

A REGULAR COMMISSION MEETING OF DECEMBER 16, 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 of Allegiance.

ROLL CALL

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

APPROVAL OF MINUTES

Commissioner Doney made the motion to approve the November 18, 2019 and December 2, 2019 minutes as corrected and Commissioner Hewitt seconded the motion. The motion passed unanimously.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORT

Commissioner Loomis reported that the Park and Recreation Board did not meet in December and will be meeting in January.

Commissioner Doney reported that she attended the recent Library Board meeting. The annual Chili Bowl will be January 17, 2020 at Jack Hangar and the money raised is to fund the Library Summer Reading Program. The Library Board discussed the Memorandum of Understanding between the Library and the City and it is on the agenda for the Commission's approval tonight. The Friends of the Library sponsored a movie Saturday at the movie theatre and it was a great success. There was discussion on the other Summer Reading Program fundraiser the Author's Dinner and this is scheduled for May.

Commissioner Hewitt reported that she had missed two Airport Board meetings. Commissioner Hewitt stated she has been receiving the minutes to stay informed. The Airport owns six lots along the highway and they are going to move the security fence back 65 feet to add more property to the lots. The lots are located between the rest area and Celebration Church. Commissioner Hewitt commented that there are three different interested parties. Commissioner Hewitt reported that Runway 826 pavement maintenance was postponed until next year because of the weather. The BLM fire office is expanding their building and have submitted plans to the Airport Board.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

There will be no committee of the whole for the first meeting of the year. Elections for the Commission Chairman and Vice Chairman will be held, as well as, board appointments. Please put some thought into your current board appointments and schedules. A list of the boards and meeting times were included in the packet.

At the end of the month Dave Woods will be retiring for the City of Lewistown. Dave has been the mechanic for Public Works Department for the last 25 years. If you see him around please thank him for his service and wish him well.

The City Office will be closed December 24th and 25th for the Christmas holiday. The Library will be closing at noon on December 24th and 31st.

The Fire Department is currently undergoing some staffing changes. Last month two firefighters were promoted to lieutenants. They have also hired an 8th person for the department that will start after the first of the year. Chief Ward is also working to hire an Assistant Fire Chief.

Just a reminder to everyone that fireworks are allowed on New Year's Eve from 10 pm on December 31st to 12:30 am on January 1st. After the first of the year we will take some time to reevaluate this ordinance.

PUBLIC COMMENT – non agenda items

There were none.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Oldenburg seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from November 26, 2019 to November 30, 2019 for \$65,479.40 and December 1, 2019 to December 11, 2019 for a total of \$125,467.36.

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

1. Discussion and action on approving the Memorandum of Understanding between the Lewistown Public Library and the City of Lewistown

City Manager Phelps explained that before the Commission for approval is the Memorandum of Understanding (MOU) between the Library and the City of Lewistown. The MOU starts with the references to City Code and State Statue. Then it goes to what the City agrees and it is tied to the current staffing level of 5.5 full time equivalents (FTE). The personnel costs are explained, the property insurance will be provided by the City. The MOU does state that any excess funds at the end of the fiscal year will be retained by the City and will be used to continue funding the library. The MOU does state that the City will match contributions made by the Library Board up to \$5,000 to be placed in the Library building depreciation account. City Manager Phelps reviewed what the Library agrees to which includes providing funding for Library operations, preparation of an annual budget, staffing levels and consulting with the City Manager to set the Library Director's salary. City Manager Phelps stated that any change in working hours or staffing levels must be mutually agreed upon. There was some discussion regarding the

MOU. Commissioner Loomis made the motion to approve the Memorandum of Understanding between the Lewistown Public Library and the City of Lewistown with the numbering corrections 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.

2. Discussion and action on starting the process to amend City Code 6-3-21 domestic animals with regards to allowing chickens and goats in the City limits

City Manager Phelps explained that the City Code regarding domestic animals was included in the Commissioners packet. City Code 6-3-21 states it shall be unlawful for any person, firm or corporation, to keep, or cause to be kept, within the limits of the city, any domestic animals. Domestic animals shall include horses, mules, donkeys, cattle, swine, sheep, goats, chickens, ducks or turkeys. City Manager Phelps explained that she is asking the Commission to have some discussion on this code and determine if you are willing to vary from the code and then would start the process to amend the ordinance. Commissioner Doney commented that she talked to other cities and did not find any cities that allow livestock and she did not get a positive feedback to amend the ordinance when talking with citizens. Commissioner Doney stated that she did get the feeling that City should look at the ordinance and get citizens input. Commissioner Doney commented on several of different issues with regards to the issue. City Manager Phelps explained that is what we are asking the Commission tonight is they would like to start the process to amend the ordinance. Further discussion followed. Commissioner Oldenburg commented that she had a neighbor that had chickens and it made it difficult to sell their house. Commissioner Oldenburg further commented that she had a horrible experience and it not a chicken lover. Commissioner Byerly commented that he op to revisiting the ordinance. Commissioner Oldenburg made the motion disapprove starting the process to amend City Code 6-3-21 domestic animals with regards to allowing chickens and goats in the City limits and Commissioner Doney seconded the motion. Commissioner Byerly stated that it is his understanding that the ordinance will remain the same and the Commission is not going to enter into the chicken discussion. Commissioner Doney answered yes. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and those voting favor were Commissioners: Byerly, Doney, Loomis, Oldenburg and Turk. Commissioners Dunnington and Hewitt voted against.

3. Discussion and action on starting the process to amend City Code 4-6-2 use of public sewers requires all buildings used for human occupancy in the City limits are required to connected to approved sewer facilities

City Manager Phelps stated that a copy of City Code 4-6-2 was included in the Commissioners packet. In the ordinance it states what are considered other permitted sewer systems are permitted and that all building utilized for human occupancy must be hooked to an approved wastewater system. Commissioner Doney commented that the ordinance committee met and reviewed this issue and it was discussed if there is some options for a limited length of time for occupancy in RV and would never allow permanent use. Commissioner Byerly made the motion to disapprove starting the process to amend City Code 4-6-2 use of public sewers requires all buildings used for human occupancy in the City limits are required to connected to approved sewer facilities 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. Commissioner Doney stated that she feels the Police Chief and City Manager can come up with a plan for the situation. Commissioner Byerly stated he does not know of any complaints and wants to be fair and reasonable and to work with the Police Chief and the City Manager and does agree that moving the animals sooner would be best.

4. Discussion and action to approve the Treasure State Endowment Program (TSEP) Planning grant and authorizing the City Manager to sign the grant agreement

City Manager Phelps explained this is a planning grant with the Department of Natural Resources and Conservation (DNRC). This grant will be utilized for partial funding for the preliminary engineering report. Commissioner Doney made the motion to approve the Treasure State Endowment Program (TSEP) Planning grant and authorizing the City Manager to sign the grant agreement 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.

5. Discussion and action on setting the regular Commission meetings for 2019

City Manager Phelps stated that a calendar of the Commission meetings for 2020 was included in their packets. There are holidays on Mondays in January, February and September and would switch the meeting to the Tuesday following the holiday. This is what has been done in the past. Commissioner Loomis made the motion to approve setting the regular Commission meetings for 2019 and Commissioner Hewitt 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.

CITIZEN'S REQUESTS

There were none.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dates this 16th day of December, 2019.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk