

A COMMISSION MEETING OF OCTOBER 5, 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 Putnam made the motion to approve the September 21, 2015 minutes as presented and Commissioner Hewitt seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Turk reported that there is a Library Board meeting this Thursday, October 8, 2015.

Commissioner Hewitt reported that there is an Airport Board meeting this Wednesday, October 7, 2015.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The Water Department identified some growth in the water lines in the routine September sampling. The water lines have been chlorinated to sanitize the system. Due to the heat of the summer, September is the most common sampling period for bacterial growth in the lines. A notice will be printed in the local newspaper.

The newest fire truck in the City's fleet recently had some major warranty work done on the transmission. Both of the power take off units were replaced. The Fire Department staff have tested the vehicle and the problems appear to be repaired. Mr. Joe Moline with Big Sky Fire was very helpful in facilitating the repairs.

The Montana Preservation Alliance, based in Helena, voted to approve purchasing the Broadway Building from the current owner. They are currently negotiating a purchase agreement. They are partnering with the Lewistown Community Development Corporation (LCDC) for funding and hope to leverage their resources to find a developer for the property. The City Manager has asked the LCDC to have a safety analysis completed (by professionals) of the building to ascertain the extent of work necessary to open the alley and sidewalk around the building for public use.

The annual homecoming parade is scheduled for October 9th at 2 pm.

The Art Center will be having their annual Octoberfest on October 3rd on 4th Ave S next to their building. If it is rainy they will move it inside the Art Center.

The City crew is working to raise manhole lids and water valve boxes in the area where street elevations were changed with the new asphalt. They continue to sweep for gravel chips and leaves.

There are several position openings in the City of Lewistown. The Police Department has hired a new police officer and a new dispatcher. The City is currently advertising for a bookkeeper and an office clerk position in the Public Works office. The Police Department will be advertising for a second code enforcement officer in October.

Several projects are currently advertised for bid by the Public Works Department. Water projects include improvements on Spring Street main in the area of 10th Ave, a spur water line to supply a fire hydrant and water services from G Street to the frontage road on Airport property, and the bulk water sales building. Wastewater projects include slip lining of several blocks of sewer mains in the area of the Junior High. If appropriate bids are submitted, the projects should be brought to the Commission for approval at the October 19th meeting.

The City has received a legal complaint from the attorney for several people in the annexation area. The City's legal counsel will respond accordingly.

CONSENT AGENDA

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Putnam seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from September 16, 2015 to September 30, 2015 for a total of \$33,044.25.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on approving Resolution No. 3896, a resolution providing for the annexation by petition of Lot 3A of Amended Subdivision plat, lot 3, block 7, school land plat, Fergus County together with a portion of “A” Street

Mr. Myhre explained that in 2012 the City of Lewistown entered into an annexation agreement with Mr. and Mrs. Kevin Rector. Mr. Rector wanted to get water service to his residence located on A Street. The water line that was put in was a considerable distance from the residence and was a considerable cost to Mr. Rector. Mr. Myhre further explained that the Commission agreed to enter into this agreement which allowed the Rectors to obtain water services immediately and delay annexation for a period not to exceed three years to help defer some of the costs of installing the water line. The annexation agreement and petition for annexation was signed and filed. The three period ended in September and is now before the Commission for approval. Mr. Kevin Rector thanked the Commission for working with him and knows that the three year delay is not typical but was very helpful to his situation and family. Commissioner Doney made the motion to approve Resolution No. 3896, a resolution providing for the annexation by petition of Lot 3A of Amended Subdivision plat, lot 3, block 7, school land plat, Fergus County together with a portion of “A” Street and Commissioner Gremaux seconded the motion. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

2. Discussion on business licenses.

Commissioner Gremaux explained that the business license committee did meet and wanted to bring it back before the Commission to make sure everyone’s voice is heard. Commissioner Gremaux stated one of the changes that the committee would like is that anyone under the age of 18 would not be required to obtain a business license. Commissioner Gremaux stated that they reviewed several other cities business license codes and they are very similar to Lewistown. Commissioner Gremaux commented that the committee did not want to make a lot of changes, but some of the wording may need to be changed for the direct sales. Commissioner Doney asked if the committee looked at defining residential sales versus direct sales consultants and home businesses. Commissioner Gremaux answered it was discussed but did not come to a decision and would like to gather more information. Commissioner Doney commented that she feels they are different entities and would like to define those businesses in the ordinance to determine licenses. Further discussion followed. Commissioner Doney commented that the fee schedule should be looked at because the City appears to be charging more than any other City. Mr. Myhre explained that the business license ordinance was written to encompass all businesses. Mr. Myhre stated that he thinks that there are businesses defined in the ordinance that are unique enough that they warranted a difference charge. Mr. Myhre further stated that the resident salesman has a different charge so there should be a definition of a resident salesman in the ordinance. There is nonresident salesman defined in the ordinance and has the rate of \$55 so that definition probably does not need to be in the code. Mr. Myhre commented that if they are not going to have a special rate then they probably do not need to be defined in the ordinance. Mr. Myhre explained that home based business or home occupation are not defined in the ordinance because they are planning and zoning terms. Mr. Myhre stated that the way the

ordinance is written now is if you are doing business you are to get a business license and if you are going to give a special rate then the definition should be included in the ordinance. Further discussion followed. Ms. Janel Fulbright addressed the Commission stating that she is an Independent Sales Director with Pampered Chef and has been with the company for 16 years. Ms. Fulbright stated that she agrees with Commissioner Doney that there is a lot of confusion regarding this issue. Ms. Fulbright further stated that she is competition to downtown and is not opposed to paying a business license. Ms. Fulbright agreed that \$30 might be too much for some people who are trying to make ends meet or has a full time job and just trying to make a little extra money. Ms. Shannon Ruckman addressed the Commission stating that she has been selling Tastefully Simple for 8 years and prepared some information on direct sales business vs home based businesses. Ms. Ruckman explained that this information is from the direct sales association and that Montana law defines direct sales. Ms. Ruckman explained how much product she has to sell to cover the \$55 business license. Ms. Ruckman stated that she lives outside the City limits and is considered a nonresident salesman. Ms. Shawna Renville stated that she did not know about the committee meeting because she does not read the paper but does use social media. Commissioner Turk commented that dog groomers are typically based in their home and get a business license. Mr. Myhre stated that all businesses operate a little bit differently and as far as the ordinance is concerned it does not make any difference. Mr. Myhre explained that when talking about home occupations and the reason it is not in the ordinance is because we look at it as how it effects on the community or neighborhood. Mr. Myhre stated that any one of these direct sales businesses are considered a business and the biggest question is how much the City should charge for the direct sales businesses. Mr. Myhre stated that anytime the City is informed of a new business, advertising business or knows of a business a letter is sent out informing them that they may possibly need to get a business license which then starts the process. Mr. Myhre further stated that absolutely 100% enforcement of anything is impossible and we try to get the process started if the City is aware of something. Further discussion followed. Commissioner Byerly verified with Ms. Ruckman that she isn't opposed to buying a business license but opposed to the \$55.00. Ms. Ruckman answered yes, but the \$55.00 and \$30.00 fee are too high because they are on a percentage base income. Further discussion followed. Mr. Scott Renville commented that it does not appear there is a problem paying the fee and if some preferential treatment was given it may help. Commissioner Gremaux stated that one of the recommended changes for the ordinance would be that community events would be exempt from fees. Mr. Myhre stated that since there are a lot of people here tonight he would like to hear their thoughts on if people should be charged more if they are located outside of the City limits. Commissioner Gremaux stated that he would like to have another committee meeting. Commissioner Doney asked if the other Commissioners could put their thoughts and ideas on paper and get it to the Commissioners prior to the committee meeting. Commissioner Hewitt thought Fergus County should be the boundary for nonresident salesman. Commissioner Putnam did not see a reason why a nonresident salesman should pay a higher fee. Mr. Myhre explained that the reason for that could be because they do not pay taxes to the City which pays for the police department that investigates burglaries.

CITIZENS' REQUESTS

Ms. Ruckman commented that she has a Tastefully Simple business and is part of two other businesses. Ms. Ruckman stated that the comment made regarding direct sales are competition

and taking sales away from our local businesses is not our problem. Ms. Ruckman stated that most of the people that sell direct sales in Lewistown and Fergus County do business in Lewistown and the problem is employees of government, teachers or people in general taking their business to Great Falls, Billings or Amazon. Ms. Ruckman stated that is why we use social media to compete with out of town sales and internet sales.

COMMISSIONER’S MINUTE

Commissioner Hewitt asked if the parking lot out front can be repainted. Mr. Myhre stated that he will talk with the Public Works Director to see what can be done.

ADJOURNMENT

Chairman Poss adjourned the meeting.

Dated this 5th day of October, 2015

Rick Poss, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk