

A COMMISSION MEETING OF DECEMBER 21, 2015 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Poss called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman Poss 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

There were none.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that the Local Government Study Commission is not meeting in December and will resume meeting in January.

Commissioner Turk reported that the Library Board meeting was December 10th and she was unable to attend. Commissioner Turk read the directors report which covered the update on the blinds for the upstairs windows in the Library, the heaters are being worked on and Ms. Nancy Bostrom has retired and Mr. Dan Bell resigned. The Library Director is working to fill those positions. The Library will be closing at noon on December 24th and 31st.

Commissioner Putnam reported that the Park and Recreation Department met on December 10th but she was unable to attend. Mr. Myhre reported that he attended and there was an update on the ice rink. The ice rink is up and it is making good ice. There have been a lot of people using the ice rink. There will be a hockey tournament in February. The Pool project is moving along well, more trees had to be removed for the splash park portion of the pool. Park and Recreation Director Jim Daniels is working with the Friends of the Pool to determine colors for the water slides and splash park. Mr. Myhre reported that he is working with the Recharge the Community Group and will be touring the Civic Center to get some new input.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The City applied for a Big Sky Trust Fund grant to study the feasibility of housing at the Berg Lumber sight and the City Manager was notified that the City was not successful in the grant application process. This was a project that the Recharge our Community group was looking at.

Mr. Myhre reported there is new staff at the Library and the new bookkeeper will be starting January 4th at the City Office.

Mr. Myhre commented that the fire code ordinance that was discussed a couple of meetings ago was handed out for the Commission to review prior to bringing it back before the Commission for approval.

The audit was completed after the last meeting and they are putting together the final report. The auditors felt that the sewer rates would need to be adjusted going into the new year in order to meet the reserve requirements for the bonds. We will be bringing some options to the commission in the near future.

The local government training is January 14th and it will be held in the Fire Training hall. It is from 9 am to 4 pm and lunch will be served. It is a regional meeting.

CONSENT AGENDA

Commissioner Putnam made the motion to approve the consent agenda and Commissioner Doney seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from December 1, 2015 to December 17, 2015 for a total of \$25,646.67.

REGULAR AGENDA - Resolutions, Ordinances & Other Action Items:

1. 1. Discussion and action on second reading of Ordinance No. 1751, amending section 5-1-1 of the Lewistown City Code pertaining to definitions of resident and nonresident salesman/direct sales consultants; amending 5-1-2, pertaining to persons required to obtain City business licenses; repealing 5-6-2 "nonresident salesman"; and amending 5-6-3 pertaining to additional requirements for nonresident salesman/direct sales consultant

Mr. Myhre explained that this ordinance was put together to clarify whether or not direct sales consultants were included in the ordinance and where they fit into the ordinance. The Commission did make the change to include it in the resident salesman definition, it also exempts anyone under the age of 18 from getting a license and exempts out vendors for permitted special community events of limited duration approved by the City Manager. A resident salesman has been expanded to include all of Fergus County. Commissioner Doney made the motion to approve the second reading of Ordinance No. 1751, amending section 5-1-1 of the Lewistown City Code pertaining to definitions of resident and nonresident salesman/direct sales consultants; amending 5-1-2, pertaining to persons required to obtain City business licenses; repealing 5-6-2 "nonresident salesman"; and amending 5-6-3 pertaining to additional requirements for nonresident salesman/direct sales consultant and Commissioner Byerly seconded the motion. Commissioner Poss asked for comments from audience and Commission. There being none, the question was called for and the motion passed unanimously.

2. Discussion and action on Resolution No. 3900 a resolution setting business license and registration certificate fees, and setting penalties for delinquent payments of those fees

Mr. Myhre explained that payment, fees and delinquent fees for business licenses are all set by resolution. Mr. Myhre stated that this resolution was put into place in 2004 and it is being brought back before the Commission tonight to make the change from resident salesman to resident salesman/direct sales consultant and the fees will remain the same. Commissioner Putnam made the motion to approve

Resolution No. 3900 a resolution setting business license and registration certificate fees, and setting penalties for delinquent payments of those fees and Commissioner Gremaux seconded the motion. Commissioner Hewitt stated that she wanted to clarify why last time she voted against leaving the fees the same was because in her mind she was hoping people would come forward if they had to pay a lesser fee. Commissioner Poss asked for comments from audience and Commission. There being none, the question was called for and those voting in favor were Commissioners: Byerly, Doney, Gremaux, Poss, Putnam and Turk. Commissioner Hewitt voted against.

3. Discussion and action on reappointing Carol Woolsey, Toni Gies and Tim Robertson to Lewistown's Design Review Board

Planning Director Duane Ferdinand explained the Design Review Board is comprised of four members and the Planning Director is a voting member. Currently the board is only authorized to review signs that exceed thirty-two square feet in area. Mr. Ferdinand explained that the ordinance recommends that the terms of the board members be staggered as follows: Toni Gies – 1 year reappointment, Tim Robertson – 2 year reappointment and Carol Woolsey – 3 year reappointment. Commissioner Putnam made the motion to reappoint Carol Woolsey, Toni Gies and Tim Robertson to Lewistown's Design Review Board in a staggered term as recommended and Commissioner Hewitt seconded the motion. Commissioner Byerly asked what criteria is used to determine the brightness of a sign and some parameters needs to be established. Mr. Ferdinand explained that a glaring sign is against City Code but what defines a glaring sign. Further discussion followed. Commissioner Poss asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

4. Oath of office – swearing in Dave Byerly, Diana Hewitt and Gayle Doney.

City Clerk Nikki Brummond swore in the following Commissioners into office: Dave Byerly, Ward I, Diana Hewitt, Ward II and Gayle Doney, Ward III.

CITIZENS' REQUESTS

Mr. Tom St John stated that the Judge granted a temporary restraining order against the City on November 24th and the City instead of turning services back to the county and the developer as they said they are insisting on maintaining services in the proposed annexation area and he would like to know why. Mr. Myhre answered that the Judge issued a temporary restraining order stopping the City from taking further acts to complete the annexation. The City's attorney has submitted a request for clarification from the judge stating that the annexation occurred on October 1st and it is finished. Mr. Myhre further explained that there was a request sent to the judge stating that the City at its attorney's feel this annexation is complete and will continue to provide services in this area and if you want the City to do something different please notify the City. The Judge has not responded to that request and the Judge is aware of the City's actions and that the City considers the area to be annexed and it is complete. Mr. St. John commented that the temporary restraining order unannexes the area further litigation. Mr. Myhre commented that is not what the court order said. Mr. St John asked what the agreement states between the City and Mr. Miller. Mr. Myhre answered that he does not have the documentation in front of him to answer the questions. Commissioner Poss commented there really isn't anything the Commission can talk about regarding the issue.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Chairman Poss adjourned the meeting.

Dated this 21st day of December, 2015.

Rick Poss, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk