

COMMITTEE OF THE WHOLE

OCTOBER 2, 2023

6:00 PM

1. Presentation by Houseal Lavigne regarding the digital twin process for the City of Lewistown.

NOTICE FOR, AND AGENDA FOR, A MEETING OF THE CITY COMMISSION, CITY OF LEWISTOWN, OCTOBER 2, 2023 AT 7:00 P.M. AT THE CENTRAL MONTANA COMMUNITY CENTER LOCATED AT 307 W WATSON

To participate virtually the options are as follows:

To join by zoom: <https://zoom.us/j/8486275925?pwd=dTVGbndDK253ZUJLMjRuZXU5QVpMdz09>

Meeting ID: 848 627 5925 Passcode: 59457

To participate by phone: dial (253) 215-8782 Meeting ID: 848 627 5925 Passcode: 59457

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES – September 18, 2023

COURTESIES

PROCLAMATIONS

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgment of the claims that have been paid from September 15, 2023 to September 28, 2023 for a total of \$217,240.84

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

1. Discussion and action on approving preliminary plat of Lot 6 of the K & T Properties Subdivision #2 (**Action: approve, disapprove or amend the preliminary plat**) City Manager Holly Phelps
2. Discussion and action on authorizing the City Manager to send a letter to the DEQ stating that Lot 6 of the K & T Properties Subdivision #2 will be allowed to connect to city water and sewer (**Action: approve, disapprove or amend authorizing the City Manager to send a letter to DEQ**) City Manager Holly Phelps
3. Discussion and action on second reading on Ordinance No. 1771, an ordinance amending Title 10, Chapter 5, Section 2(D); Title 10, Chapter 5, Section 3(C); and Title 10, Chapter 6 Section 5(B) of the Lewistown City Code to allow fees and fines be set by resolution (**Action: approve, disapprove or amend second reading of Ordinance No 1771**) City Manager Holly Phelps
4. Discussion and action on approving information for the ballot issue regarding chickens (**Action: approve, disapprove or amend approving chicken information**) City Manager Holly Phelps

CITIZEN'S REQUESTS

COMMISSION'S MINUTE

ADJOURNMENT

*All citizens are invited to make comment on any agenda item prior to action being taken by the Commission



MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
MUNICIPAL FACILITIES EXCLUSION

Subdivision Name: Amended Plat Lot 6 K&T Properties Sub. No. 2
Number of lots/parcels/units: 4/1/1
Geocode: 08-2467-16-3-03-06-0000
Are main extensions necessary to serve the subdivision? X Yes ___ No
How will construction of the facilities be financed? Privately Funded

Owner Information:

Owner(s) Name: Hays Properties LLC
Print name of owner(s) Signature of all owners of record

Address: PO Box 596 Lewistown, MT 59457-0596
Street or PO Box, City, State, Zip Code

Email: matt13moen@hotmail.com Phone: 406-538-2376
bkantz@bantzco.com 406-835-8080

Consultant Information:

Company and Address: Casne & Assoc. Inc. PO Box 1123 Helena, MT 59624-1123
Email: ryan@casneinc.com Phone: 406-443-1656

Eligibility Requirements: All of the following criteria must be met:

- Checkmarks for eligibility criteria: 1. Adequate municipal water and sewer... 2. Mains necessary to serve the subdivision... 3. Municipality must be a 1st or 2nd class municipality...

The project must be one of the following (check applicable box):

- Checkmarks for project types: 1. A new division subject to review... 2. Previously divided parcels... 3. Divisions or parcels of land that are exempt...

Form continues on next page ->

Submittal Requirements: All of the following items must be submitted:

- This form, signed by the property owner, and the municipalities' representative.
- Copy of Preliminary Plat, COS, Amended Plat, Unit Declaration or Exemption Certificate. The Plat, COS, Am Plat, Unit Declaration or Exception Certificate must contain the exemption 76-4-125 (1)(d)(i), (ii) or (iii). If using item (iii), the Plat, COS, Am Plat, Unit Declaration or Exemption Certificate must also contain the appropriate Platting Act exemption.
- Vicinity map showing project location.
- Applicable zoning ordinances in effect on file
- Copy of growth policy, if applicable on file
- \$120 processing fee

Certification:

I hereby certify that I am licensed to practice engineering in the State of Montana, I am employed directly or retained by the municipality providing service and am authorized to sign on behalf of the municipality. In addition, I hereby certify that:

1. The existing water and wastewater systems are in compliance with the provisions of Title 75, chapters 5 and 6, and
2. The water and wastewater systems have adequate capacity to meet the needs of the project, and
3. The municipality has or will review plans to ensure adequate storm water drainage and adequate solid waste disposal.

(Signature of Professional Engineer)

(Date Signed)

Montana P.E. Number _____

PE Stamp

Send to: MTDEQ Subdivisions
PO Box 200901
Helena MT 59620-0901

ORDINANCE NO. 1771

AN ORDINANCE AMENDING TITLE 10, CHAPTER 5, SECTION 2(D); TITLE 10, CHAPTER 5, SECTION 3(C); AND TITLE 10, CHAPTER 6 SECTION 5(B) OF THE LEWISTOWN CITY CODE TO ALLOW FEES AND FINES BE SET BY RESOLUTION

BE IT ORDAINED THAT Title 10, Chapter 5, Section 2(d); Title 10, Chapter 5, Section 3(c); and Title 10, Chapter 6, Section 5(b) of the City of Lewistown be, and hereby are, amended to read as follows:

10-5-2(D) is amended to read as follows:

(D) Penalty: every person found to be in violation of this section shall be punished by a fine set by resolution of the Lewistown City Commission.

10-5-3(C) is amended to read as follows:

(C) Penalty: every person found to be in violation of this section shall be punished by a fine set by resolution of the Lewistown City Commission.

10-6-5(B) is amended to read as follows:

(B) Each such police or code enforcement officer shall attach to a vehicle in violation of this section a notice to the registered owner thereof that such vehicle has been parked in violation of this chapter and instructing such registered owner to report to the police station in regard to such violation. Each such owner shall within ten (10) days of the time when such notice was attached to the vehicle pay to the City Offices the payment of fine as set by resolution of the Lewistown City Commission.

Passed and approved on the first reading, such date being the 18th day of September, 2023.

Passed and approved on second reading, such date being the 2nd day of October, 2023, and effective thirty (30) days thereafter.

KELLYANNE TERRY, Commission Chairman

ATTEST:

NIKKI BRUMMOND, City Clerk

If Ordinance 1770 is approved by a majority of voters of the City of Lewistown, an ordinance with the following provisions will go into effect March 1, 2024.

Ages and Number

- Through an annual permit, up to six hens would be allowed on all residential single-family lots inside the city limits that can meet the minimum requirements.
- No roosters over the age of three months will be permitted.

Location Requirements

- All chickens must be kept within a fenced yard.
- No chicken coops would be allowed within ten (10) feet of a sidewalk, city street, alley or, within twenty feet of a neighboring residence.
- Chickens will not be permitted in areas where chickens are prohibited by subdivision covenants.

Facilities

- The chickens shall be provided with a covered, predator-proof chicken coop that is thoroughly ventilated and of sufficient size to admit free movement of the chickens.
- During daylight hours the chickens shall have access to the chicken coop and weather permitting, shall have access to an outdoor enclosure (run).
- Chickens shall be secured within the chicken coop from sunset to sunrise.
- Chicken coops and runs must be kept in neat and sanitary.
- Feed must be kept in a rodent-proof container.

Permits/Inspections

- Permit must be obtained prior to getting chickens. These permits non-transferable and there will be an annual fee.
- The City may require an inspection of a property prior to or after issuance of a permit for chickens. 48-hours' notice will be provided to the homeowner stating the intent to inspect the property.

Other Standards

- Any chicken found to be running at large shall constitute a public nuisance and will be impounded or destroyed.
- No chicken shall be kept in a manner to create noxious odors or noise of a loud, persistent and habitual nature.

If this ordinance is approved by the voters the city commission will create the process as to allow chickens. This law may not be amended for a period of 1 years or revoked for 2 years.