

A REGULAR COMMISSION MEETING OF APRIL 1, 2019 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Turk called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Byerly, Doney, Dunnington, Hewitt, Loomis, Oldenburg and Turk.

APPROVAL OF MINUTES

Commissioner Loomis made the motion to approve the minutes for March 19, 2019 as corrected and Commissioner Hewitt seconded the motion. The motion passed unanimously.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Dunnington reported that the City County Planning Board met last Thursday regarding the zoning for Roundhouse Road and Castle Ridge Acres that was annexed a couple of years back.

Commissioner Dunnington commented that it was well attended and Planning Director Cathy Barta had the different areas break into groups and had them talk about zoning options. Commissioner Dunnington commented that it was very productive and everyone seemed happy when they left and they were asked to get any comments or concerns back to Planning Director Barta this week.

Commissioner Hewitt reported that there will be an Airport Board this Wednesday, April 3, 2019.

Commissioner Doney reported that there was a Library Board meeting on March 21st. There was additional Library Board training on March 25th. Commissioner Doney reported that it was very good information and it was a lot of learning.

Commissioner Loomis reported that the Park and Recreation Board meeting will be April 10th at 7 p.m.

Commissioner Oldenburg reported that she attended the most recent Central Montana Foundation meeting on March 26th. The board voted to continue giving \$3,000 a year to each of the eleven outlying communities. This is the Rural Endowment Grants program. The Central Montana Foundation annual meeting will be held on Tuesday, May 28th at noon at the Elks and it is open to the public. This is where the larger grant requests are awarded. There were two grant requests received in March and the total amount requested was \$6,500 and both requests were funded at \$2,800.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

Police Chief Cory Birdwell retired from the Lewistown Police Department on March 28th. He was an officer with the Lewistown Police Department for 26 years. Justin Jenness has been selected as the new Police Chief. Police Chief Jenness is currently working on promotions to fill the various openings within the Police Department. Mr. Jon Polich has been promoted to the Assistant Chief of Police. City Manager Phelps stated that as of this morning the Police Chief Jenness appointed Officer Mike Drysdale to the Captain position.

The Public Works Department have been monitoring the dams during the snow melt. The dams are functioning as designed. The City of Lewistown operates four high hazard dams, south of Lewistown. The water flowing into the dams have gone up but they are all within the operational ranges. At the Frog Ponds, the water did come up to Lower Airport road. Public Works is working on opening up the culvert and catch basins to keep the water from ponding. They are also still seeing waterlines freezing and main breaks.

The Parks and Recreation Department is advertising to have the Civic Center gym floor sanded and refinished. The project will be funded through the Fergus County Park District.

The Parks and Recreation Department is currently accepting applications for pool staff. Applications are available at the Civic Center. The anticipated opening day for the pool is the first week in June.

The agenda for the Montana Municipal Institutes, Elected Officials Workshop is out. The training will be held May 7th to the 9th in Bozeman. It is not too late to register so if you are interested in attending please let Finance Officer Nikki Brummond know.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Oldenburg seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from March 13, 2019 to March 27, 2019 for a total of \$89,085.55.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Public hearing to hear comments on a modification to an existing Conditional Use Permit application (98-05-CU) for property located at 405 6th Ave S

Chairman Turk opened the public hearing to hear comments on a modification to an existing Conditional Use Permit application (98-05-CU) for property located at 405 6th Ave S. City Manager Phelps explained that this is a modification to a existing conditional use permit for property owned by Carol Woolsey. Planning Director Barta explained that this property was previously part of Fergus County High School and served as the Industrial Arts Complex where welding, automotive mechanics building construction and vocational agricultural was taught to high school students. There are two buildings on the lot, a two-story brick building which has been converted to a residential dwelling which accessed from 6th Ave S and on larger brick “shop” building which sits behind the residential dwelling and is accessed from Water Street. Planning Director Barta stated that there have been two conditional use permits and on modification to an existing permit approved by the City commission for the property in previous years. The most recent conditional use permit was approved for Century Companies, Inc. who leased the large shop building from Mrs. Woolsey to operate a light maintenance shop. The permit was specific to their business authorized in the application. They have since expanded their operations and moved their maintenance elsewhere. Ms. Woolsey applied for a Zoning Amendment for the property to amend the R-2 designation to M-1 light industrial and a public hearing took place on February 21, 2019 before the City County Planning Board to consider the facts and provide a recommendation to the City Commission.

Planning Director Barta stated that at the end of the hearing the board recommended denying the zoning amendment to M-1 and tentatively approved the option to amend the existing Conditional Use Permit in lieu of rezoning the property to allow for metal fabrication and a woodshop in addition to automotive repair services already allowed for in the permit. This modification to the Conditional Use Permit is to comply with procedures established in City Code for the approval process. As a result, the application had to be noticed again and a public hearing was held in March. Planning Director Barta further commented that the City County planning Board considered the facts presented and through public comment recommend approval of modifying the existing Conditional Use Permit to allow for a woodshop and metal fabrication in addition to the automotive repair services already allowed by the permit. Chairman Turk asked for any additional comments from the audience and Commission. There being none, the public hearing was closed.

2. Discussion and action on approving a modification to an existing Conditional Use Permit application (98-05-CU) for property located at 405 6th Ave S

City Manager Phelps explained that this was recommended by the City County Planning Board to modify the existing Conditional Use Permit to allow for a woodshop and metal fabrication that was previously allowed in the permit. City Manager Phelps further explained that if Ms. Woolsey does rent out the property the business license process must be followed. Commissioner Loomis asked if this property sells does another permit have to be done. Planning Director Barta answered no the Conditional Use Permit goes with the property. Commissioner Byerly asked how much public comment was received. Planning Director Barta answered that there was one resident that was present and asked questions about flooding. Commissioner Doney made the motion to approve a modification to an existing Conditional Use Permit application (98-05-CU) for property located at 405 6th Ave S and Commissioner Loomis seconded the motion. Commissioner Turk 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 reappointing Ms. Carol Woolsey to the City County Planning Board also known as the Zoning Commission for another two-year term

City Manager Phelps explained the City County Planning Board is a joint board with County appointees and it is also known as the Zoning Commission. City Manager Phelps further explained that a City Commissioner serves on the board and both the City and County Commission appointment members to the board and one member is appointed by the conservation district. Ms. Woolsey has served on the board since 2010 and is very active board member and would be reappointed for another two-year term. Commissioner Hewitt made the motion to reappoint Ms. Carol Woolsey to the City County Planning Board also known as the Zoning Commission for another two-year term and Commissioner Oldenburg seconded the motion. Commissioner Turk 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 reappointing Ms. Mary Frieze to the Library Board of Trustees for another five-year term

City Manager Phelps explained that Ms. Mary Frieze was originally appointed to the Library Board to fill an unexpired term. Ms. Frieze just served four years and would like to serve another five-year term. The Library appreciates her commitment to the board and would like to have her appointed to another five-year term. Commissioner Byerly made the motion to reappoint Ms. Mary Frieze to the Library Board of Trustees for another five-year term and Commissioner Doney seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

5. Discussion the possibilities for Berg lumber and process to move forward with the property.

City Manager Phelps explained that during the Committee of the Whole there was discussion on the various properties that are owned by the City throughout the community. There was discussion on the different options for the different properties and Berg Lumber was discussed. City Manager Phelps explained that the options for the Berg Lumber property were discussed as part of the feasibility study that was done by the Recharge Our Community housing group and would like to continue moving the efforts forward. City Manager Phelps would like consent from the Commission on putting a request for proposal process together to solicit proposals for the development of the property. It was recommended to move forward with an RFP process on the Berg Lumber property.

6. Discussion and action on entering into an Emergency Services Dispatch agreement between Fergus County and the City of Lewistown and authorizing the City Manager to sign the agreement

City Manager Phelps explained that there were a few minor changes made and the newest final version was distributed before the meeting. The changes were to shift hours. City Manager Phelps commented that what is being proposed here is basically night coverage and weekend coverage for Fergus County. This does include all dispatch emergency services. City Manger Phelps explained that holidays and sick and vacation would be by situation only. This is a month to month contract beginning in April and it will be \$5,000 due at the end of the month. The agreement can be terminated with a thirty-day notice. Commissioner Doney feels this change makes it a more open-ended contract and if there is more calls would we need additional staff. City Manager Phelps answered no that some of the shifts will have to be approved on a case by case basis. Commissioner Doney wants to be sure that this contract does not make the City accrue any additional cost and would like to tighten up the payment process. Further discussion followed. Mr. Ben Phillips, Fergus County Disaster and Emergency Services Coordinator, commented that this is the right step moving forward and that eventually there needs to be a consolidated 911. Mr. Phillips explained that he has been working with the County Commissioners and the City Manager and by doing a month to month contract it gives the entities time to analyze and determine it this will work. Commissioner Byerly made the motion to approve the Emergency Services Dispatch agreement between Fergus County and the City of Lewistown and authorizing the City Manager to sign the agreement and Commissioner Loomis seconded the motion. Commissioner Turk 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 entering into a professional management services agreement with Snowy Mountain Development Corporation for the funding received from the Montana Coal Board for the Creekside restroom and authorizing the City Manager to sign the agreement

City Manager Phelps explained that this is a contract for professional management services agreement and the compensation is based on 3% of the grant amount that was successfully obtained not to exceed \$1,200. This amount is in line with other grant writing services. Snowy Mountain Development Corporation will work with the City of Lewistown once the documents and contracts are received by the City of Lewistown. City Manager Phelps commented that by hiring professionals to write the grant it helped immensely in acquiring the grants. City Manager Phelps stated that she does recommend the Commission approve the agreement and authorizing her to sign it. Commissioner Byerly made the motion to enter into a professional management services agreement with Snowy Mountain Development Corporation (SMDC) for the funding received from the Montana Coal Board for the Creekside restroom and authorizing the City Manager to sign the agreement and Commissioner Hewitt seconded the motion. Commissioner Turk 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 entering into a professional management services agreement with Snowy Mountain Development Corporation for the funding received from the Land and Water Conservation for the Creekside restroom and authorizing the City Manager to sign the agreement

City Manager Phelps commented that this is the same type of professional management services agreement with SMDC for grant writing services. The compensation is 3% not to exceed \$4,140. This successfully awarded a lot more funds than anticipated and SMDC helped with the grant on the auspice the City would be awarded the grant. Commissioner Oldenburg made the motion to approve entering into a professional management services agreement with Snowy Mountain Development Corporation for the funding received from the Land and Water Conservation for the Creekside restroom and authorizing the City Manager to sign the agreement and Commissioner Dunnington seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

9. Discussion and action on entering into a professional management services agreement with Snowy Mountain Development Corporation for the funding received from the Department of Commerce 15-65-121 Grant Program for the Creekside restroom and authorizing the City Manager to sign the agreement

City Manager Phelps explained this is another professional management services agreement with SMDC for grant writing services. The compensation is 3% not to exceed \$1,530. SMDC spent a lot more time on this grant, but this was the grant that was obtained after being turned down for two tourism grants that SMDC assisted with but will not get any payment. Commissioner Loomis made the motion to approve entering into a professional management services agreement with Snowy Mountain Development Corporation for the funding received from the Department of Commerce 15-65-121 Grant Program for the Creekside restroom and authorizing the City Manager to sign the agreement and Commissioner Doney seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

10. Discussion and action on entering into a utility agreement with the Montana Department of Transportation and authorizing the City Manager to sign the agreement covering the changes to the City's water and sanitary sewer facilities for the project work to be done on the Lewistown Truck Route

City Manager Phelps commented that the Montana Department of Transportation (MDT) have a lot of projects planned for the upcoming summer months. City Manager Phelps explained that this is an agreement to adjust two water valves and one sanitary manhole on the truck route. MDT designs it and includes it in their bid and as long as the work is under \$25,000 the work is completed at no charge to the City of Lewistown. Commissioner Doney made the motion to approve entering into a utility agreement with the Montana Department of Transportation and authorizing the City Manager to sign the agreement covering the changes to the City's water and sanitary sewer facilities for the project work to be done on the Lewistown Truck Route and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

11. Discussion and action on entering into a utility agreement with the Montana Department of Transportation and authorizing the City Manager to sign the agreement covering the changes to the City's water and sanitary sewer facilities for the project work to be done on Lewistown Main Street

City Manager Phelps explained that this is the same agreement, but the work will be completed on Main Street. The work includes twenty-three water valves and three man holes. City Manager Phelps commented that again the cost is below the \$25,000 threshold so it will be done at no cost to the City of

Lewistown. Commissioner Dunnington made the motion to approve entering into a utility agreement with the Montana Department of Transportation and authorizing the City Manager to sign the agreement covering the changes to the City's water and sanitary sewer facilities for the project work to be done on Lewistown Main Street and Commissioner Doney seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

12. Discussion and action on entering into a utility agreement with the Montana Department of Transportation and authorizing the City Manager to sign the agreement covering the changes to the City's water and sanitary sewer facilities for the project work to be done on 1st Ave N Lewistown

City Manager Phelps explained that this is a utility agreement with the MDT and is similar to the previously discussed agreements. This work will be done 1st Ave N and the work will include eight water valves and six sanitary sewer manholes. Commissioner Hewitt made the motion to approve entering into a utility agreement with the Montana Department of Transportation and authorizing the City Manager to sign the agreement covering the changes to the City's water and sanitary sewer facilities for the project work to be done on 1st Ave N Lewistown and Commissioner Loomis seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

13. Discussion and action on entering into a construction and maintenance agreement with the Montana Department of Transportation for the project located on Main Street between 15th Ave N and Marcella Avenue/Meadowlark Lane and authorizing the City Manager to sign the agreement

City Manager Phelps explained that again this is the same type of agreement but the work is being done will include the full length of Main Street. This agreement outlines what the City will be responsible for and the main issue would be the sidewalks and as a result the City will need to continue to enforce the current ordinances and the adjacent property owners are responsible for the sidewalks. The City will be responsible for the future maintenance of the trees and a long term agreement would need to be drafted for the trees. Commissioner Doney made the motion to approve entering into a construction and maintenance agreement with the Montana Department of Transportation for the project located on Main Street between 15th Ave N and Marcella Avenue/Meadowlark Lane and authorizing the City Manager to sign the agreement and Commissioner Dunnington seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

14. Discussion and action on entering into a construction and maintenance agreement with the Montana Department of Transportation for the project located on 1st Ave N located within the City of Lewistown and authorizing the City Manager to sign the agreement

City Manager Phelps explained that this is a construction and maintenance agreement for 1st Ave N and outlining the responsibilities of the City and the State. The City is not taking on any additional financial responsibility but will be tasked with the maintenance of the sidewalks. This would be done in accordance with the ordinances. Commissioner Hewitt made the motion to approve entering into a construction and maintenance agreement with the Montana Department of Transportation for the project located on 1st Ave N located within the City of Lewistown and authorizing the City Manager to sign the agreement and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

CITIZENS' REQUESTS

Ms. Peggy Butler addressed the Commission stating that she is the spokesperson for S.A.F.E which is an animal rescue group in town and it stands for Saving Animals from Euthanasia. This group has been made aware by many people within the City limits that there is a huge feral cat problem and outside the city. Ms. Butler stated that they have already talked with the County Commissioners. Ms. Butler explained that they are working to do a massive spay or neuter clinic and are working to bring in the Montana spay or neuter task force which is a mobile spay or neuter clinic that comes out of the Flathead area. Ms. Butler further explained that the task force goes to communities and tries to spay and neuter as many animals as possible and since cats are the biggest issue in Lewistown that is where they are going to start. Ms. Butler stated that there are several 100 cats and this is a problem for the County and a problem for the City. The task force charges \$350 a day to come and can do 60 to 70 cats a day but the cats also need to be vaccinated which is an additional \$20 a cat for the rabies distemper combo. Ms. Butler commented that the group is actually looking at \$1,700 a day for 70 cats. Ms. Butler reported that the group is doing fundraising online and a huge fundraiser the first part of June. However, the vet assigned to them must be here May 25th and is hoping the City will give us some funds for this and the County has agreed to some funding. Ms. Butler further commented that they will be charging \$10 for those people that want to have their cat spay or neutered and vaccinated. Commissioner Turk asked how many days they were planning to do this for. Ms. Butler answered that they have enough money for two days. Commissioner Doney asked how much funding the County has committed too. Ms. Butler answered that they have not made a decision yet, but they will be attending their upcoming meeting. Commissioner Hewitt asked how they were going to get the feral cats. Ms. Butler answered that they will trapping them. Ms. Butler stated that there are 100 cats in Ruby Gulch and that is where they are going to start.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Chairman Turk made the motion to adjourn the meeting.

Dated this 1st day of April, 2019.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk