

A REGULAR COMMISSION MEETING OF MAY 20, 2019 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, Doney, Dunnington, Loomis, Oldenburg and Turk. Commissioner Hewitt was absent.

APPROVAL OF MINUTES

Commissioner Doney made the motion to approved the May 6, 2019 minutes as corrected and Commissioner Oldenburg seconded the motion. The motion passed unanimously with Commissioner Loomis abstaining.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Oldenburg reported that the Central Montana Foundation annual meeting in Tuesday, May 28, 2019. It is a luncheon, open to the public but you do need to make a reservation to attend.

Commissioner Loomis reported that the Park and Recreation Board is planning on a clean up night in June. Once the details are determined he will report back to the Commission.

Commissioner Doney reported that she attended the most recent Library Board meeting on May 16th. The Library's author dinner was May 15th and was very well attended. Commissioner Doney reported that the Library Director has made several presentations to the local associations and sent a letter to the County Commissioners regarding budget season.

Commissioner Dunnington reported that the City County Planning Board met last Thursday. On the agenda was a conditional use permit for Dylan Buehler who is buying High Plains bike shop. Commissioner Dunnington reported that there was a neighbor in the audience and expressed some concerns about the hours. It was discussed that the hours are stated as 4 pm to 8 pm but it will be by appointment only. Commissioner Dunnington also reported on the proposed zoning for the Castle Ridge, Southland and Roundhouse Road areas.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The Parks Department are working to make the East Fork Campground facility ready for the season. Public Works has bladed the roads and is working to turn water on prior to Memorial Day.

Many of the Public Works staff will be assigned to the Cemetery for the week of May 20th to prepare the Cemetery for Memorial Day. The mowing and trimming of the Cemetery is a lot of work to get the whole area in a similar condition. Typically, the staff start on one end and work their way to the other and then begin again, the weather can make this difficult.

The Parks and Recreation Director is working with the Friends of the Pool to get a few more shade structures for the pool. These have been ordered and will be installed once they arrive. The sign up for swim lessons and pool passes will be held May 28th and 29th from 4 pm to 7 pm at the Civic Center.

Once again, the Police and Fire Departments are already working to educate people about the changes to the City's firework ordinance.

The refinishing of the gym floor at the Civic Center has begun. This is scheduled to take a couple of weeks to complete and should last many years. Upon inspection of the gym floor and as part of the project there was some water damage and some boards had to be replaced.

The glass on the front door of the City Office complex was replaced this week. The doors were also updated to comply with ADA regulations.

The Library's summer reading program starts Tuesday, June 4, 2019 and the theme will be a "A Universe of Stories".

PUBLIC COMMENT (on non-agenda items)

Mr. Kelly Roebeck addressed the Commission explained that he has been a resident of the City for ten years and loves the community. Mr. Roebeck further explained that he suffers from depression, PTSD and is bipolar. He recently researched on the internet on emotional support animals. Mr. Roebeck explained that there are many varieties of emotional support animals, but the one that he found is a silky chicken. The silkie chicken is very small, quiet and very docile. Mr. Roebeck explained that he has these chickens and they have helped him with his mental states and is asking for a variance to be able to keep these little animals for his continued mental support. Mr. Roebeck stated they are very quiet, not raising them for commercial use and these animals were recommended by his therapist. Commissioner Oldenburg asked how many did he have and asked if he would consider having less. Mr. Roebeck answered that he has six and would consider less if he could keep the chickens. Commissioner Loomis asked if Mr. Roebeck could consider another emotional support animal. Mr. Roebeck explained that he did try a dog but it caused a lot of stress and did not respond well with the dogs. City Manager Phelps explained that during the last legislature a law was passed regarding emotional support animals and just dogs and miniature horses are the only animals. Further discussion followed. Commissioner Doney asked if Mr. Roebeck had a friend that could house the chickens and he could visit them until an ordinance or the situation could be looked at further. Commissioner Doney asked how was this discovered. Police Chief Jenness answered that it was called in as a complaint to the Police Department. Ms. Deerfield addressed the Commission asked if the Commission would give them some time until they can try to find a place for the chicken. Police Chief Jenness reported that he has instructed his staff to give time for them to talk with the City Commission. It was determined that they would have until May 31st to move the chickens.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Loomis seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from May 1, 2019 to May 15, 2019 for a total of \$246,007.20.

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

1. Discussion and action on a statement of interest to purchase property known as the former Berg Lumber site located off Joyland Road in Fergus County, MT.

City Manager Phelps explained that during the Committee of the Whole the Berg property was discussed. The history of the site was discussed which included how the City obtained the property and what some of the cleanup requirements were and how it was completed. The City did receive a statement of interest to purchase the Berg Lumber mill site property. City Manager Phelps further explained that the offer was to develop the property into a housing development. It is property located on the top bench of the Berg Lumber mill site and it does not include the property near the creek and it will have to be dealt with separately. The purchase price is listed as \$98,000 and there are a lot of conditions to consider. The developers are looking for some interest from the City Commission to move forward so they can do some due diligence and allow them to see what would be required, look into a tax increment finance district, access property to perform the due diligence, would like to annex the property into the City and there are some other items that would need to be addressed. Commissioner Doney made the motion to approve moving forward with the statement of interest and Commissioner Oldenburg seconded the motion. Commissioner Byerly commented that the City of Lewistown is in desperate need of family housing. Commissioner Byerly feels that in the long run it will benefit the community in the long run. City Manager Phelps asked if the Commission is going to move forward with the project, she would like some Commissioners to sit on a subcommittee. Commissioner Turk and Dunnington answered they would like to serve on the subcommittee. Commissioner Byerly will serve on it but is also working on a similar project as part of the Port Authority Board. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

2. Public hearing to hear comments on a request from Dylan Buehler for a Conditional Use Permit 19-01-CU for property located at 1002 W Spring St

Chairman Turk opened the public hearing to hear comments on a request from Dylan Buehler for a Conditional Use Permit 19-01-CU for property located at 1002 W Spring St. Planning Director Cathy Barta explained that Mr. Mark Manseau currently owns High Plains Bike and Ski Shop located at 924 West Water and has operated it as a home occupation permit No 96-07-HM. Mr. Manseau is moving out the area and Mr. Dylan Buehler is in the process of buying the business. Mr. Buehler has applied for a conditional use permit to operate the High Plains Bike Shop out of Mr. Buehler's garage. Planning Director Barta explained that the proposed business will be located in an R-1 (Residential One Family) Zone. The request is to allow for the High Plains Bike Shop to be operated out of Mr. Buehler's garage. Planning Director Barta reported that a public hearing was held on May 16th. There was a lot of support for the conditional use permit. Commissioner Turk asked for comments from the audience and Commission. There being none, the public hearing was closed.

3. Discussion and action on approving the request from Dylan Buehler for a Conditional Use Permit 19-01-CU for property located at 1002 W Spring St. the proposed business will be located in an R-1 (Residential One Family) Zone

City Manager Phelps explained that the Planning Director has done a thorough job. There was a public hearing held, all the adjacent property owners were notified and there were no adverse comments. As a result, the City County Planning Board approved the Conditional Use Permit. Commissioner Loomis made the motion to approve the request from Dylan Buehler for a Conditional Use Permit 19-01-CU for property located at 1002 W Spring St. the proposed business will be located in an R-1 (Residential One

Family) Zone and as recommended by the City County Planning Board and Commissioner Byerly seconded the motion. Commissioner Turk 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 moving forward with the proposed zoning of the annexed area by Resolution No. 3880 for the Castle Butte and Roundhouse Road areas

City Manager Phelps explained that before the Commission this evening is the proposed zoning for the Castle Butte and Roundhouse Road areas. City Manager Phelps stated that before the Commission is a document that was prepared by the Planning Director and City County Planning Board after obtaining a lot of public comment and feedback from the affected area. If the Commissioner approves this document then the next step in the process would be creating new multiple zoning districts and then it would go to the ordinance committee for finalization. Planning Director Barta explained that letters were sent to all the affected property owners. There was a lot of discussion educating the public and residents of the affected area on what zoning regulations are and what is in existence in the City and to answer any questions. Further discussion followed. City Manager Phelps explained that this is step one in the process of zoning the area. Commissioner Doney made the motion to approve moving forward with the proposed zoning of the annexed area by Resolution No. 3880 for the Castle Butte and Roundhouse Road area subject to the ordinances being amended and Commissioner Dunnington seconded the motion. Mr. Stephen VanTassel a resident in the Castle Ridge Acres subdivision, he is in attendance to support this report and thanked Planning Director Barta for all of her work. Mr. Vantassal stated he is hoping there will be no sewer installed in that area any time soon, because of the increase in taxes and there is no snow plowing in the subdivision and is not sure why. Mr. Vantassal asked if he needs to attend the next ordinance meeting to make sure this gets finished. City Manager Phelps explained that it will take quite a while to get moving with the ordinances finalized and will be noticed on the radio, newspaper and website. Mr. Vantassal asked what ward his is in. Commissioner Doney answered they are in Ward III. There was a brief discussion regarding sewer in the Castle Ridge acres. Planning Director Barta explained that if the roads are not built to City standards and dedicated to the public then they are considered private and the City does not maintain them. Commissioner Turk 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 reappointing Mr. Jim Wier to the Tax Increment Finance Board/Targeted Economic Development District board for a four-year term

City Manager Phelps explained that Mr. Jim Wier has served on the Tax Increment Finance Board since its inception. This is now the Tax Increment Finance Board/Targeted Economic Development District Board and City Manager Phelps recommends reappointment. Commissioner Loomis made the motion to reappoint Mr. Jim Wier to the Tax Increment Finance Board/Targeted Economic Development District board for a four-year term and Commissioner Doney seconded the motion. Commissioner Turk 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 approving the first reading of Ordinance No. 1762, an ordinance amending Title 6, Chapter 6 of the Lewistown City Code prohibiting the carrying of unconcealed weapons at public assemblies, publicly owned buildings, city parks or schools

City Manager Phelps explained that the ordinance before the Commission only related to open carry weapons, which includes knives larger than four inches and fire arms. City Manager Phelps further explained that this issue was brought to her attention by the Library Director and Library Board. City Manager Phelps stated this is for open carry weapons and is allowed by state law and individuals as

young as fourteen can open carry weapons. City Manager Phelps reported that a letter of support for this ordinance was included in the Commissioner packets from the Library Board. Police Chief Jenness stated it was his recommendation to the Library Board that they not enact a policy because when the Police are called they cannot enforce a policy and Montana Code Annotated is very clear that the City has the legal authority to regulate the carrying of weapons in publicly owned spaces and has to be done for public safety concerns. Commissioner Doney stated that the ordinance committee did not address concealed weapons because it is already addressed in law. Commissioner Doney feels that this is a great way to protect our employees and citizens. Commissioner Oldenburg made the motion to approve the first reading of Ordinance No. 1762, an ordinance amending Title 6, Chapter 6 of the Lewistown City Code prohibiting the carrying of unconcealed weapons at public assemblies, publicly owned buildings, city parks or schools and Commissioner Dunnington seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

7. Discussion on the possibility of contributing toward a workforce coordinator

City Manager Phelps explained that the City of Lewistown has contributed \$5,000 for the last three years for a position that was housed at Snowy Mountain Development Corporation. The title of the position was community coordinator and the City's contribution was considered a grant match. The grant was from Rural Communities Assistance Corporation (RCAC) which provided a great resource to the community. City Manager Phelps explained that the Port Authority has worked very hard to establish a workforce coordinator position. It is hoped that it will bring a lot of great things to the community. The Port Authority is looking for ways in the community to fund the position that would be utilized throughout our community for something that has already been identified as big issue within our workforce. City Manager Phelps further explained it is hoped to create core values, work ethics and principles we would like to see in the upcoming work force. Commissioner Byerly explained that there are different issues of workforce; do we have the people to fill the positions, do they have the necessary training and education. Commissioner Byerly further explained that a subcommittee has worked on these issues and it has been determined that some of the workforce is meeting the soft skills. Soft skills meaning to say please, thank you, shake hands and to show up on time. The workforce coordinator would be supervised by the work force board. Commissioner Doney asked if this item is just a discussion and it would be considered in the upcoming budget. City Manager Phelps answered yes. City Manager Phelps commented that it will be included in the upcoming budget.

8. Discussion and action on awarding a playground bid for Creekside and including this in a Destination Development Grant Application

City Manager Phelps explained that the City has applied for several different grants over the last couple of years to get some funding for the restroom and playground facility at Creekside. City Manager Phelps showed some examples and gave a brief overview of wanting to go with a natural theme. City Manager Phelps explained that the bids range from \$40,000 to \$45,000, this have to be engineered and built to last. City Manager Phelps stated that with the Destination grant \$42,000 was budgeted for the grant. There was some savings, because City staff will be installing the equipment. There is some safety fencing included in this grant. Commissioner Loomis stated that he does not like this option and does not see kids getting engaged with these items. Commissioner Doney made the motion to approve awarding to Dakota playground in the amount of \$42,729 and to be paid for with the Tourism grant and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and those Commissioners voting in favor were: Byerly, Doney, Dunnington, Oldenburg and Turk. Commissioner Loomis voted against and Commissioner Hewitt was absent.

CITITZENS' REQUESTS

There were none.

COMMISSIONER'S MINTUE

Commissioner Loomis reported that the Lewistown Art Center is working on setting up the Hot Summer Nights for July 10th.

Commissioner Oldenburg asked if there has been any input on the feral cat situation. Commissioner Doney answered they are looking for live traps and man power. The location is inside the City limits and then the animals will be released back in the county.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 20th day of May 2019.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk