

A COMMISSION MEETING OF FEBRUARY 1, 2016 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Byerly called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman Byerly 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 Doney made the motion to approve the January 19, 2016 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 Doney reported that the Government Study Commission met on January 25th and will meet on February 12th.

Commissioner Turk reported that there was not a library board meeting in January, but the Library held their annual Chili Bowl and it was well attended.

Commissioner Hewitt reported that there will be an airport board on Wednesday, February 3rd.

Commissioner Putnam reported that there was a Central Montana Foundation Board meeting on January 26th but was unable to attend. Commissioner Putnam also reported that there is a Park and Recreation Board meeting this Wednesday, February 4th.

Commissioner Gremaux reported that he attended the recent Central Montana 911 Board meeting. Commissioner Gremaux reported that the 911 phone system is still unstable

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

On February 17th the Building Department along with Snowy Mountain Development Corporation will be hosting a forum to discuss the requirements of the building codes adopted by the state. We have assembled a panel of representatives from the state departments as well as some from other building departments to discuss code enforcement and building issues. A general meeting or the public will be held in the evening on February 17th and then a forum will be held for contractors, engineers, architects and other invited persons on February 18th in the morning.

The Lewistown Ice Skating Association will be holding their first hockey tournament on the weekend of February 6th and 7th. Four teams from out of town and two local teams will be participating.

The Street Department has been working to clear storm drain inlets and remove some ice accumulation from the problem areas in town. The ice is very thick and is sometimes difficult to remove without damaging the street surface.

The City has received preliminary plans for some pedestrian improvements on Main Street intersections from 1st Avenue to 5th Avenue. A copy of the preliminary design is in the City Manager's office if Commissioners are interested in looking at them.

CONSENT AGENDA

Commissioner Gremaux 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 January 15, 2016 to January 27, 2016 for a total of \$29,288.14.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion on Lewistown City Commission Rules of Procedure

Mr. Myhre explained that on May 21, 2001 the City Commission put into effect the Lewistown City Commission Rules of Procedure. The procedures tell how the meetings will be held, how the agenda is put together, orders of business with agenda, rules of Commission debate, presentation to the Commission when it's not a public hearing, public hearings addressing the Commission and ordinances and resolutions. Mr. Myhre explained that during the regional training it was recommended that the City Commission review their rules of procedure on a regular basis to make sure they are up to date and so everyone is aware of what they say. Mr. Myhre further explained that there has been some discussion on finding some language to put on the back of the agenda for general audience conduct. Mr. Myhre stated that on page 4 of the rules of procedure Part IV Section 1 states that items to be considered for the agenda shall be delivered by 12 o'clock noon on Friday immediately preceding the next regularly scheduled

Commission meeting. Mr. Myhre stated he would like to change Friday to Wednesday because that is the day he expects the information so he has time to talk with departments and the chairman to set the agenda. Mr. Myhre explained another change he would recommend would be a time limit and it could be added on page 8 Part IX Section 1. Mr. Myhre commented that the other cities he has looked at have some type of a time limit for public comment of anywhere from 3 to 5 minutes. Mr. Myhre commented that it is typically not a problem for the Lewistown City Commission but if there is a full chamber and everyone wanted 10 minutes to speak we could be here a long time. Mr. Myhre recommended doing something different where there is a 10 minute time limit if there are 10 or less citizens in the chambers and a 3 minute time limit if there are 10 or more citizens in the chambers. This would give everyone time to speak and adequate time to address the Commission. Further discussion followed. Commissioner Putnam commented that the third paragraph of page 8 Part IX Section 1 states that prepared statements that are also read, however, shall be deemed unduly repetitious. Commissioner Putnam further commented that if someone takes the time to prepare a written statement that it could be repetitious if it is read at the meeting. Commissioner Putnam does not know if the same impact could be gained from reading it compared to someone that is passionate about the issue reading it. Mr. Myhre suggested changing the word shall to could, then the sentence would read prepared statements that are also read, however, could be deemed unduly repetitious. Mr. Myhre stated that currently there are no time limits in the rules of procedures. Commissioner Putnam stated that it stands well for the presiding officer to determine at the beginning of a public meeting what the time frames would be depending on the attendance and possibility the number of people impacted by the issue that is being discussed by the Commission. Commissioner Hewitt agreed with Commissioner Putnam that it has been done in the past. Commissioner Turk stated that she feels the time limit needs to be in writing. Commissioner Gremaux commented that it would be easier on the chairman if the time limits were in writing. Mr. Myhre commented that the recommendation from the local government center is that there be a time limit in your protocols. Commissioner Byerly stated that he doesn't think the Commission would want to come across as limiting public participation but encouraging it. Commissioner Byerly suggested some language stating that public input is encouraged but the chairman may at their discretion impose a time limit. Further discussion followed. Commissioner Byerly reviewed the following change: page 4 part IV section 1 change the word Friday to Wednesday. Further discussion followed. Commissioner Gremaux commented that a public hearing is a public hearing and the Commission does not take part in it except to listen. Commissioner Gremaux explained that when there is a public hearing the regular meeting should be closed, the public hearing opened and closed and then reopen the regular meeting. Commissioner Turk asked if the Commission should limit how long a public hearing can be opened for. Mr. Myhre stated that you could limit how long someone can speak but would not want to limit the time of the public hearing. Mr. Myhre explained that you would still want the authority to set a time limit on each person's time to comment so one person does not use up all of the time. Commissioner Doney suggested that on the bottom of page 7 part VIII Section 1 last paragraph change the word meeting to hearing. Commissioner Byerly agreed and repeated the change. Commissioner Byerly stated is has been discussed that there be some kind of language that would allow the chair to impose a time limit on comments. Commissioner Doney commented that during the regional training there were two things that refer to public comment and one is that the public is invited to speak after recognition by the presiding officer and also that all remarks are addressed to the Commission as a whole and not individual Commissioners. Commissioner Doney further stated that comments on the

items on the agenda should be limited to matter of fact. Commissioner Doney stated that on Page 8 Part IX Section 2 regarding order and decorum, she would like to add the following words that a person making impertinent or slanderous remarks can't be made to another person in the audience as well even though they may share an opposing view. Commissioner Doney also wanted to add the use of profanity would also be grounds to be barred. Commissioner Byerly stated that the comment about profanity is appropriate he thinks it would be covered under impertinent or slanderous remarks. Mr. Myhre commented that the discussion that has been held regarding the citizen must address the presiding officer is not in the document currently. Commissioner Putnam suggested it be added to page 8 part IX Section 1. The following could be added on to the first statement that comments will be addressed to the presiding officer except under the discretion of the presiding officer. Further discussion followed. Commissioner Byerly reviewed the following suggested change: Page 8 Part IX Section 1 first paragraph, adding a line that comments should be addressed to the chair and not to the individual commission members or staff except at the discretion of the presiding officer. Commissioner Byerly explained that if there are no more changes then it would be drafted with the changes and brought back before the Commission for approval at the next meeting. Commissioner Putnam asked if it will be an item on the agenda or an ordinance. City Clerk Nikki Brummond answered that it will be approved by resolution. Commissioner Byerly explained that as part of the training it was suggested that when the audience comes to the meeting they get an agenda and on the back has audience guidelines. Commissioner Doney stated that she likes Part IX Addressing the Commission and Part VIII Public Hearings from the Rules of Procedure. Both of those parts could be put on one page on the back of an agenda. Mr. Myhre recommended taking the information from Part VIII and Part IX, putting it in a brief and direct format for the back of the agenda. Mr. Myhre discussed examples from other cities the information on the back of the agenda is a reflection of what is in their rule procedure. Further discuss was held about some of the items that should be on the audience guidelines. Commissioner Byerly asked if Mr. Myhre and staff have enough information that you could come back with a draft document that could be looked at by the Commission. Mr. Myhre answered yes, there is some good language in the examples from other communities and the language that is already in the rules of procedures. Mr. Frank Westhoff commented that when he attends the meeting there is an agenda available and when the Commission is reviewing resolutions, ordinances or procedures the public has no idea what the Commission is talking about because they cannot follow along. Mr. Westhoff further commented that when you ask for public comment they cannot comment because they have no idea what's in the item. Mr. Westhoff commented that the information should be available for the public for them to make comment if wanted. Commissioner Byerly stated that is a good point, one option would be to go to the City office and get copies of the item that you are interested in. Mr. Myhre commented that on the small documents more copies could be made so that they can be available to the audience however, the larger documents could be rather cumbersome for the audience to follow along. Commissioner Byerly suggested that maybe make available a couple extra copies for the audience.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Hewitt asked if the City has ever studied the flow of the creek as an alternative hydropower. Mr. Myhre answered yes, it has been looked at a couple of different ways. One is using the old water line by fixing all of the leaks, put a turbine on it and allow water to come out of the spring and use gravity flow to run the turbine. The other way was to put a turbine in the mill ditch. Mr. Myhre explained that the difficulty is that the water that comes out of Spring Creek is allocated for all uses and there is no more allocation to take more water away. Mr. Myhre stated that Fish Wildlife and Parks will not allow the City take water for a new use.

Commissioner Putnam asked why there is a sign that states no thoroughfare in the alley behind Eagles Manor. Mr. Myhre answered that when Eagles Manor was built the alley was abandoned at their request. So they could have parking and control the alley. It is a private alley but there are still utilities in the right of way.

Commissioner Gremaux asked where the City was at on the wayfinding signs. Mr. Myhre answered that the signs have been ordered. The Public Works Director is working with the Department of Transportation to approve the signs.

Commissioner Byerly explained that he and the City Manager have been discussing his evaluation and are researching to establish a procedure and form. Commissioner Byerly explained that the evaluations that have been done since he has been on the Commission are pretty loose and for the manager's and City's protection we are looking for a procedure and form to evaluate the City Manager.

ADJOURNMENT

Chairman Byerly adjourned the meeting.

Dated this 1st day of February, 2016.

Dave Byerly, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk