

A COMMISSION MEETING OF OCTOBER 15, 2012 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Gremaux called the meeting to order.

ROLL CALL

Present were Commissioners Berry, Doney, Gremaux, Hewitt, Phillips, Putnam and Turk.

APPROVAL OF MINUTES

Commissioner Putnam made the motion to approve the minutes for October 1, 2012 and Commissioner Hewitt seconded the motion. The motion passed unanimously.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Putnam reported that she attended the October Park and Recreation Board meeting. There were members from the Swim Team and Girl Scout Troop there it see what can be done to fundraise for the swimming pool improvements.

Commissioner Hewitt reported that she attended the most Airport Board meeting. The Airport Board just purchased a new snow blower. They are also in the process of reviewing the six land leases. Dr. Mosby has been appointed as the representative to the Airport Board as the representative from the Pilot Association.

Commissioner Turk reported that there will be a zoning meeting on October 17th regarding a request for a conditional use permit.

Commissioner Gremaux reported that there was not a quorum for the last Library Board meeting. There was a good turnout for the Library Appreciation open house.

Commissioner Doney reported that there will be a Central Montana Health District meeting in November.

Commissioner Phillips reported there is a 911 Board meeting this Wednesday at 3 p.m.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

Volunteers have re-decked the bridge and have erected a flag pole at the picnic area at the Fish Hatchery. Public Works is working to rebuild the road with additional gravel and making changes to the drainage along the road. Casino Creek Concrete has donated a good portion of the gravel that has been hauled to the site.

Holly Phelps and Kevin Myhre have been working with Andy Brummond from MT Fish Wildlife and Parks to plan improvements to spring area measurement system to be able to achieve more accurate reading on the spring flows. They are also checking on the options for implementing a source water protection area with the Department of Environmental Quality to protect the big spring and its recharge area from conditions that may threaten the quality of water used by the City.

Public Works is working to pick up leaves on the City streets to clear them for winter. Schedules are being advertised for pickup times.

The Machler Stream Restoration Project plans to reconfigure the stream west of Highway 191 N are close to completion with construction is being scheduled 2013. The City has received funds through the USFWS Migratory Bird Treaty Grant program to fund the construction of a migratory bird habitat for the project. There is \$35,000 of the City's Bird Grant funds earmarked for use on the project. The City manager has also talked to the group about taking fill material from the project to the Berg Lumber site to place along the old railroad line to fill in low spots that are currently creating an attractive nuisance to off-road vehicles.

The group working on the convention center planning has found a consultant that they feel could complete an assessment of the feasibility of a convention center in Lewistown. A portion of the costs could be funded by a planning grant and through private donations. The County and City may be asked to contribute to the project to complete a funding package to proceed with the study.

CONSENT AGENDA

There were no claims to approve.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on authorizing the City Manager to proceed with notification of property owners of City's intent to proceed with provisions of development agreement

Mr. Myhre explained that the City Commission in 1999 entered into an agreement with developers, Rick Miller, Tom Miller and James Rutherford to provide water to the Castle Ridge Acres subdivision. As part of the agreement the City would provide water and postpone annexation until the subdivision reached a certain point in development. In exchange the

developers would put provisions in the deeds to allow orderly transition for public ways and lighting district as part of the annexation process. Now thirteen years later the subdivision has reached over 65% capacity as outlined in the agreement and the developers would like the City to take over the water system for that subdivision. Mr. Myhre further explained that the City is at the point where it must decide what to do with this subdivision; whether it is moving forward with annexation, postponing annexation, doing something different with the water system or take over the water system which is what the agreement calls. Mr. Myhre stated that he feels that City has done what it said it would do as part of the agreement just short of annexing the subdivision. Mr. Myhre further stated that the developer has not completed their part of the agreement by making sure the provisions were put into the deeds as the lots sold to ensure proper annexation. Mr. Myhre explained that he is recommending that the City take over the water system and proceed with annexation of the subdivision. Commissioner Turk made the motion to approve authorizing the City Manager to proceed with notification of property owners of City's intent to proceed with provisions of development agreement and Commissioner Doney seconded the motion. Commissioner Gremaux 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 first reading of Ordinance No. 1742, an ordinance amending Title 6, Chapter 2 Part 6 of the Lewistown City code pertaining to the registration of dogs

Mr. Myhre explained that earlier this year a couple came to the City Commission with concerns about the complaint process for a barking dog and the fact that they got a citation for not having a dog license and it was in the first three months of the year. Our City code was not clear as to when it expires. Mr. Myhre stated that he reviewed the code and it was not clear when the license actually expires. Further discussion followed. City Attorney Monte Boettger stated that it has been made very clear when the license expires. It was also added that "an owner receiving a citation for an expired license prior to March 1 shall be entitle to have the citation dismissed upon proof of current registration presented to the court". Mr. Myhre further commented that the final change is that the City Clerk shall publish notice once before March 1st instead of publishing 3 times. Commissioner Doney made the motion to approve the first reading of Ordinance No. 1742, an ordinance amending Title 6, Chapter 2 Part 6 of the Lewistown City code pertaining to the registration of dogs and Commissioner Putnam seconded the motion. Commissioner Gremaux asked for comments from the audience and the Commission. There being none, the question was called for and the motion passed unanimously.

3. Discussion and action on Resolution No. 3799, a resolution setting animal registration, lost tag and impound fees and providing for a delayed effective date

Mr. Myhre explained that City Codes allows the City Commission to set the fess for animal registration, lost tag and impound fees by resolution. This resolution keeps the altered animal registration fee the same and increases the registration fee for unaltered animals to \$15 and increases impound fees to \$15 a day. Further discussion followed. Commissioner Turk made the motion to approve Resolution No. 3799, a resolution setting animal registration, lost tag and impound fees and providing for a delayed effective date and Commissioner Doney seconded the motion. Commissioner Gremaux asked for comments from the audience and the Commission. There being none, the question was called for and the motion passed unanimously.

4. Discussion and action on reappointing Shirley Barrick for an additional two year term on the Historic Resources Commission

Planning Director Duane Ferdinand explained that the Historic Resources Commission has a vacancy. Ms. Shirley Barrick's term is expiring and is willing to serve an additional two year term. Mr. Ferdinand stated that Ms. Barrick has served the Historic Resources Commission very well. Mr. Myhre stated that when meeting are announced it is also announced if any vacancies are open. Commissioner Turk made the motion to approve reappointing Shirley Barrick for an additional two year term on the Historic Resources Commission and Commissioner Doney seconded the motion. Commissioner Gremaux asked for comments from the audience and the Commission. There being none, the question was called for and the motion passed unanimously.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Turk asked where the issue with Dave King Sr's fence was at. Mr. Myhre explained that he did meet with Mr. King prior to him addressing the City Commission as the last meeting. Mr. Myhre stated that he explained to Mr. King that the City is looking at making some changes to the fence ordinance with regards to putting a permit process in place. Mr. Myhre stated that if the Commission would like to change the fence heights that can be done, the ordinance was just looked at in 2009.

ADJOURNMENT

Chairman Gremaux adjourned the meeting.

Dated this 15th day of October, 2012.

Frank Gremaux, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk