

**A REGULAR COMMISSION MEETING OF MARCH 5, 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, Doney, Dunnington, Hewitt, Loomis, Oldenburg and Turk.

**APPROVAL OF MINUTES**

Commissioner Doney made the motion to approve the February 20, 2018 minutes and Commissioner Loomis seconded the motion. The motion passed unanimously with Commissioner Doney abstaining.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Oldenburg reported the she attended the Central Montana Foundation Board meeting on February 27th. The annual meeting was set for May 18, 2018 and the appointed the members of the scholarship committee. There were six grant requests and all were awarded for a total amount of \$14,100.

Commissioner Byerly reported the Central Montana Health District will meet later this week.

Commissioner Doney reported that the central Montana 911 board will meet on March 6<sup>th</sup>.

Commissioner Loomis reported that the Park and Recreation Board will meet on March 7<sup>th</sup>.

Commissioner Hewitt reported that the Airport Board will meet on March 7<sup>th</sup>.

Commissioner Turk reported that the Library board meets the third Thursday of the month.

**CITY MANAGER REPORT**

City Manager Holly Phelps reported that the Economic Development Summit will be March 13<sup>th</sup> from 8 a.m. to 1 p.m.

## **CONSENT AGENDA**

Commissioner Doney made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from February 15, 2018 to February 28, 2018 for a total of \$85,375.44.

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

1. Discussion and action on approving the Snowy Mountain Development Corporation Loan Modification Agreement and authorizing the City Manager to sign the agreement

Ms. Phelps explained that a few months ago the Commission discussed the upcoming deadline for the brownsfield loan with Snowy Mountain Development Corporation (SMDC) talked about option for the Berg property. The Commission authorized the City Manager to discuss option with SMDC. Ms. Phelps expressed to SMDC the City's commitment to moving forward with the development of the Berg Lumber property with an extension of the loan. Ms. Phelps stated that the City has received a two year extension on the loan and is asking for approval tonight. Commissioner Doney made the motion to approve the Snowy Mountain Development Corporation Loan Modification Agreement and authorizing the City Manager to sign the agreement 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.

2. Discussion and action on approving Resolution No. 3957, a resolution authorizing application for land and water conservation fund assistance for development of restroom facilities at Creekside Park

Ms. Phelps explained that this resolution needs to be approved by the Commission as it is a requirement to be included in the application process. Ms. Phelps further explained that there is an estimated cost in the resolution and would ask that if the resolution is approved that the cost can be changed to reflect the actual cost of the project. The grant is up to 50% of the project not to exceed \$150,000 and a draft version of the grant application was included in the packets. Ms. Phelps stated that the grant money would be used for the restroom facilities and information kiosk at Creekside Marketplace and Pavilion. Commissioner Byerly made the motion to approve Resolution No. 3957, a resolution authorizing application for land and water conservation fund assistance for development of restroom facilities at Creekside Park and that the estimated cost to be filled in once a better engineers estimate is available and prior to submitting the grant application 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.

3. Discussion and action on first reading of Ordinance No. 1758, an ordinance amending Title 7, Chapter 3 of the Lewistown City Code pertaining to the sale, use and possession of fireworks within the City of Lewistown and providing a penalty for violations

Ms. Phelps explained that the ordinance before the Commission tonight is a change in the fireworks ordinance. The biggest change is to allow the discharge of fireworks on the 4<sup>th</sup> of July from 8 am to midnight. Ms. Phelps further explained that there is a provision that the City Manager along with consultation from the Fire Chief can ban allowing fireworks if there is concern of fire danger. There are littering clauses, the enforcement of the ordinance will be code officials, police officers and fire fighters and there are penalties listed. Also included in the packet was a letter from the Lewistown Fire Marshall. Commissioner Doney explained that this came out of the ordinance committee that she is working on and is working to change ordinances and feels that the ordinance needs to have a penalty in order to better enforce the issue. Police Chief Birdwell explained that he is on the fence on the issue and if the community wants to have fireworks it would be nice to give them something. Police Chief Birdwell commented that there are a lot of people that do not like the fireworks and understand that side of the issue also, but would like to see the penalties put in place regardless. Commissioner Loomis asked about safety issues. Fire Chief Kucera answered that it will be a concern with citizens worrying about their dry grass and the ordinance limits were fireworks can be discharged and can only be done on private property. Further discussion followed. Ms. Phelps explained that some of the discussion was the education of school age kids and also to get the information out to the media and try to educate as much as possible. Ms. Phelps stated that regardless of what happens the committee would like to see the fines stay. Also, the committee is aware that education and work will need to be done to better inform the public. Commissioner Loomis stated that he feels if there is an ordinance then we need to be able to enforce it and supports education. Commissioner Byerly commented that he is for this and to try something different. Commissioner Byerly is in support of fines and willing to try to address a problem. Commissioner Byerly made the motion to approve first reading of Ordinance No. 1758, an ordinance amending Title 7, Chapter 3 of the Lewistown City Code pertaining to the sale, use and possession of fireworks within the City of Lewistown and providing a penalty for violations and Commissioner Hewitt seconded the motion. Commissioner Loomis asked about educating the public. Commissioner Byerly answered the media and handing out copies of the ordinance. Ms. Phelps commented that Officer Talkington has offered to do some education in the schools. Commissioner Hewitt commented that she does not want any warnings just write tickets. Commissioner Doney explained that she feels warning are part of education and trust the decision of the officers. Police Chief Birdwell commented that is will have to be on a case by case basis, and the discretion of the officers. 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 first reading of Ordinance No. 1759, an ordinance amending Title 10, Chapter 4, Part 2, of the Lewistown City Code pertaining to parking restrictions

Ms. Phelps explained that this is the trailer ordinance that was passed previously and there were some errors in the ordinance and it is back before the Commission with the corrections for first reading. Ms. Phelps explained that the ordinance did not prohibit parking outside the dates of the when parking was allowed and that is what is being clarified. Commissioner Doney explained that there was some much discussion on dates that the prohibition of the parking was not addressed. All this does is clean up the language. Commissioner Loomis made the motion to approve first reading of Ordinance No. 1759, an ordinance amending Title 10, Chapter 4, Part 2,

of the Lewistown City Code pertaining to parking restrictions 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 those voting in favor were Commissioners: Byerly, Doney, Dunnington, Loomis, Oldenburg and Turk. Commissioner Hewitt voted against the motion.

**CITIZENS' REQUESTS**

There were none.

**COMMISSIONER'S MINUTE**

Commissioner Loomis asked about the advertising of the repairs for the outside of the Library. Ms. Phelps answered that by State law all advertisements must be legal notices and it was advertised for two weeks.

Commissioner Byerly asked about where the Commission is on the Daines Bill. Ms. Phelps answered that the water protection plan will be discussed further and then the Forestry Bill will be discussed in April

**ADJOURNMENT**

Chairman Turk adjourned the meeting.

Dated this 5<sup>th</sup>, day of March, 2018.

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Patty Turk, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk