

A REGULAR COMMISSION MEETING OF FEBRUARY 16, 2021 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: Day, Dunnington, Oldenburg and Turk. Commissioners Hewitt and Loomis participated via zoom. Commissioner Doney was absent.

APPROVAL OF MINUTES

Chairman Turk stated that without objection and based on the corrections the February 1, 2021 minutes are approved.

COURTESIES

There were none,

PROCLAMATIONS

Chairman Turk read the following proclamation:

Arbor Day Proclamation

WHEREAS, natural areas, trees, and landscapes provide not only community beautification but also economic and environmental benefits; and

WHEREAS, trees provide many benefits to the community, including air purification, windbreaks, noise reduction, shade and energy savings; and

WHEREAS, planting trees and maintaining older trees provides an opportunity for community interaction, volunteerism, economic development, and environmental conservation; and

WHEREAS, our efforts to improve the environmental benefit present and future generations; and

WHEREAS, Arbor Day in Montana is officially the last Friday in April;

BE IT THEREFORE RESOLVED, I, Patty Turk, Commission Chairman of Lewistown, Montana, do hereby proclaim May 18, 2021, as Arbor Day in Lewistown, and encourage citizens to participate in appropriate activities and to take advantage of the benefits of the parks and other natural areas in our community.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported that she attended the Airport Board the first Wednesday of the month. The Chokecherry Jam will again be held up at the Airport, but grills and fire pits will not be allowed. Commissioner Hewitt reported on the recent wind damage on the property up at the Airport. The County Nurses Office has been using the Rimby Hangar for COVID testing and it was discussed that if they are done with it the Veteran's Administration would like to use the hangar for vaccinations for the vets. Commissioner Hewitt stated that the planes that have been flying are from McCord Air Force Base.

Commissioner Loomis reported that he attended the Park and Recreation Board meeting on February 3rd. Mr. Brad McCardle was in attendance and showed the proposed maps for the hike and bike trail at East Fork. This is an ongoing project and hope to break ground in April. Ice Skating tournaments went well and the Civic Center is still looking at options for the Civic Center Women's Locker room project. City Manager Phelps reported that the City did receive one bid and it will be taken to the Recreation Board for approval and instructions on moving forward.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The Lewistown Housing Advisory Committee is gearing back up the group and is working to improve housing opportunities in the area. The group is looking for additional individuals that are interested in housing to join the group. Current members working with this group include members of the Port Authority and HRDC as well as other interested community members.

The Public Works Department has been very busy with the changing weather. The warmer weather can drive roadway frost further into the ground and cause freezing pipes, crews will be watching for developing problems. It is also important to remember that even with the warmer temperatures a water line can still freeze.

The Library will be closed at 2 pm on February 12th and all day on February 13th. This is in observation of President's Day.

The City has started preparing for what the summer activities may look like. We have already received requests to hold events in the City parks and at Creekside. We are looking at how these can be held. We will also soon be hiring season workers for the 2021 summer season.

PUBLIC COMMENT – non agenda items:

Mr. Josh Wright participated and reported that he has received a ticket for having chickens and needs some documentation to give to the judge by March 1st. Mr. Wright asked for a timeline as to when the Commission will discuss this issue. City Manager Phelps explained that staff is working with the City Attorney to draft an ordinance clarification. City Manager Phelps further explained that what is being proposed does not change the current intent of the ordinance of allowing chickens or fowl in the City of Lewistown. This process does take a couple of meetings and then does require 30 days to go into effect. There was some discussion regarding the information that was gathered by Mr. Wright and given to the Commission. Mr. Wright stated that he had an opportunity to get a few ducks and a couple of chickens and someone drove by and called in a complaint. Mr. Wright commented that he knows it wasn't his neighbors.

CONSENT AGENDA

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Dunnington seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from January 28, 2021 to February 11, 2021 for a total of \$77,225.25.

REGULAR AGENDA – Resolutions, Ordinance & Other Action Items:

1. Discussion and action on approving the second reading of Ordinance No. 1765, an ordinance amending Title 3, Chapter 3, Part 10 of the Lewistown City Code amending regulations pertaining to agreements for the collection of payback charges for water main extensions

City Manager Phelps explained that this ordinance will amend City Code allowing the agreements for payback charges for water main extensions from 10 years to 15 years. This allows the developers that finance the water and sewer utilities in the area they develop to be able to recoup some of the costs through a buyback agreement. This ordinance is only for water main extensions and if an agreement is requested it will have to come back for approval by the City Commission. City Manager Phelps stated that this is used as a development incentive and gives the developer some time to recoup some of the costs associated with utilities. There are some administrative fees included in the agreements.

Commissioner Oldenburg made the motion to approve the second reading of Ordinance No. 1765, an ordinance amending Title 3, Chapter 3, Part 10 of the Lewistown City Code amending regulations pertaining to agreements for the collection of payback charges for water main extensions and Commissioner Loomis 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 the second reading of Ordinance No. 1766, an ordinance amending Title 4, Chapter 6, Part 8 of the Lewistown City Code amending regulations pertaining to agreements for the collection of payback charges for sewer main extensions

City Manager Phelps explained that this ordinance for a payback agreement for the extension of sewer main extensions. This would do the same as the water and extend the time frame from 10 years to 15 years. Commissioner Loomis made the motion to approve the second reading of Ordinance No. 1766, an ordinance amending Title 4, Chapter 6, Part 8 of the Lewistown City Code amending regulations pertaining to agreements for the collection of payback charges for sewer main extensions 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 the motion passed unanimously.

3. Discussion and action on approving the second reading of Ordinance No. 1767, an ordinance amending Title 10, Chapter 4 Part 10 of the Lewistown City Code amending regulations pertaining to parking for camping purposes

City Manager Phelps explained that this is the second reading of this ordinance and it will allow recreational vehicles used for temporary occupancy may be parked on a City street not to exceed 72 hours without a permit. There are three provisions that must be met. The recreational vehicle must be lawfully parked and have the consent of the adjacent property owner. Garbage or debris shall be removed from the vehicle and disposed of daily. No water or wastewater discharge from vehicle will be allowed.

Occupants must comply with all City ordinances. No electrical water or sewer connections shall be allowed to span across any sidewalk. The ability for a temporary occupancy parked on private property must obtain a permit from the City. The permit is \$20, must be posted on the recreational vehicle. The

permit shall be limited to fourteen consecutive days unless an extension is applied for and granted by the City. Permitted camping shall not exceed 90 days in a calendar year. The same provisions apply for those that have a temporary occupancy permit. Commissioner Oldenburg made the motion to approve the second reading of Ordinance No. 1767, an ordinance amending Title 10, Chapter 4 Part 10 of the Lewistown City Code amending regulations pertaining to parking for camping purposes and Commissioner Day 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 approving the second reading of Ordinance No. 1768, an ordinance amending Title 10, Chapter 4 Part 2 of the Lewistown City Code pertaining to restrictions for parking on boulevards

City Manager Phelps explained that this is the second reading for this ordinance and it is to restrict parking on boulevards. Item G has been added to amend Title 10, Chapter 4 part 2 of the City Code. Item G explains there is no parking on boulevards and refers to the two different types of boulevards. The first one is any grassy or landscaped median lying in the middle of a City Street and no parking would be allowed at all. The second one is the portion of property located between the City Street and the private property line. Parking would be allowed in cases involving hardship or to allow City snow removal occurring between the dates of November 1st and April 1st unless such parking is otherwise prohibited. City Manager Phelps stated she feels a big part of this ordinance is educating homeowners. Further discussion followed. Commissioner Hewitt made the motion to approve the second reading of Ordinance No. 1768, an ordinance amending Title 10, Chapter 4 Part 2 of the Lewistown City Code pertaining to restrictions for parking on boulevards and Commissioner Loomis 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 entering into an agreement with Fergus County for Central Montana Health District funding and authorizing the City Manager to sign

City Manager Phelps stated that when reviewing all of the agreements with Fergus County and it was determined that this agreement had been missed. City Manager Phelps explained that this is an agreement between the City and County for the Health District and is a two-year agreement. The agreement states that there is an existing relationship between the two entities and that the City's contribution would be 25% of the total annual contribution that Fergus County makes. City Manager Phelps commented that all the counties contribute on a per capita basis and this funding is consistent with the participating counties. The payments are due the beginning of October and is very close to what the City has been paying. City Manager Phelps stated that this would be a very modest increase. Commissioner Hewitt made the motion to approve entering into an agreement with Fergus County for the Central Montana Health District funding and authorizing the City Manager to sign and Commissioner Day 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 Resolution No. 4045, a resolution stating the intention of the City Commission to amend the 2019-2020 budget of the City of Lewistown

City Manager Phelps explained that this is a budget amendment to finalize the budget for the previous fiscal year. This is to clear up any unanticipated revenues or expenditures. City Manager Phelps stated that if this is approved tonight, then we will publish for the public hearing to be held at the next Commission meeting. Commissioner Day made the motion to approve Resolution No. 4045, a resolution stating the intention of the City Commission to amend the 2019-2020 budget of the City of Lewistown

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.

7. Discussion and action on allowing City staff to submit the annual Certified Local Government Grant Application to the Montana State Historic Preservation Office and the authorization to enter into a grant agreement once the grant is approved

City Manager Phelps stated that the grant application was included in the Commissioners packet. This is the Certified Local Government grant program. These funds are administered by the State Historic Preservation Office and are for municipalities that have a Historic Preservation Officer. The City is eligible to receive up to \$6,000 funding annually. City Manager Phelps explained that this is a matching grant and the planning director's salary is the match, commit that the person will work up to 80 hours a month, commit to having a Historic Preservation office, a phone number and answering machine. Commissioner Loomis made the motion to allow the City staff to submit the annual Certified Local Government Grant Application to the Montana State Historic Preservation Office and the authorization to enter into a grant agreement once the grant is approved 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 the motion passed unanimously.

8. Discussion and action on how City Commission meetings will be conducted moving forward in 2021

City Manager Phelps reported that a couple of months ago the Commission discussed how Commission meetings would be held. It was determined that the Commission would continue an in person meeting the first meeting of the month and a virtual meeting the second meeting of the month. City Manager Phelps commented that decision was until the end of February and since this is the last meeting in February, she felt it was necessary to make a decision for how meetings will be handled going forward. City Manager Phelps explained that we can make this decision one month at a time or can say it is the Commissions intention to have in person meeting as long as the numbers remain steady and continue to go down. City Manager Phelps stated that regardless it is her intent to continue to offer the public the option to attend the meeting virtually or by phone. Commissioner Loomis asked what the Council on Aging had decided with regards to masks and what is the decision from the State regarding masks. City Manager Phelps explained that currently we are under the declared emergency so we can still hold virtual meetings. There will be some statutory changes proposed in the legislature for allowing virtual meetings. City Manager Phelps stated that the Council on Aging has not made a decision on how they will proceed going forward with masks. City Manager Phelps stated that according to the Director they will continue to requiring masks inside the building until the majority of their patrons and staff can be vaccinated. Further discussion followed and it was determined that the Commission is able to accomplish more with in person meetings. It was also discussed that they want to continue to offer the virtual option and that some of the Commissioners if necessary, can participate virtually. Commissioner Oldenburg commented that she prefers in person meetings and feel that a lot more is accomplished, more discussion and if we meet in person, she recommends we continue to wear masks. Commissioner Oldenburg further commented that if the Council on Aging then we should respect that request and continue to wear masks. Commissioner Hewitt made the motion to approve moving forward for the month of March to hold the first meeting in person and the second meeting to be held virtually 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.

CITIZENS' REQUESTS

Mr. Richard Battrock asked about the gentlemen that talked early about chickens. City Manager Phelps explained that the individual knew that chickens weren't allowed in the City limits and did it anyway. Mr. Battrock asked if that would be overturned. City Manager Phelps stated it will be discussed at the next meeting.

COMMISSIONER'S MINUTE

Commissioner Day asked where we are in the process of hiring a City Attorney. City Manager Phelps answered that she has talked with a few individuals and will probably move forward with requestion proposals.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 16th day of February, 2021.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk