

**A COMMISSION MEETING OF JANUARY 3, 2017 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.**

**CALL TO ORDER**

City Clerk Nikki Brummond called the meeting to order.

**PLEDGE OF ALLEGIANCE**

City Clerk Nikki Brummond asked everyone to stand and say the Pledge to the Flag.

**ROLL CALL**

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

**ELECTION OF CHAIRMAN & VICE CHAIRMAN**

City Clerk Nikki Brummond opened the floor for nominations for Chairman. Commissioner Gremaux nominated Commissioner Byerly for Chairman and Commission Doney seconded the nomination. City Clerk Brummond asked for anymore nominations. There being none, the nominations were closed. Commissioners voting for Commissioner Byerly to be Chairman were Doney, Gremaux, Hewitt, Poss and Turk. Commissioner Putnam voted against and Commissioner Byerly abstained.

Chairman Byerly opened the floor for nominations for Vice Chairman. Commissioner Doney nominated Commissioner Turk for Vice Chairman and Commissioner Hewitt seconded the nomination. Chairman Byerly asked for anymore nominations. There being none, the nominations were closed. Commissioners voting for Commissioner Turk to be Vice Chairman were Byerly, Doney, Gremaux, Hewitt, Poss and Putnam. Commissioner Turk abstained.

**APPROVAL OF MINUTES**

Commissioner Poss made the motion to approve December 19, 2016 minutes as presented. Commissioner Putnam seconded the motion and the motion passed unanimously.

**COURTESIES**

There were none.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Putnam reported that the Central Montana Foundation Board met on December 27, 2016. There were two requests for funding and both were approved

### **CITY MANAGER REPORT**

Interim City Manager Holly Phelps reported on the following issues:

The City Office was closed on January 2, 2017, in observance of New Year's Day.

The 2017 business license renewals have been sent. This year we are asking business owners to update their emergency contact information. It is important to have current numbers on file with the Central Montana Dispatch in case a problem occurs after hours.

The Public Works Department was been working with town Pump on their upcoming convenience store addition. They intend on upsizing the water main servicing the area, paving the street and doing curb and gutter along Sereday

The City Office has been working with HRDC on a grant to expand LIEAP benefits to water and sewer customers. HRDC will use their existing program guidelines and process all the applications and pay the City of Lewistown for the utilities. HRDC just received notice that they have been awarded this grant and we will be working out the details with them in the near future.

At the February 6<sup>th</sup> Commission meeting we will be holding a CDBG Public hearing, the purpose of this hearing is to obtain public comments on the City's overall community development needs. These needs includes public facilities, economic development and housing needs of the community. It is important to get as much public comment as possible. The City Manager will be reaching out to interest parties and if the commission has ideas on people or grounds that should comment on this please let her know. This is a requirement for many grants that the City has obtained or may apply for over the next year.

The Fire Department had over 900 calls for service in 2016. This includes the rural district also. This is an increase over past years.

### **CONSENT AGENDA**

Commissioner Putnam made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from December 15, 2016 to December 28, 2016 for a total of \$404,891.06

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

1. Discussion on locating soccer fields at Brewery Flats.

Ms. Nicole Fulbright commented that this has become a heated topic and would ask the Commission looks at it with objective facts because when motions are mixed in decisions rash

decisions tend to be made. Ms. Fulbright further commented that looking with facts and reason we could address several issues. Ms. Fulbright stated that number one is the destruction to fix a possibly temporary solution. Mr. Mike Chapman commented that he is going to focus on reporting on some new information that he has gathered. Mr. Chapman explained that he has talked with the Redbirds Baseball about moving their complex up to the D'Autremont Complex. This is a non-start conversation due to the investment that has been made at the Redbirds Field. Mr. Chapman reported that he was encouraged to contact Bank of the Rockies regarding a lot at the Stonewood Estates. Mr. Chapman explained that he talked with the Owner, Michael Grove and was reminded of the process the City and the Bank went through for the piece of property located behind the sewer treatment plant that was obtained for the Machler project. Mr. Grove told Mr. Chapman that we someone came up with some grant funding and public funding we might have a starting place or talking point. Mr. Chapman further explained that he looked at the plat of the property and there is some land that is marked for future development and that is where a soccer field could be located. Mr. Chapman stated the community as a whole has only become aware of the efforts of the Lewistown Soccer Club in the last two months. The community needs to get together and created a place for the young people to play soccer. Mr. Chapman finished by stating we need to do two things, rehabilitate Brewery Flats in accordance with a previous plan and we need to find a place for the young people to play soccer. Mr. Brett Thackery thanked everyone in attendance and public participation will make the end result meaningful and the right thing. Ms. Sandy Youngbauer, representative of the Central Montana Health District, was asked to come and bring some things to the Commission's attention. Ms. Youngbauer explained that whether Brewery Flats is developed into a soccer field or something else or left as is we will need to take into consideration wastewater systems and be sure to be in compliance with DEQ. It is the responsibility of environmental health to make sure we are following the laws with protecting water. All of this was just brought to the County Sanitarian. Recreation Director Jim Daniels explained that the area was cleaned up to recreation standards. Mr. Ed Schwartz explained that his daughter in law did a report and some of the items that Mr. Schwartz would like the Commission to take into consideration are the wetlands, water quality, noise, traffic and visual resources. Ms. Andrea Payne explained that she lives above Brewery Flats and was under the impression that after the trails and creek meandering was finished that the area was designated as a national wildlife preserve. Ms. Payne attended a meeting at the Fish Wildlife and Park and found out that building can be done in certain places. Ms. Diane DeRosier explained that she does have the covenants for the area and recreation and development of subject property can be done with limitations. Ms. DeRosier also brought up the study that was done by Montana State University suggesting a soccer complex on Brewery Flats. Mr. Daniels briefly discussed some of the proposals that have been talked about over the years for soccer fields at Brewery Flats. Mr. Paul Thompson stated that he would like to see a soccer field but not a Brewery Flats. Mr. Thompsen gave a brief description of the Brewery Flats area. Mr. Thompsen explained that the clean-up was done to a recreational standard so there is still a possibility of contaminants in the area. Mr. Ron Moody explained that he one of the people opposing soccer fields at Brewery Flats. Mr. Moody further explained that he would like to quickly talk about the discussion of soccer fields at Brewery Flats. These were just discussion and there has not process of decision making on how the Brewery Flats should look. Mr. Moody talked about the Migratory Urban Treaty Bird Grant that the City received. The objectives were briefly reviewed. Ms. Heidi Butcher addressed the Commission stating that her and her husband moved here from California about 11 years ago. Ms. Butcher stated she thinks

that a soccer field would be good for the community but not at Brewery Flats. Ms. Butcher has gathered several hundred signatures and will give a copy to the Commission. Mr. Tim Robertson stated that as an employer of Century Companies he has found it difficult to hire and bring new families to town because without fail those families ask where soccer fields are in Lewistown. Mr. Robertson commented that he feels Brewery Flats is the best location for a soccer field and the area is ready made. Mr. Robertson talked about the trails being put at Brewery Flats and some of the opposition at that time. Commissioner Byerly asked the thought of the Commission. Commissioner Doney would like to take some time and when the weather improves would like to walk the property and would like more facts. Commissioner Doney would like more facts prior to making a decision. Commissioner Doney stated she does understand the impact of soccer in residential neighborhoods because for thirty years she lived next to Symmes Park. Commissioner Gremaux agrees with Commissioner Doney's statements and a lot of information that was brought up tonight was new to him and would like more information and do not feel we have enough information to make an educated decision. Commissioner Hewitt stated that thirty years ago she and some other parents tried to get a soccer group going and believe we need soccer fields but definitely need more information. Commissioner Putnam would like more information what the DEQ says and if a soccer field can be put there, if the area is recreational cleaned or trail cleaned. Commissioner Putnam stated she thinks it would be a lovely place for a soccer field and the percentage of the ground that the soccer fields would take of Brewery Flats is so small needs to be kept in mind. Commissioner Putnam does not feel we are ready to make a decision. Commissioner Poss commented that he remembers a soccer proposal coming before the Commission years ago. Commissioner Poss stated if it would have been done right away it wouldn't be an issue, but now we have come to enjoy the area and do not want any changes. Commissioner Poss stated he has other ideas of locations for the soccer fields and will give the information to the soccer club. Commissioner Poss stated he needs to get a little better feel of the feelings of his constituents prior to making a decision. Commissioner Turk commented that she is not sure what other information she is looking for in order to make a decision, but would like the Commission to maybe put some ideas together of what they would like to see prior to moving forward. Further discussion followed. Commissioner Byerly stated we are all asking for more information so, what are some of the specifics that we are looking for to make the educated decision? Commissioner Doney would like to be able to walk the property, see the migration and what the roads look like. Commissioner Doney would like to get the minutes from the meetings that Mr. Daniels is referring to. Commissioner Doney asked for the information from the October committee of the whole and any Park Board meeting minutes. Commissioner Putnam would like to know the level of clean up at Brewery Flats from DEQ. Commissioner Doney would like to have some input from the sanitarian. Commissioner Hewitt expressed her concern if the soccer program continues to grow and how will the soccer program address that issue. Commissioner Byerly would like to hear from the Park Board and give us their take on the issue. Ms. Phelps summarized the Park meetings from May 2016 a motion was made by the Park Board to give tentative approval to the plan and the soccer group was asked to come back with site plan and steps proposed to implement. Ms. Youngbauer asked if the Park and Recreation Board needs to publish a notice and give ample time for citizen notice. Mr. Robertson commented how encouraging it was to not hear anyone against soccer fields and that it is a given to get a soccer facility in Lewistown. Ms. Frieze commented that there is a lot of support for a soccer field and the soccer group could probably get the community behind them to get a soccer field.

2. Public hearing on Resolution No. 3925, a resolution vacating ten feet on each side of Entrance Street Between Block 1 of Welch Addition to the City of Lewistown and Block 28 of Staffords 5<sup>th</sup> Addition to the City of Lewistown

Chairman Byerly opened the public to hear comments on Resolution No. 3925, a resolution vacating ten feet on each side of Entrance Street between Block 1 of Welch Addition to the City of Lewistown and Block 28 of Staffords 5<sup>th</sup> Addition to the City of Lewistown. Ms. Phelps explained that in 2012 the City did a survey of this area and three encroachments were discovered. Ms. Phelps commented that some of the encroachments were new and some were old and the City has been working with the adjacent land owners and this is the compromise we have come to at this time. Ms. Phelps reported the issues have been discussed with City staff and City staff have signed off on the item. Mr. John Wold, lives at 915 W Erie and he was the one that filed for the abandonment of ten feet on both sides as a result of the encroachment found after the City completed the survey. Mr. Wold commented that he did not know when he bought the house that it was located in the middle of the street and would appreciate it if the Commission to approve the encroachment. Mr. Shane Songer commented that he was issued a permit to build a garage and then the City surveyed the property and discovered the encroachments. Mr. Songer asked why it can't be cut down twenty feet on each side. Ms. Phelps answered that the majority of the right of ways are sixty feet and Entrance Street is eighty feet and by narrowing it up twenty feet it will make it consistent with the other right of ways. Ms. Phelps answered that typically the Fire Department requires cul de sacs in this situation but the Fire Department was okay with narrowing the encroachment. Commissioner Gremaux asked how much more is your property encroaching. Mr. Songer answered another seven feet. Commissioner Byerly asked if there were any more comments from the audience or Commission. There being one, the public hearing was closed.

3. Discussion and action on approving Resolution No. 3925, a resolution vacating ten feet on each side of Entrance Street Between Block 1 of Welch Addition to the City of Lewistown and Block 28 of Staffords 5<sup>th</sup> Addition to the City of Lewistown

Commissioner Doney made the motion to approve Resolution No. 3925, a resolution vacating ten feet on each side of Entrance Street between Block 1 of Welch Addition to the City of Lewistown and Block 28 of Staffords 5<sup>th</sup> Addition to the City of Lewistown and Commissioner Hewitt seconded the motion. Commissioner Putnam asked what will be accomplished by the encroachment when Mr. Songer's property encroaches seventeen feet. Ms. Phelps answered that the this resolution will rectify two encroachments and only makes Mr. Songer's better but does not rectify. Commissioner Byerly 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 entering into a contract with Montana Department of Commerce Main Street Program to fund a downtown parklet and authorizing the Interim City Manager to sign the contract

Ms. Phelps explained that the Arts and Entertainment District partnered with the City of Lewistown applied for the grant to obtain a parklet. The grant has been awarded to the Arts and Entertainment District and the City of Lewistown in the amount of \$5,000 and the grant will be

matched by the Arts and Entertainment District. Ms. Carol Woolsey explained that a parklet is a space that typically takes up one space in the downtown parking area. It provides a seating area, possible greenery and some awnings. Ms. Woolsey commented that they are a welcoming fixture in the downtown areas. It would be stored over the winter months. Commissioner Doney made the motion to enter into a contract with Montana Department of Commerce Main Street Program to fund a downtown parklet and authorizing the Interim City Manager to sign the contract and Commissioner Turk seconded the motion. Commissioner Turk asked where they are planning on locating it. Commissioner Turk asked if they have gotten approval for the Montana Department of Transportation to locate them on Main Street. Further discussion followed. Commissioner Putnam asked if the Downtown Association about locating this in a parking spot. Ms. Patty Thomas answered no they have not talked with anyone at this point, but will when the parklet is ready. Ms. Donna Byerly asked if there are rules and regulations and safety issues addressed. Ms. Gies answered that yes they have researched a lot of those issues and will follow the regulations when buildings. Commissioner Byerly asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

5. Discussion and action on a request from Pacific Steel and Recycling requesting written consent from the City of Lewistown Commission to allow a sublease arrangement between Pacific and CHS

Ms. Phelps explained that the City has received a letter from Pacific Steel asking if they can sublease their railroad lease with the City to CHS. CHS is currently using the building owned by Pacific Steel. Ms. Phelps per the lease agreement this is allowed as long as the Commission gives approval. Commissioner Putnam made the motion to approve the request from Pacific Steel and Recycling requesting written consent from the City of Lewistown Commission to allow a sublease arrangement between Pacific and CHS 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 reappointing Commissioners to the following boards: Airport, Library, Park and Recreation, Central Montana Health District, City County Planning, Central Montana Foundation, Central Montana 911 and Snowy Mountain Development Corporation

Commissioner Byerly asked if the Commissioners were still interested in serving on the boards they currently serve on. The Commissioners answered yes. Commissioner Byerly asked Ms. Phelps would serve on the Snowy Mountain Development Corporation as a representative for the City Commission. Ms. Phelps answered yes. Commissioner Hewitt will serve on the Airport Board, Commissioner Turk will serve on the Library Board, Commissioner Putnam will serve on the Park and Recreation Board, Commissioner Byerly will serve on the Central Montana Health District Board, Commissioner Poss will serve on the City County Planning Board, Commissioner Putnam will serve on the Central Montana Foundation Board, and Commissioner Gremaux will serve on the Central Montana 911 Board. Commissioner Turk made the motion to approve the reappointment of the Commissioners to the listed boards and Commissioner Putnam 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 on City Manager position.

Commissioner Byerly explained that now the Local Government Study Commission ballot issue has been voted on and the City Commission Manager form of government is going forward. Commissioner Byerly further explained that the Commission needs to decide how to move forward. Commissioner Byerly stated this item is for discussion only. Commissioner Hewitt asked if the City Manager position has to be opened to the public. City Attorney Monte Boettger explained that the City Commission can determine whatever type of search they want to do. The Commission needs to determine what the best option for the City is. Mr. Boettger commented that he thinks prior to making decision it should be done after a discussion and allowing public input. Ms. Phelps commented that she is working on a job description and a contract to bring before the Commission for review. Commissioner Byerly commented that we need to have an evaluation procedure in place also. Mr. Boettger explained that he has gathered City Manager contracts from the cities in Montana and can provide those to the Commission for review and any time. Commissioner Poss explained that Ms. Phelps has been an excellent Public Works Director and has done a really good job as the Interim City Manager. Commissioner Poss commented that when Mr. Kevin Myhre moved into the City Manager position after holding the Interim City Manager position on a couple of occasions the Commission gave him the insurance that we would not lose him and wanted to keep him working for the City whether he was the City Manager or the Police Chief and feels the same situation holds with Ms. Phelps. Commissioner Poss would like to make sure we do not lose Ms. Phelps and would like to keep her working for the City whether she is the Public Works Director or the City Manager. Commissioner Poss stated he would be in favor of offering a contract to Ms. Phelps and continue to do quarterly evaluations and slowly take the wheels off as she moves forward. Commissioner Poss stated that Ms. Phelps is nice, approachable and really in my opinion what we look for in a City Manager and she does have a lot to learn. Commissioner Poss commented that what he has learned over the years is to find someone nice and make them good. Mr. Chapman stated that he is a member of the TIF board and feels the learning curve for the board has been lessened with Ms. Phelps knowledge. Mr. Daniels stated he thinks Ms. Phelps has been tremendous to work with as both the Public Works Director and Interim City Manager positions and thinks she does a good job. Mr. Daniels commented that she knows how to be tough and take care of the situation as necessary and would be happy to continue to work under Ms. Phelps. Commissioner Byerly explained that his philosophy has always been to go out and find the best person you can find and sometimes public institutions in particular have let down their constituents by just appointing the second in command. Commissioner Byerly further believes in doing a big search to find the best, however, this situation is a little unique for a couple of reasons. One reason is that we had an election on the form of government and as a result we have been spinning our wheels for a year and if we do a search it could take up to six months. Commissioner Byerly explained that Ms. Phelps did comment that if the Commission does decide to do a search she will apply. Commissioner Byerly further commented the other unique issue is that we have had a six month trial run with Ms. Phelps and it gives us a chance to see how it works and have had two evaluations and have been able to give some suggestions for improvement and Ms. Phelps has been able to acknowledge some of her weaknesses. Commissioner Byerly commented that he agrees with what Commissioner Poss stated and he thinks the Commission needs to take the tough calls and it should help your longevity as a City Manager. Commissioner Gremaux stated that it should be on the agenda and is okay with hiring within. Commissioner Putnam stated that

she likes Ms. Phelps and would vote for her, but would it make her a stronger City Manager if she won the job with other candidates. Commissioner Turk explained that sometimes she feels the best person for the position is one that is born and raised in the community. Commissioner Hewitt wanted to make sure there would be no legal ramifications if Ms. Phelps stays in the position and has not heard anything bad. Commissioner Doney explained that she came tonight wanting a search because we have not done due diligence if we do not look to see what is out there and then listen to the comments. Commissioner Doney further explained that we do have budget and union negotiations coming up and we do not have time to go for a search. Mr. Robertson commented that in the years he has worked with Ms. Phelps and when working with her she has brought a refreshing, positive and professional attitude.

### **CITIZENS' REQUESTS**

Mr. Chapman commented that the Migratory Urban Bird Grant cannot be ignored with regards to the soccer fields at Brewery Flats.

### **COMMISSIONER'S MINUTE**

Commissioner Doney would like a resolution on the next agenda to support Whitefish.

Commissioner Putnam would like to see suggestions on improvements for Castle Butte Road.

### **ADJOURNMENT**

Chairman Byerly adjourned the meeting.

Dated this 3<sup>rd</sup> day of January 2017.

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Dave Byerly, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk