

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON NOVEMBER 7, 2022 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Doney called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Day, Doney, Hrubes, Spika and Terry. Commissioner Hewitt participated virtually. Commissioner Scotten was absent.

APPROVAL OF MINUTES

Chairman Doney stated that without objection the October 17, 2022 minutes were approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hrubes reported that he attended Fergus City County Health Board meeting. Commissioner Hrubes reported on all the different areas the health district covers. All the different departments of the health district were reviewed of what they are doing and have done.

Commissioner Terry reported the Central Montana Foundation met on October 25th. There was a \$1,000 grant given to Boy Scouts of America Troop 1360 and 6360 to help with dues, so that the local kids can still be involved with Boy Scouts. Commissioner Terry reported that a \$3,000 grant was given to the Critical Incident Stress Management Team for travel and training. Commissioner Terry explained what Critical Incident Stress Management Team does and it is a team that goes after an incident and does a mental health debriefing with anyone on scene at the incident. They did this after the Denton fire. Commissioner Terry stated that there is an extremely necessary group of people all volunteers.

Commissioner Spika reported that she recently attended the City County Planning board meeting. There were two items on the agenda one is the zoning amendment request from Merritt Olson that will be discussed tonight and the other was a county zoning change to go from ag to residential zoning and it was approved.

Commissioner Day reported that there was a Park and Recreation Board meeting, but she was unable to attend. City Manager Phelps reported that it was a light agenda, there was some talk about the upcoming

hockey season. City Manager Phelps reported that Friends of the Trails received a grant to purchase four intersection flashing beacon signs, those have been received and will be installed soon.

Commissioner Doney reported that the Library Board met recently. The Friends of the Library made \$568 on their recent book sale, they will be having a Santa seconds sale on December 3rd. Commissioner Doney commented that there was discussion on holiday closures and getting a list to the city. There was discussion on having a Chili Bowl and plan on holding it in January. Commissioner Doney stated that the board is working on strategic planning and there was someone from the State Library in attendance at the meeting to talk with the board about strategic planning.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following items:

Reminder this year the City Offices will be closed on election day November 8th and on November 11th in observance of Veterans' Day.

There has been a recent uptick in spam and phishing attempts with the City email accounts. The City's IT provider has been contacted regarding this activity. If you have any questions regarding your City email account or are concerned about specific emails, please contact the City Manager.

This year's City audit is scheduled for December 12th. The staff has already begun to send information to the auditors. If the Commission has any questions about the process, please talk with the City Manager. The outcome of the audit will be discussed with the Commission as soon as it is received.

If the Commission is interested in hosting a Holiday Open House again this year or would like to have a few listening sessions in the new year, please let the City Manager know your thoughts.

As the City prepares for 2023, we would like to set the dates for the Commission meetings. We are working on setting dates for public hearing that will be held in January and need to know when the meetings will be held. Please review the calendar that was included in the packet and the setting of the Commission meetings will be on the next agenda.

November 14th is the public hearing for the City's sewer rate increase. It will be at the Council on Aging at 6 pm. This will be a special meeting. The notices have been mailed out and you may be receiving questions or comments regarding the sewer rate increase.

Both the police and fire departments have been busy. They are anticipating that this year will set a record for the highest number of calls for service received by the departments.

CONSENT AGENDA

Commissioner Terry made the motion to approve the consent agenda and Commissioner Hrubes seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from October 15, 2022 to October 31, 2022 for a total of \$63,606.39.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Public hearing on a request for a zoning amendment submitted by Merritt Olson requesting to amend the zoning of property located at the corner of 12th Ave N and Broadway.

Commissioner Doney opened the public hearing to hear comments on a request for a zoning amendment submitted by Merritt Olson requesting to amend the zoning of property located at the corner of 12th Ave N and Broadway. City Manager Phelps explained that at the last City County Planning Board meeting the board heard a proposal from Merritt Olson. The proposal is a zoning amendment for a vacant lot located at 12th Ave N and West Broadway from the original zoning of a R1 (residential zoning) to neighborhood commercial. City Manager Phelps explained that the neighborhood commercial zoning would allow for an eating establishment. City Manager Phelps further explained that Merritt Olson's wife owns the Thai restaurant Somjai and would like to utilize a mobile food trailer for the restaurant on the vacant lot. City Manager Phelps stated there is a process for zoning amendments, first is getting the zoning amendment approved and then they will go through the process for the food vendor permit. Commissioner Terry asked where they go to get the mobile food permit. City Manager Phelps answered it is done through the City Office. There is an application which requires a health inspection, diagrams showing the off-street parking, how they will be serving the food and there is a \$10 fee. City Manager Phelps reported that fifteen notices were sent to the adjacent property owners and three letters in support of the amendment were received from those property owners. City Manager also reported that one of the adjacent property owners were in attendance at the City County Planning Board meeting and expressed their concern regarding parking on 12th Ave N due to the street being so narrow. Commissioner Doney asked for any more comments from the public. There being none, the public hearing was closed.

2. Discussion and action on approving a zoning amendment submitted by Merritt Olson requesting to amend the zoning of property located at the corner of 12th Ave N and Broadway

City Manager Phelps explained that on October 20th a public hearing was held by the City County Planning Board regarding the request to amend the zoning of property located at the corner of 12th Ave N and Broadway. The board considered the facts and comments received through public comment and recommended approval of the amendment with the condition to address parking in the area. City Manager Phelps stated that the planning board did recommend approval by the City Commission for the amendment to zoning ordinance application from Merritt Olson with the condition that the applicant discourage parking on 12th Ave. Commissioner Day commented that it is her understanding that only one comment was received regarding the off-street parking and it is part of the approval of the amendment. City Manager Phelps explained that the intention of the owners is a drive up a go, call ahead type of restaurant and not necessarily serving people on site. The natural topography of the lot does discourage use from 12th Ave. Commissioner Hrubes asked if the use of the property to neighborhood commercial and if it would open it up to a dog kennel business. City Manager Phelps answered that zoning is outlined in City Code and a kennel is not allowed. City Manager Phelps explained that neighborhood commercial is the lowest impact commercial zone, which would allow office buildings or allow residential. Commissioner Doney asked if it is only the piece of property and not the whole area. City Manager Phelps answered that is correct only the zoning on the one lot. Commissioner Terry confirmed that the property owners need to provide off street parking in accordance with City Code. City Manager Phelps answered that is correct, so they could have a spot on their property for the customers to drive up to pick up their order. Commissioner Day made the motion to approve the zoning amendment submitted by Merritt Olson requesting to amend the zoning of property located at the corner of 12th Ave N and Broadway with the condition of no parking on 12th Ave and Commissioner Spika seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the clerk took a roll call vote with all being in favor of the motion.

3. Discussion and action on approving the Overhead Electric Powerline Easement with Northwestern Energy located in the area of 3rd Ave S and Cook Street and authorizing the City Manager to sign the agreement

City Manager Phelps explained that included in your packet was an easement that was prepared by Northwestern Energy to requesting an easement for overhead power that would across a portion of the abandoned railroad in the area of 3rd Ave S and Cook Street and then tie into the Northwestern Energy's

property and then to the substation located nearby. This would provide an additional loop of supply to the City. Commissioner Spika made the motion to approve the Overhead Electric Powerline Easement with Northwestern Energy located in the area of 3rd Ave S and Cook Street and authorizing the City Manager to sign the agreement and Commissioner Terry seconded the motion. Commissioner Day asked if this is typically what is done for easements. City Manager Phelps answered yes. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the clerk took at roll call vote was taken with all being in favor of the motion.

4. Discussion and action on approving the Water System Improvements Project, Task order number four for the bidding and construction phase of the project

City Manager Phelps explained she is asking for approval on task order number for the water system improvements project, which is the bidding and construction phase of the project. City Manager Phelps further explained that the numbers outline in the order are included in the overall project budget, which is covered by grants. City Manager Phelps stated that this is a not to exceed contract, which means the City will pay on an hourly basis and the engineers feel the total amount will be below the quoted amount. Commissioner Terry asked if the engineers feel they are on time. City Manager Phelps answered the ARPA funding does have to be spent by 2024, the current climate is that materials are hard to come by, which is why we are in the process of bidding the project. City Manager Phelps stated that this is not a great bidding environment but the engineers feel the time line is still doable. Commissioner Day made the motion to approve the Water System Improvements Project, Task order number four for the bidding and construction phase of the project and Commissioner Spika seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the clerk took at roll call vote was taken with all being in favor of the motion.

5. Discussion and action on reappointing Anna Morris to the Fergus Conservation District Board of Supervisors

City Manager Phelps explained that the City Commission has the ability to appoint an urban supervisor to the Fergus Conservation District Board of Supervisors. City Manager Phelps further explained that Ms. Anna Morris has served a couple of terms in this capacity, her term is expiring and is willing to serve another term. Commissioner Terry made the motion to approve reappointing Anna Morris to the Fergus Conservation District Board of Supervisors and Commissioner Hrubes seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the clerk took at roll call vote was taken with all being in favor of the motion.

6. Discussion on railroad leasing process and what options are available.

City Manager Phelps explained that recently there has been some inquiries by citizens of the willingness of the City to lease spots for eighteen wheelers, large semis to be parked on the railroad corridor. City Manager Phelps stated there are a couple of locations that traditionally being used for that purpose. The first one is in the area of 191 in the area of Petro Depot or across 191 close to the Honda shop. These semis have been parked in these locations where there is no lease and no permission granted. City Manager Phelps explained that the other location where there have been issues with the semis is behind the grain elevator and Intermountain Distributing. This area is a little more remote where people would park do maintenance on the trucks and sometimes leaving garbage, oil and waste oil. Code enforcement is working on making contact with people utilizing these areas and letting the people know it is City owned and there is process that needs to be followed. City Manager Phelps further explained that currently the City does not have a month by month lease. Commissioner Terry asked how long the trucks are there for. City Manager Phelps answered sometimes overnight and sometimes the pup trail stays there, illegal camping and this is an area that code enforcement monitors on a regular basis. City Manager Phelps explained that she wanted to take the time to inform the

Commission of what is currently going on and if the Commission is interested in moving forward with the possibility of month to month leases. City Manager Phelps stated that the City does have a deed for the abandoned railroad all the way out beyond Glengarry, out to Central Montana Propane and the loop in town. The City currently has several leases that are year to year renewal with an automatic increase. The big thing with the railroad property is that the City is really in a caregiver status we can't transfer the property. Commissioner Doney asked if some signage could be done in the areas of concerns and is interested in a month to month lease for the semis because it would be better than in the residential areas. Commissioner Doney further commented that someone has moved a single wide mobile home onto the City's property and it is on blocks. There was some discussion on working on month to month leases and that it would be easier to enforce some of the concerns. It was determined that the City Manager will work with the City Attorney to put together a lease and bring back before the Commission for review and approval.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Terry commented that she has heard that the dispatch center is fully staffed and asked about the City planner position. City Manager Phelps answered yes the dispatch is fully staffed and the candidate for the City planner turned it down.

Commissioner Day expressed her appreciation for the process of how the zoning amendment was done and how helpful it was for her.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 7th day of November, 2022.

Gayle Doney Commission Chairman

ATTEST:

Nikki Brummond, City Clerk