

A REGULAR COMMISSION MEETING OF OCTOBER 1, 2018 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Turk called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Byerly, Dunnington, Hewitt, Loomis, Oldenburg and Turk. Commissioner Doney was absent.

APPROVAL OF MINUTES

Commissioner Loomis made the motion to approve the September 17, 2018 minutes as corrected and Commissioner Hewitt seconded the motion. The motion passed unanimously.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Oldenburg reported that she attended the September meeting of the Central Montana Foundation. There were five grant requests and three of them were funded.

Commissioner Loomis reported that the Park and Recreation Board meeting this Wednesday, October 3rd.

Commissioner Byerly reported that the Central Montana Health District met last week. The Environmental Health District Sanitarian submitted their resignation last week.

Commissioner Dunnington reported that the City County Planning Board met and reviewed a request to amend the Zoning Ordinance that is on tonight's agenda for action.

Commissioner Turk reported that she was unable to make the recent meeting where, the Library Director applicant was interviewed, but no decisions have been made,

Commissioner Hewitt reported that the Airport Board with meet this Wednesday, October 3rd.

CITY MANGER REPORT

City Manager Holly Phelps reported on the following issues:

The 100 block of 3rd Avenue has been striped to allow for angled parking. By doing angled parking 5 additional parking places were created. The City has not received any comments on this change as of today.

The Library has several events scheduled for the Month of October. The first one is on October 7th at 3 pm the Montana Repertory Theatre will be performing Morgan and Merlin: Swords, Sorcery, and How to be a Hero. Then on October 13th at 2 pm Montana writer Russel Rowland will host a book reading of his book "Fifty-Six Counties".

Fall work has begun the sprinkler systems have been winterized. Public Works has started working on a schedule for leaf clean up. Fall soccer is well underway and the Civic Center is gearing up for a busy winter season. City Manager Phelps encourages everyone to stop in the Civic Center and check out the work that has been done in the gymnasium over the last few months.

Commissioner Byerly stated that us as Commissioners understand that the angle parking on 3rd Avenue was discussed many months ago and didn't have anything to do with the occupants of the building. The continued concern is the lack of parking in the downtown area and this was an experiment and if it is successful and maybe increase the parking in the downtown area.

CONSENT AGENDA

Commissioner Oldenburg made the motion to approve the consent agenda and Commissioner Dunnington seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from September 12, 2018 to September 26, 2018 for a total of \$122,001.68

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on approving the 2018-2019 School District No. 1 agreement

City Manager Phelps explained that this agreement has been in place for many years between the City of Lewistown and the School District for use of recreational facilities and equipment. The agreement is renewed each year and a CPI increase is included. The increase this year was 2.1%, There is equipment utilized by both entities so that equipment can be shared between the entities. This agreement has been beneficial for all parties. Commissioner Byerly made the motion to approve the 2018-2019 School District No. 1 agreement and Commissioner Hewitt seconded the motion. Commissioner Turk asked for comments from the audiences and Commission. There being none, the question was called for and the motion passed unanimously.

2. Discussion and action on the letter to the Forest Service

City Manager Phelps explained that this is the letter that she was asked to write on behalf of the City Commission. The letter is addressed to the Forest Service and emphasis the desire to protect the City's water at all costs. Commissioner Byerly stated that he likes the letter but feels that stronger wording be used to have the map included in the Forest Service Management Plan. Commissioner Oldenburg suggested fervent request. All Commissioners liked that suggestion. Commissioner Byerly made the motion to approve the letter to the Forest Service with the change of the word hope to fervent request and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for comments from the audiences and Commission. There being none, the question was called for and the motion passed unanimously.

3. Discussion and action on approving Resolution No. 3981, a resolution approving an application for TIF funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that before the Commission is a request for TIF funds for façade improvements to the Wier Building. This will include replacing some signage and the awning. This was approved by the TIF board, it is a grant funds that is a 50/50 match. Commissioner Loomis made the motion to approve Resolution No. 3981, a resolution approving an application for TIF funds made to the Lewistown Tax Increment Financing District Board and Commissioner Dunnington seconded the motion. Commissioner Turk asked for comments from the audiences and Commission. There being none, the question was called for and the motion passed unanimously.

4. Public hearing to hear comments on a request of an amendment to Zoning Ordinance Application (18-02-ZA) for property located at Lot 2-C of the Zackus Subdivision

Chairman Turk opened the public hearing to hear comments on a request of an amendment to Zoning Ordinance Application (18-02-ZA) for property located at Lot 2-C of the Zackus Subdivision. Planning Director Cathy Barta explained that the City of Lewistown is in receipt of an amending to zoning ordinance application for property located at Lot 2-C of the Zackus subdivision. When this property was originally annexed into the City is was zoned R-1 residential one family. The request is a zoning change for the property to General Commercial (C-1) to construct a shop for equipment storage. Planning Director Barta explained that when the surrounding area of Southland Road and Castle Ridge Acres was annexed into the City is not zoned at this time. The City County Planning Board held a public hearing on September 20th. The applicant was not in attendance. The board considered the facts presented and through extensive public comment found the criteria did not pass the 12-point test consistent with purposes of zoning as described in section 76-2-304 Montana Code annotated. The City County Planning board is recommending the City Commission deny the proposal for the amendment to zoning ordinance application. Commissioner Dunnington is on the City County Planning Board and there were 20 citizens in the audience and none of them were in support of commercial zoning. Commissioner Turk asked for comments from the audience and Commission. There being none, the public hearing was closed.

5. Discussion and action on the amendment to zoning ordinance application (18-02-ZA) for property located at Lot 2-C of the Zackus Subdivision

City Manager Phelps explained that the staff report and map were included in the Commissioners packets. The staff report outlines, the process and indicates that the City County Planning Board denied the amendment based on public input. Commissioner Dunnington made the motion to affirm the action of the City County Planning Board to deny the amendment to zoning ordinance application (18-02-ZA) for property located at Lot 2-C of the Zackus Subdivision and Commissioner Hewitt seconded the motion. Commissioner Byerly commented that the Commission needs to be careful of carving out commercial zones in the midst of residential areas. Commissioner Turk asked for comments from the audience and Commission. There being none, the public hearing was closed.

6. Discussion on revisions to the Lewistown Sign Ordinance.

City Manager Phelps explained that the City of Lewistown's sign ordinance was in need of review and updates. Planning Director Barta explained that there was a court case of Reid vs. Town of Gilbert Arizona brought before the supreme court. The supreme court decision brought to light certain content-based sign regulation and it was deemed to be unconstitutional. Planning Director Barta further explained that the current City of Lewistown sign ordinance's language is almost verbatim and as a result would be considered unconstitutional regulating content. The constitution allows us certain freedoms which allows us free speech. When a City has a sign ordinance it should not be content based but the placement of signs, size of signs, how many and brightness of signs. The Lewistown Design Review Board held two public meetings on September 10th and 14th and did a lot of homework. All members of the board were active in the process and used a sign ordinance from Pennsylvania as an example. Planning Director Barta stated that the current sign ordinance does not have any solid measurement for brightness. There have been many comments regarding the brightness of a sign on Main Street in Lewistown. This has been addressed in the changes and have put in brightness standards that are measurable. City Manager Phelps explained that the City's brightness standard is in accordance with the brightness standards that the State Highway Department just approved. The current sign ordinance requires any sign over 32 square feet to be reviewed by the Design Review Board. The design review process involves getting the five-member board together, advertising and holding two public hearing and input from the citizens. The current fee is \$20 which does not cover and more resources are being expended than what the permit fee is covering. The recommendation is \$100 fee per sign that requires a design review and allow other signs would still be the \$20 fee. The board looked at the making a distinction between temporary signs and limited duration. Temporary signs include: garage sale signs, real estate signs and political signs. Temporary signs would be required to have a date in the lower right-hand side of the sign and can be up no longer than 90 days at a time and no more than twice a year. This would address the issue of political signs where the signs can only be up twice a year and a maximum of 90 days each time. Planning Director Barta stated that limited duration signs would best cover real estate signs. There is a recommendation to go with a small fee for each sign. The board reviewed the electronic message signs and finding a balance between signs that have already been purchased and citizens in the community not wanting those types of signs. It is proposed that electronic signs would not be allowed those areas listed on the National Historic Register. City Manager Phelps explained that several business owners were at the different meetings, the draft ordinance was sent to the Chamber of Commerce, the draft ordinance is also posted on the City's website. Commissioner Oldenburg commented that it is a very good ordinance and one thing that has driven her nuts forever is the garage sale signs. Planning Director Barta commented that garage sale signs would be considered a temporary sign under the proposed ordinance. Commissioner Byerly commented on the fees for the real estate signs and need to be able to monitor the signs. Commissioner Byerly further commented that he wants to make sure if codes are put in place there needs to be a way to enforce them. Commissioner Byerly commented that on the signs that do not conform it is his understanding if the property changes ownership or the sign blows over, whatever happens next the sign must conform. City Manager Phelps answered yes. Further discussion followed. Commissioner Oldenburg asked what the time frame is for the adopting of the ordinance. City Manager Phelps explained that it is

dependent on comments and more than likely the first reading will be November 5th and the second reading will be November 19th and will be in effect 20 days later. So essentially the ordinance will be effective the first of the year. Commissioner Turk commented that to address the real estate signs could a fee be attached to their City business license. Commissioner Byerly commented we doing something like this we need to make sure it very clear as to why. City Clerk Brummond asked if it would be an annual fee or one-time fee.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Turk commented that a list of the Commission appointed boards was included in the packet and would like to have discussion on the item at the next meeting.

City Manager Phelps stated that a thank you from a citizen was passed out this evening.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 1st day of October 2018.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk