

**A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON JULY 19, 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, Doney, Dunnington, Hewitt, Loomis, Oldenburg and Turk.

**APPROVAL OF MINUTES**

Chairman Turk stated that without objection and based on the corrections the June 21, 2021 and July 6, 2021 minutes are approved.

**COURTESIES**

There were none.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Hewitt reported that the Airport Board met on July 7<sup>th</sup>. Commissioner Hewitt gave an update on the equipment at the Airport. Commissioner Hewitt reported that the insurance adjusters have been to the Airport and looked at the damage from the recent wind storms but have not received a report yet. Commissioner Hewitt stated that the area that was hydro seeded is already growing and green. The Airport Manager has upgraded the lighting and carpet in the terminal and the internet will be installed soon. The fences repairs are almost completed, the budget will be approved next month and the Airport Board has made the final payment to the Intercap Loan with the City. Commissioner Hewitt stated that the engineering for 2022 was approved along with the runway rehabilitation and aprons.

Commissioner Doney reported that the Library Board will be meeting on Thursday, July 22, 2021.

Commissioner Oldenburg reported that the Central Montana Foundation met on June 22, 2021. There were six grant requests and three of those requests were funded. The Big Spring Watershed Council received \$3,000 to produce a newspaper insert to inform the public about the amenities and value of Spring Creek to our community. The Park and Recreation department received \$2,000 for swimming pool passes for families that are unable to pay the fees. Yellowstone Boys and Girls Ranch Foundation received \$600 for a handicap accessible entrance to the local facility. Commissioner Oldenburg explained that the other grant requests were denied because it was an ineligible request or they had endowment funds that they are always asked to spend before they collect additional fund dollars.

Commissioner Loomis reported that the Park and Recreation Board met on July 7, 2021. The main topic was the skate park and the relationship with the Central Montana Museum. Commissioner Loomis explained that there appears to be some kids loitering, committing vandalism, littering and the motion lights have been busted out. Commissioner Loomis further explained that we will work to inform public of laws for the skate park, ask the Police to patrol more frequently, and see if we can get a shade structure in the area of the park. Commissioner Oldenburg suggested the group talk to the Central Montana Foundation for help with the shade structure. Commissioner Loomis reported the Civic Center ladies locker room is almost finished. The swimming pool has had an increase in swim parties and there is a swim meet coming up.

Commissioner Day reported that the Central Montana Health District will meet on August 12, 2021.

### **CITY MANAGER REPORT**

City Manager Holly Phelps reported on the following issues:

The Sea Lions swim team will be holding a divisional swim meet on July 24<sup>th</sup> and 25<sup>th</sup> in Lewistown. The pool will be closed much of this weekend. Camping will be allowed in and around Frank Day Park.

Again, this year the Lewistown Downtown Association will be hosting Crazy Days and Hot Summer Night, downtown on July 23<sup>rd</sup> beginning at 5 pm. Several businesses will be open late and there will be music, food and other activities on Main Street. There is also a shop and win raffle, where participants can win part of the \$500 in prizes. This event will be held in conjunction with the Gold Wing Motorcycle Rally.

Over the last decade the City of Lewistown has worked hard to address our urban forest. This last month DNRC was in Lewistown and worked to update our tree inventory. Dutch elm continues to kill trees around our community. We have also seen other illness in trees in our community. We have and will continue to remove these trees and also replant a variety of trees that grow in our climate. We are also proposing to continue our tree assistance program where the City works with landowners to get diseased and hazardous trees removed from the public right of ways.

Friday, Fergus County went under Stage 1 fire restrictions. At the meeting you will hear more about these restrictions and what they mean.

The Civic Center will be running their Little Eagle Flag Football the first couple of weeks in August this will be the last summer program ran by the Civic Center. The pool has been very busy we are running the last session of swimming lessons now and have been busy with private lessons and pool parties.

### **PUBLIC COMMENTS** - non agenda items

There were none.

### **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 acknowledgment of the claims that have been paid from June 30, 2021 to June 30, 2021 for a total of \$99,708.73.

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

1. Discussion and action on approving Resolution No. 4057, a ban on open burning extreme fire danger – stage I fire restrictions within the City of Lewistown

City Manager Phelps stated the resolution outlines the possible Stage One fire restrictions within the City limits. The activities mimic what the County passed last week. There are some exemptions that can be obtained from the Fire Chief. Fire Chief Joe Ward was present to review the Lewistown Area Fire Restriction plan and the agreement in place. Fire Chief Ward explained that there is a process to go into the different fire stages. The City of Lewistown does not get to dictate in the city limits what is done for the citizens. Further discussion followed. Commissioner Doney made the motion to approve Resolution No. 4057, a ban on open burning extreme fire danger – stage I fire restrictions within the City of Lewistown 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.

2. Discussion and action on approving the general union bargaining agreement for 2021-2024

City Manager Phelps stated that this is the general union bargaining agreement for the following departments: public works, city office, cemetery, civic center, library and wastewater treatment plant. City Manager Phelps further stated there were not many changes to the contract, there were some updates and it is a three contract. City Manager Phelps stated the first item that is new to the contract is allowing members of the union to utilize the Civic Center gym at no cost. City Manager Phelps explained that the City would figure out how to compensate the Civic Center for the use of the gym but any of the members on a monthly basis. City Manager Phelps stated that biggest part of the negotiations is the wages and what was proposed was twenty- five cent increase to all employees that are general fund departments and then other employees it was proposed a fifty- cent increase. The increases are for each year. Commissioner Loomis made the motion to approve the general union bargaining agreement for 2021-2024 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 confirming the City Manager’s appointment to the Library Board of Trustees for a five-year term

City Manager Phelps explained that Ms. Jo McCauly recently put in her resignation from the Library Board of Trustees and it was advertised to find individuals interested in filling this vacancy. City Manager Phelps stated that one letter of interest was received from Mariah Shammel. Ms. Shammel is an avid user of libraries, is a mother to several children, has a diverse background locally and wants to serve on the Library Board. Ms. Mary Frieze, Library Board of Trustees Chairman, stated that Ms. Shammel showed an amazing amount of enthusiasm, personal knowledge of libraries and the background of being able to serve on more than one board. Commissioner Oldenburg made the motion to approve the City Manager’s appointment to the Library Board of Trustees for a five-year term 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 Resolution No. 4058, a resolution approving an application from S U S Furniture for TIF funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that at the recent Tax Increment Finance Board meeting there were a couple of grant applications brought before the board. The first one is an application from SUS Furniture to update the signage on the front of their store. SUS Furniture is proposing to update the signage and the estimated cost is just under \$2,000 and is matching grant funds. The TIF Board approve a grant for \$872.50 for increase or improved signage. Commissioner Loomis made the motion to approve Resolution No. 4058, a resolution approving an application from S U S Furniture for TIF funds made to the Lewistown Tax Increment Financing District Board 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.

5. Discussion and action on approving Resolution No. 4059, a resolution approving an application from Your Montana Days LLC for TIF funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that the second Tax Increment Finance District application was from the Day family for façade improvements on their building located at 223 W Main St. The improvements are to the windows and doors and the TIF Board approved a grant up to \$3,3460. Commissioner Oldenburg made the motion to approve Resolution No. 4059, a resolution approving an application from Your Montana Days LLC for TIF funds made to the Lewistown Tax Increment Financing District Board and Commissioner Hewitt made the motion. Commissioner Turks asked for those Commissioners voting favor were: Doney, Dunnington, Hewitt, Loomis, Oldenburg and Turk. Commissioner Day recused herself due to a conflict of interest.

6. Discussion and action on approving a contractor for chip sealing the Lewistown Trail System

City Manager Phelps commented that there is some need for maintenance on the trails system and the first item of maintenance is crack sealing and seal coating the asphalt trails. City Manager Phelps explained that the Friends of the Trails have been very involved in this project and have agreed to match funds up to \$15,000. City Manager Phelps stated the City has received two quotes one from Red Clay in Lewistown and Z & Z Asphalt in Billings. City Manager Phelps explained that the Park and Recreation Director Jim Daniels did do some research on the products and types of materials and feel that Red Clay's product is a superior product and they do apply it by hand and provide a thicker coat. The product is manufactured in Utah that is formulated to work in our climate. Park and Recreation Director Daniels stated that he feels Red Clay will do a better job, they are local and would like to recommend the Commission approve their bid. Commissioner Hewitt made the motion to approve Red Clay in the amount of \$24,594.75 for chip sealing the Lewistown Trail System 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.

7. Discussion and action on approving a contractor for paving a portion of the Lewistown Trail System adjacent to Airport Road

City Manager Phelps explained that in conjunction with the Airport Road, Birch Street project currently underway. City Manager Phelps stated that this is a urban route and pavement preservation project that is realigning the very top of lower airport road and airport road to allow better traffic conditions with less hill. The project will continue down lower airport road and wrap around Lewis and Clark School. City Manager Phelps explained that the City has been working in the area across from Lewis and Clark and have removed some bushes and the crosswalk will be changed how it comes across and provide a bit better sight lines, and shorter distance to utilize the crosswalk. City Manager Phelps further explained that this project is in conjunction with that. The City is proposing paving the trail up the hill of lower airport road, to connect to the Frog Ponds and the tunnel by the Department of Transportation. City Manager Phelps stated that the estimated amount of the total work is \$26,680 and to realign that intersection and to provide that asphalt that would tie into the existing trail at the malfunction junction of Airport Road, Flourite and Birch Street and that estimated cost is \$9,405. City Manager Phelps explained that the City only received a bid from Century Construction. City Manager Phelps stated that she did reach out to MT Paving and at this time they were unable to provide a bid due to the schedule and their current projects. Commissioner Doney made the motion to approve Century Construction bid in the amount of \$26,680 and \$9,405 for paving a portion of the Lewistown Trail System adjacent to Airport Board 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.

8. Discussion and action on setting the boulevard maintenance assessment for fiscal year 2021-2022

City Manager Phelps explained that the boulevard maintenance assessment was discussed in the committee of the whole meeting and now we are asking the Commission to set a rate so that a preliminary budget can be prepared. Option one is double the assessment from the previous year, option two is to increase the previous year assessment by fifty percent and option three is to increase the previous year assessment by twenty-five percent. Further discussion followed. Commissioner Doney made the motion to setting the boulevard maintenance assessment at .6672, which is option two increasing the previous year assessment by fifty percent and Commissioner Hewitt seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for. Those voting in favor of the motion were Commissioners: Doney, Dunnington, Hewitt, Oldenburg and Turk. Commissioners Day and Loomis voted against.

9. Discussion and action on setting the street maintenance assessment for fiscal year 2021-2022

City Manager Phelps explained that street maintenance assessments were discussed during the committee of the whole and now we are asking the Commission to set new rate. City Manager Phelps further explained that the rates are a tenth of a cent, the assessment is based on the square footage of a lot and a standard residential lot is 50 x 90 feet or 4,500 square feet and the maximum size lot for a residential lot is fifteen thousand square feet. City Manager Phelps reviewed the options that were discussed during the committee of the whole. Option one is to increase by one tenth of a cent, option two is to keep it the same and option three is decrease it by one tenth of a cent. Commissioner Oldenburg made the motion to approve keeping the street maintenance assessment that same at .03300 and Commissioner Doney seconded the motion. Commissioner Loomis stated that because this is for all of the streets he would recommend option 3 and can support maintain status quo. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for. Those voting in favor of the motion were Commissioners: Doney, Dunnington, Hewitt, Oldenburg and Turk. Commissioners Day and Loomis voted against.

10. Discussion and action on the City of Lewistown's participation in the Central Montana Health District moving forward

City Manager Phelps explained that the next Central Montana Health District board meeting is August 12<sup>th</sup> and there are a couple of Commission meetings prior to that meeting. City Manager Phelps stated that before Commissioner Day attends that meeting it would be good get some direction from the Commission on what our relationship looks like going forward. City Manager Phelps stated that two of the questions that need to be answered before the conversation can conclude is the City interested in hosting and are we interested in working with the health district. City Manager Phelps further stated that she does know from other County Commissioners there is some interest in keeping the health district going, keeping it located in Lewistown and Musselshell County is willing to serve as a host county. Commissioner Oldenburg asked what is meant by hosting and what are the responsibilities of the host. City Manager Phelps answered that the host is responsible for the employees, claims, and general admin of grants. City Manager Phelps explained that the CMHD has a revenue stream that pretty much covers all of their operating costs including health insurance. City Manager Phelps explained that the state law stripped away the health board's authority to have employees. Commissioner Doney commented that she feels the City would lose a great benefit by not coping with the other counties. Commissioner Doney does not see it as a big deal if the City or Musselshell County hosts. Commissioner Turk asked that if Fergus County pulls out and is no longer the host then can Fergus County still participate in the health district. City Manager stated that currently the way it works is that the County receives the State funding based on populations, so the City of Lewistown does not receive any funding from the State of Montana, but the City does pay Fergus County a portion. City Manager Phelps

stated that a municipality would struggle with the way the statute is written and it is very specific in statute that counties can receive state and local funds and need to expend by provisions listed in the statute. City Manager Phelps commented that if the City hosts, we would be the employer and we would have the same employee issues and more than likely put them under a bargaining agreement. Commissioner Loomis asked what would it mean to the City for work load in terms of adding to what the City already does. City Manager Phelps answered that to process the payroll and claims would be a minute increase of work load. Commissioner Loomis stated the City could host without undue hardship with regards to administration. City Manager Phelps stated the struggles would be meshing the employees into our system of union and policies, working through the issues and who would supervise. City Manager Phelps stated that if the City did host the health district will be a department. Commissioner Doney stated she thinks it is important if the City continues to participate in the health district and is okay with Musselshell County being the host. Commissioner Loomis asked what would happen if they did not like the director, how do we hire that position. City Manager Phelps answered that is why the memorandum of understanding is so critical that it is laid out in both the MOU and the bylaws. The discussion will be continued at the next meeting.

### **CITIZENS' REQUESTS**

Mr. Robert Snyder asked if the zoom opportunities are still available. City Manager Phelps answered yes, but the meeting does time out if no one is participating.

### **COMMISSIONER'S MINUTE**

Commissioner Dunnington reported that the Jaycees purchased a picnic table and bench in at the Jaycee's Park. City Manager Phelps answered that it was brought before the Park and Recreation Board.

Commissioner Doney asked about the fence on Lake Ave. City Manager Phelps stated she will reach out to the City's contract attorney regarding the issues.

Commissioner Oldenburg reported that she received a lot of complaints from her constituents regarding the revival that it was loud and could be heard all the way up to the hospital area. Commissioner Oldenburg commented that some people wondered if something like that could be held in a different location. City Manager Phelps answered that she received some complaints also.

### **ADJOURNMENT**

Chairman Turk adjourned the meeting.

Dated this 19<sup>th</sup> day of July, 2021.

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Patty Turk, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk