

**A REGULAR COMMISSION MEETING OF DECEMBER 4, 2017 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.**

**CALL TO ORDER**

Chairman Byerly called the meeting to order.

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

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

**APPROVAL OF MINUTES**

Commissioner Poss made the motion to approve the November 20, 2107 minutes. Commissioner Hewitt seconded the motion. The motion passed with Commissioner Doney abstaining.

**PROCLAMATIONS**

Commissioner Byerly thanked Commissioner Poss for serving two different terms on the City Commission.

**BOARD AND COMMISSION REPORTS**

There were none.

**CITY MANAGER REPORT**

City Manager Holly Phelps reported on the following issues:

The City of Lewistown will be hosting an open house at the next Commission meeting on Monday, December 18<sup>th</sup>. This will be in place of the regular committee of the whole meeting. It will be open to the public and staff and provides another opportunity for us to mingle and hear what the citizens of Lewistown have to say.

The Creekside committee has officially kicked off their fund drive. They held a Cat Griz Tailgate party that was very well attended. They were also excited to announce that they had received a \$100,000 donation. This means that they are well on their way to their fundraising goal of \$850,000. Included in the Commissioners packets is donation brochure that includes conceptual drawings for the area. Once the designs are complete the group will present them to the Park Board and City Commission for final approval.

A list of board and commission vacancies for the city was included in the Commissioner's packets. This has been sent to the newspaper and is on the City's website along with the application. If you

know anyone that may be interested in serving on one of the City's board please encourage them to apply.

The Meadows has notified the City that they were successful and were finally awarded Housing Tax Credit funding. They will use the funds to update their facility. The updates include exterior work, as well as, safety and energy improvement. Congratulations to them and their residents.

The City received a conditional use application for property located along Castle Butte road. At this time the City has requested additional information from the owner regarding their proposal. Before the City Commission can move forward and grant this conditional use permit a public hearing will need to be held.

The City has received the tax deed for 301 W Broadway and the City Manager has submitted an application to Snowy Mountain Development for assessment funds.

### **CONSENT AGENDA**

Commissioner Doney made the motion to approve the consent agenda and Commissioner Turk seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from November 16, 2017 to November 30, 2017 for a total of \$67,394.12.

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

1. Discussion and action on accepting the resignation from Commissioner Beth Putnam and leave seat open until newly elected Commission is sworn in

Ms. Phelps explained that typically when a Commissioner resigns the City Clerk is instructed to advertise for letters of interest in the vacated ward. However, with the short window and the newly elected Commissioner taking office in January 2018, it seems logical to leave the position vacant. Commissioner Poss made the motion to accept the resignation from Commissioner Beth Putnam and leave seat open until newly elected Commission is sworn in and Commissioner Doney seconded the motion. Mr. Mike Chapman stated that he understands the formality of the procedure, but with the short time line why wouldn't she be seated earlier. City Clerk Nikki Brummond answered that this procedure is outlined in the City Charter and is how it should be done. Commissioner Byerly asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

2. Public hearing to hear comments on establishing the Lewistown Targeted Economic Development District TEDD 2017, and adopting the Lewistown TEDD comprehensive development plan with a tax increment financing program pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated

Chairman Byerly opened the public hearing to hear comments on establishing the Lewistown Targeted Economic Development District TEDD 2017, and adopting the Lewistown TEDD comprehensive development plan with a tax increment financing program pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated. Ms. Phelps explained that the City of Lewistown sent out 71 certified letters to those property owners and citizens paying taxes in the proposed district. The building owners and utility companies received notices also. Ms. Phelps

further explained that the City will hold two public hearings and then a first and second reading on Ordinance No. 1757 that would establish the district. Ms. Phelps stated that it is important that the district be created in 2017 so that 2017 is established as the base year. The TEDD will last fifteen years, it is not a new tax but any new tax revenue above and beyond 2017 base year would be kept in the TEDD district. The taxes in the TEDD district can only be used for a limited amount of items, which would include infrastructure that benefits the district, streets, water and sewer, broadband, gas and electric. The tax money spent must be for public benefit and within the TEDD. Ms. Phelps explained that Snowy Mountain Development Corporation (SMDC) has been instrumental in assisting with creating the district. Ms. Kathie Bailey with SMDC explained that she helped develop the Comprehensive Development Plan that is part of the requirement to create a TEDD district and is very similar to the tax increment financing district. This is a request from the Airport Board and we are working with them to create the TEDD. Mr. Gary Humphries asked that if you received a letter you are in area that the TEDD will be created in. Ms. Phelps answered that you know property in the proposed area. Mr. Gary Humphries then asked what if you have a lease on the property with the airport, will it be negated. Ms. Phelps answered no there should be no changes. Mr. Humphries asked what will happen if buildings are constructed around the trap and skeet club will the remainder of the lease be honored before being kicked out. Ms. Phelps answered that would be a question for the airport board. Ms. Bailey commented that this has no bearing on anything going on at the airport, but simply redirect where taxes would be received and how it would be spent. Further discussion followed. Mr. Ken Franz asked if the TEDD is established and they want to put in streets would there be a vote and taxes increased to put in infrastructure. Ms. Phelps explained that the TEDD board would determine what the funds can be spent on and there isn't a vote and the funds would already be there. The map of the TEDD was discussed briefly. Mr. Tim Robertson explained that he serves as the City's representative on the Airport Board and the Airport Board is very limited on funding and is basically self-supporting with no City or County tax dollars available. Mr. Robertson further explained that the TEDD is a way to help develop the airport area without raising anyone's taxes. Mr. Jerry Moline, Airport Manager, stated that the Airport is jointly owned by both the City and County, but is located completely in the City limits. Further discussion followed. Ms. Bailey explained that the reason for moving on this is to set 2017 as the tax base year, otherwise the base year would be 2018 and all development in 2018 would be pushed off to the next year. Commissioner Byerly asked for any comments from the audience or Commission. There being one, the public hearing was closed.

3. Discussion and action on approving the first reading of Ordinance No. 1757, an ordinance establishing the Lewistown Targeted Economic Development District TEDD 2017, and adopting the Lewistown TEDD comprehensive development plan with a tax increment financing program pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated

Ms. Phelps explained that this is just the first reading of the ordinance to create the TEDD. There will be a public hearing and the second reading of the ordinance on the next agenda. Commissioner Poss made the motion to approve the first reading of Ordinance No. 1757, an ordinance establishing the Lewistown Targeted Economic Development District TEDD 2017, and adopting the Lewistown TEDD comprehensive development plan with a tax increment financing program pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated and Commissioner Hewitt seconded the motion. Commissioner Byerly asked for commented from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

4. Discussion and action on first reading of Ordinance No. 1756, an ordinance amending Title 10, Chapter 4 Part 2 of the Lewistown City Code pertaining to parking restrictions

Ms. Phelps explained that this ordinance has been discussed many times and the area in the code being discussed is trailers. This will allow the parking of recreational vehicle, boat trailers, travel trailers and campers will be allowed to park on city streets in residentially zoned areas between the date of April 1 and November 1, unless otherwise prohibited and the parking of snowmobile trailers will be allowed to park on city streets in residentially zoned areas between the dates of November 1 and April 1. Commissioner Poss made the motion to approve the first reading of Ordinance No. 1756, an ordinance amending Title 10, Chapter 4 Part 2 of the Lewistown City Code pertaining to parking restrictions and Commissioner Turk seconded the motion. Commissioner Doney commented that the City of Lewistown has a full time and half time code enforcement officer. Prior to this discussion a trailer can remain there as long as the vehicle was moved an inch and then it could remain there indefinitely. Commissioner Doney explained that the reason for this was to work with the citizens and make it an enforceable ordinance. Commissioner Byerly spoke to his concerns as to why he voted against this item at a previous meeting. Commissioner Byerly stated that he feels it not good to have a code that is unenforceable and that some Commissioners had personal issues on this item. Commissioner Hewitt commented that she feels that the time limit is too long and should shorten it. Ms. Phelps stated that comments received from the general public and the department heads was that the time frame is a little too lenient. Ms. Phelps commented that it is more restrictive but there will still some problems with enforcement. Commissioner Byerly asked for comments from the audience and Commission. There being none, the question was called for. Commissioner voting in favor were Byerly, Doney, Poss and Turk. Commissioner Hewitt voted against.

5. Discussion and action on approving Resolution No. 3952, a resolution amending the policy statement of the “City of Lewistown Personnel Policy Manual”

Ms. Phelps explained that there were several changes made to the Personnel Policy Manual that were requested by the insurance provider. The majority of the policies that were changed are either not in effect any more or new to state statute. Ms. Phelps commented that there was a resolution of intent passed earlier this fall by the Commission. All bargaining unions have reviewed the document and all question and concerns have been addressed. Commissioner Turk made the motion to approve Resolution No. 3952, a resolution amending the policy statement of the “City of Lewistown Personnel Policy Manual” and Commissioner Doney seconded the motion. Commissioner Byerly 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 approving Resolution No. 3953, a resolution amending the procedures of the “City of Lewistown Personnel Procedures Manual”

Ms. Phelps explained that again any changes were made at the request of the insurance provider. The procedure manual really goes over how to enforce policies in policy manual and again this was reviewed by all bargaining unions. Commissioner Doney made the motion to approve Resolution No. 3952, a resolution amending the policy statement of the “City of Lewistown Personnel Policy Manual” and Commissioner Turk seconded the motion. Commissioner Byerly 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 setting the regular Commission meeting for 2018

Ms. Phelps explained that the reason for doing this is to allow adequate notice for the public and press if the meetings that fall on a holiday will be moved to the following day. Both meetings in January fall on a holiday and it is proposed to hold the meeting on the next day. Commissioner Hewitt made the motion to approve setting the regular Commission meeting as presented for 2018 with any meeting falling on a Monday holiday will be held the following day and Commissioner

Doney seconded the motion. Commissioner Byerly asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

**CITIZENS' REUQUESTS**

Mr. Richard Battrick asked what new Commissioners would be taking office and for how long.

**COMMISSIONER'S MINUTE**

Commissioner Poss stated that it has been a pleasure and has learned a lot about people. Commissioner Poss stated that for the new Commissioners be brave you will have to vote in public. Commissioner Poss further stated that one of the best things that the City got in place was the Park District. Commissioner Poss commented that the Commission has always done the right thing.

**ADJOURNMENT**

Chairman Byerly adjourned the meeting.

Dated this 4<sup>th</sup> day of December 2017.

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Dave Byerly, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk