioner Doney stated that she and Commissioner Turk walked the property and there appears to be good fencing and my concern is if the livestock gets out. Mr. Leon Vanek explained that the owner of the livestock is liable. Commissioner Doney stated she hopes there is some form of release that the owner of the property can sign and the owner of the livestock sign. Mr. Boettger answered that something can be done if the Commission would like to do so. Ms. Eades commented that all of the gates do have padlocks. Police Chief Birdwell explained that if the Police Department does receive calls they will have to follow up on the call or complaint. Commissioner

Byerly commented that there is an ordinance and does not feel the City wants to be in the business of making exceptions to the ordinance or it will never stop. Commissioner Byerly further commented that the only way he can support this is if it is a grandfathered use and it has been there. Commissioner Doney made the motion to allow sheep cows and horses on the John Peterson city lot and the City platted undeveloped alley as a grandfathered exception with the understanding the owner will give a release and the owner of the animals to sign an release as determined by the City Attorney prior to reentering the lot and Commissioner Turk seconded the motion. Commissioner Poss asked for anymore comments from the Commission and audience. There being none, the public hearing was closed.

Commissioner Poss asked that the Commission take action on item numbers five and six.

5. Public hearing to hear comments on Resolution No. 3881 a resolution providing for tax benefits for the remodeling, reconstruction, or expansion of commercial property within the City of Lewistown.

Chairman Poss opened the public hearing to hear comments on Resolution No. 3881 a resolution providing for tax benefits for the remodeling, reconstruction, or expansion of commercial property within the City of Lewistown. Mr. Myhre explained that this is a public hearing on Resolution No. 3881 which is a resolution to allow tax abatement benefits to a property located on Main Street known as Fitness Central. The application was submitted by Jamie and Michael Sura the owners of Fitness Central. Mr. Myhre explained that the base value will continue to be taxed and just the increased taxable value is phased in and only applies to real property. There is a three period of abatement and then value is phased back over the next few years. Mr. Myhre stated that these tax abatements are a way to assist businesses and encourage development downtown. Ms. Jamie Sura thanked the Commission for putting this item on the agenda tonight and for the efforts of what you do for our town. Ms. Jamie Sura stated that as a new business owner on Main Street the City is doing things right and had nothing but support when building the building. Ms. Sura further commented that she spent all the money locally and that we have a lot of young people moving to this town and there are a lot of young professionals that live here and if we do not keep our town somewhat young and thriving and not selling our public parks and growing we will lose people from coming here to help others. Ms. Sura thanked the Commission for putting this item on the agenda and that she has put a lot of money in this building, it is a thriving business and does plan on keeping her doors open a long time because she is a hard worker. Ms. Sure stated that she does employ 15 people. Commissioner Poss stated this is something that the Commission loves to do and this tax abatement is a good thing for the community. Commissioner Byerly thanked Ms. Sura for her comments and her investment into downtown is refreshing and really positive. Commissioner Poss asked for anymore comments from the Commission and audience. There being none, the public hearing was closed.

6. Discussion and action on Resolution No. 3881 a resolution approving property tax benefits for remodeling, reconstructing, or expansion of commercial property within the City of Lewistown

Commissioner Gremaux made the motion to approve Resolution No. 3881 a resolution approving property tax benefits for remodeling, reconstructing, or expansion of commercial property within the City of Lewistown and Commissioner Hewitt 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 authorizing the City Manager to enter into an interlocal agreement with the City of Lewistown, Fergus County and Fergus County Recreation District

Mr. Myhre explained that the Chairman will be signing the agreement and not the City Manager. Mr. Myhre explained that this is an interlocal agreement between the Fergus County Commissioners, the Fergus County Recreation District and the City Commission. The agreement basically follows the county resolution that was passed to create a special district. The special district levies \$35.00 per year per dwelling on properties located in the special district. The boundaries of the special district are basically the Lewistown School district and the reason for that was to fund a debt obligation \$1,456,000 for the rebuilding of the swimming pool in the City and any remaining funds will be utilized for improvements at the civic center or swimming pool. The agreement was put together by bond counsel so that it meets the requirements to borrow money to build the pool and obligates those funds accordingly that are brought in by the special district. Commissioner Doney made the motion to approve entering into an interlocal agreement with the City of Lewistown, Fergus County and Fergus County Recreation District 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 awarding the swimming pool improvements to James Talcott Construction

Mr. Myhre explained that this is the notice of award for the swimming pool renovations/new splash deck and there was only one bidder, James Talcott Construction out of Great Falls. James Talcott Construction has worked on other pools in Great Falls and has worked with the engineer the City has hired on other projects. Mr. Myhre stated that he has a recommendation for award of the base bid in the amount of \$1,790,994.75, the alternate 1 for the waterslides in the amount of \$389,539 and alternate 2 which is the splash park in the amount of \$333,114 for a total contract price of \$2,513,647.75. Mr. Myhre explained that the recommendation from the engineer and bond counsel is to accept that bid. Mr. Myhre asked the Commission to accept the bid and give the authority to spend up to \$2,706,101 which is currently what is available in revenues right now. Mr. Myhre stated that the first assurance of these funds is the interlocal agreement between Fergus County, the Fergus County Recreation District and the City in the amount of \$1,456,000, the second assurance is the City's donated funds in the amount of \$280,101 and last is the Friends of the Pool donations, grants and fund raisers in the amount of \$970,000. Mr. Myhre further stated that of the \$970,000 approximately \$200,000 is pledged and there is a letter of commitment from First Bank that they will work with the Friends of the Pool to finance what is left out there in pledges when they need to do so. The funding commitments we have right now are \$2,706,101. Mr. Myhre explained that the bid is lower than the funding commitments but that does not include engineering and other construction costs that are not going to this contractor. The City will need to work with this contractor to whittle down the project some. Commissioner Byerly stated that this was discussed at the committee of the whole and would make the motion to approve the bid in the amount of \$2,513,647.75 with a budget authority of up to \$2,706,101 for the pool project and Commissioner Putnam seconded the motion. Mr. John Payne asked if it would be possible to mandate the

contractor that got the bid to hire a certain percentage of laborers from our community so the money is turned around in the community instead of another town. Mr. Myhre answered that is not in the contract and they could do a change order to include that, but they are going to be working on another project in town at the same time and will probably be hiring some local laborers or skilled workers locally. Park and Recreation Director Jim Daniels commented that there will be some work for the local contractors as sub-contractors and they have picked up the information for the project.

Commissioner Poss 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 authorizing the City Manager to sign a memorandum of understanding between the Montana Department of Transportation and the City of Lewistown to receive funding for the maintenance of the Kiwanis Park public rest area

Mr. Myhre explained that Kiwanis Park rest area is located west of located on leased property from the airport. The rest area is funded and ran by the Kiwanis group. Kiwanis does work with the City of Lewistown for additional grant funds from the State of Montana to help maintain and provide what is there. Mr. Myhre explained that over the last five years the City has worked with the Kiwanis and State of Montana to basically sponsor grants from the Department of Transportation for this rest area. The funds are paid to the City and the City works with Kiwanis to fund the improvements and maintenance of the rest area. Mr. Myhre stated that he is asking the City to approve sponsoring this agreement. Mr. Myhre stated that the amount of the grant is not to exceed \$11,100 for costs associated with facility maintenance, utilities, cleaning supplies and janitorial services to provide a safe and clean rest area facility. Commissioner Putnam made the motion to approve authorizing the City Manager to sign a memorandum of understanding between the Montana Department of Transportation and the City of Lewistown to receive funding for the maintenance of the Kiwanis Park public rest area 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.

8. Discussion and action on Resolution No. 3882 a resolution authorizing stipends to be paid to City Commissioners

Mr. Myhre explained that this issue was discussed at the last meeting and the City Attorney has put together some different options. Mr. Myhre stated that if the Commission passes the resolution without adding anything onto the bottom then basically then the City Commissioners will receive a stipend of \$100.00 per meeting for each regular City Commission meeting attended not to exceed \$200 per month and unless you chose one of the options then you will only receive \$100 per Commission meeting you attend. There is not the two absences that are listed in the current resolution. Further discussion followed. Commissioner Putnam made the motion to approve Resolution No. 3882 a resolution authorizing stipends to be paid to City Commissioners with the wording that the City Commissioners will receive the stipend for up to 2 excused absences each fiscal year if needed for personal reasons. City Commissioners will receive the stipend for any other absence expressly approved by the Commission that is necessary in order to attend City business that conflicts with a regular Commission meeting and Commissioner Turk seconded the motion. Mr. Myhre commented that what is an excused absence and maybe take out the word

excused because he does not think the City staff wants to be in a position to excuse or not excuse a City Commissioner. Commissioner Putnam amended the motion to remove the word excused and Commissioner Turk seconded the motion. Commissioner Byerly commented that when you run for City Commission you don't necessarily know you will be paid, second payment to City Commissioners was recommended by the study commission in 2006 and all the Commissioners would agree that all of us spend a lot of time outside the regular meetings. 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

Mr. Battrick asked why the City takes debit cards over the phone but don't take routing and account numbers over the phone when everyone else does. Finance Officer Nikki Brummond stated that the City does not have the equipment to do so and feels the City has plenty of ways to accept payments.

COMMISSIONER'S MINUTE

Commissioner Turk stated that she did look at the area of concern that was brought up at the last meeting by Nancy Fry-Moline. Commissioner Turk asked if something could be done to clean up the area and charge it against the taxes. Mr. Myhre answered that after the last meeting he directed public works to look at the area and let the Police Department know of the issue. Police Chief Cory Birdwell reported that the Code Enforcement Officer has sent letters to start the process. Mr. Myhre stated that there is a legal process that will have to get it done.

Commissioner Putnam commented that she lives across the street from Frank Day Park and with all of the swimming meet goings on, her family was very impressed with the cleanup that was done after the meet.

ADJOURNMENT

Chairman Poss adjourned the meeting.

Dated this 6th day of July, 2015.

Rick Poss, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk