

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

**APPROVAL OF MINUTES**

Chairman Turk stated that without objection and based on the corrections the August 2, 2021 minutes are approved.

**COURTESIES**

There were none.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Loomis reported that there was a Park and Recreation Board on August 4, 2021. There was no a quorum.

Commissioner Oldenburg reported that the Central Montana Foundation meeting is next week.

Commissioner Doney reported that the Library Board meets on August 26, 2021.

Commissioner Hewitt reported that the Airport Board met on August 4<sup>th</sup>. There was an update on vehicle maintenance, the engine for the Osh Kosh snow blower is being rebuilt, new tires for the bobcats were ordered and the new plow blade has been delivered. There will be Wi-Fi installed in the pilots lounge for the FAA weather cameras. The fence along the highway will be moved to enlarge the lots. There are so many gophers that they are working on poisoning the gophers, because they tunnel underground and don't want them tunneling under the runway. The Airport has finally received an insurance payment for the wind damage that was done at the Airport and the public bid process will be followed for some of the repairs.

Commissioner Day reported that the Central Montana Health District met on August 12<sup>th</sup>. Commissioner Day explained that most of the items on the agenda were tabled for discussion, because it was the plan to have representatives from One Health at the meeting. It was hoped that One Health would be there to give us a vision of what hosting would be look like. Commissioner Day commented that

unfortunately they were unable to send a representative and she thinks they are in the stages of developing a plan of what hosting would look. Commissioner Day reported that the next meeting is scheduled for September 9, 2021 at 1 pm. Commissioner Day reported that there were reports from the Environmental Health Department, Public Health Department and concerns regarding the district. Commissioner Oldenburg commented that at the meeting she attended there was discussion regarding a Department of Public Health and Human Services (DPHHS) meeting to be held in Helena the end of August. Commissioner Day explained that she thinks there was confusion with who should attend the meeting. Commissioner Day stated that she thinks it is for county officials and not elected officials serving on the CMHD board. Commissioner Oldenburg asked if the meeting is being held to discuss the new legislation regarding health districts. Commissioner Day answered that is not the impression she got and just got the impression that the meeting is for networking and allowing Commissioners to get some questions answered. Commissioner Turk asked if the minutes from the meeting can be forwarded on to the other Commissioners. Commissioner Day answered yes, she will forward the minutes on. Commissioner Loomis asked if she thought it would be beneficial for any of us Commissioners to attend the meeting in late August in Helena. Commissioner Day didn't think so but would get more information. Further discussion followed. Commissioner Day commented that the election of officers was tabled until the regular quarterly meeting in October. Commissioner Day further commented she will reach out to County Commissioner Youngbauer to see if there are other options for better sound during the meetings for citizens that would like to attend virtually.

### **CITY MANAGER REPORT**

City Manager Holly Phelps reported on the following issues:

The swimming pool is still open regular hours. We will be changing the pool hours to 12 pm to 6 pm and if we have staff to keep the pool open an additional week. The hours will change once again when school starts to 4 to 7 pm. The splash deck will be open until the temperatures cool down.

The Street Improvement Project is underway. There is a schedule for the upcoming work on the City's website. MT Paving has been busy preparing streets for pavement and they are responsible to make sure that the vehicles are moved prior to repairing these roads.

The work being done on Airport Road is an urban route project that was done in partnership with the City and the County and Montana Department of Transportation is administering the project. There was realignment, overlay and chip seal done. There were pedestrian improvements done down by Lewis and Clark School.

The Montana League of Cities and Towns will be holding their annual conference October 6<sup>th</sup> -8<sup>th</sup> in Helena. It is hoped that it will be a in person conference. City Manager Phelps knows they are looking at the COVID cases and will determine if it will still be held in person or it will be held virtually. This year is the 90<sup>th</sup> annual conference and this year's theme is "Celebrating the past and Inspiring the Future". Please check with the Finance Officer or the City Manager if you are interested in learning more about the agenda or would like to attend the conference.

The Park and Recreation Department is doing their last sport program of the year. It is the fall soccer program and sign up for the program is next week and is one of the biggest youth programs run by the Park and Recreation Department.

The City of Lewistown continues to offer the public an opportunity to participate in Commission meetings in person or virtually. On the City's website you can find information about the upcoming meeting and a link to the Zoom meeting.

Commissioner Doney asked who is doing the criminal work for the City since we do not have a City Attorney. City Manager Phelps answered that the County is currently doing the criminal work basically for the fee that the City pays the County and part of that agreement.

**PUBLIC COMMENT** – non agenda items

Mr. Brandon Beriault addressed the Commission stating he lives in Lewistown Montana. Mr. Beriault made comment on the Country's founders' ideology. Government's job is not to protect our health and safety. Mr. Beriault stated that we have Cares money, Covid money, TIF money and grants, so why are we financially structured this way. Mr. Beriault asked what is stopping Lewistown from becoming more financially independent. Mr. Beriault stated that we seem to be so restricted and regulated by the CBC, DEQ and a hundred other federal agencies and he just wishes we could make more decisions here locally by locals than this top-down way of thinking. Mr. Beriault stated why wouldn't we want more control over our own lives and livelihoods, if not for us maybe for our kids and grandkids. Mr. Beriault stated think about this who care more about Montana than Montanans, who care more about city residents than city residents, who better knows the needs of local people than local people. Mr. Beriault stated he would rather err of the side of freedom through local control and believes in local control and local panels accepting responsibilities for decisions made and why are we so dependent on big government and why do we have to outsource what we put in our water or wear on our faces. Mr. Beriault commented let's make those decision locally and locals can be accountable for the decisions.

Ms. Gerry Carpenter addressed the Commission regarding her concern about chlorine in the water. City Manager Phelps answered that we have met with DEQ and are forced to do full time disinfection. There are several methods that are available for full time disinfection. City Manager Phelps stated that this time the City is looking at chlorination being the most economical option to get the disinfection throughout the system we need to comply with DEQ's requirements. Ms. Carpenter asked if the system is being fixed. City Manager Phelps answered the entire system has to be disinfected from the Spring down and there were no points that could be identified that were causing growth or positive samples.

Ms. Gerry Carpenter stated that her second concern is the deer population. Ms. Carpenter stated the deer population is overwhelming and people are saying their gardens are being destroyed. Ms. Carpenter commented that they had 22 deer in her yard the other day and she feels it is time the City did something about the deer population in the City limits. Police Chief Justin Jenness commented that Cities across the state have passed resolutions allowing the Police Department to cull the deer populations. Police Chief Jenness said it is something the Commission can look into and he can help if necessary. Commissioner Loomis stated he would like to see what other communities are doing. Commissioner Doney stated that some of issue is people are feeding the deer. Commissioner Doney further stated that Fish and Game probably would like to be involved in the decision to cull the deer population. Ms. Carpenter asked if it was illegal to feed the deer. Police Chief Jenness answered yes, but it is regulated by Fish Wildlife and Parks.

Mr. Robert Snyder asked what is meant by forced to do full time chlorination and what are the consequences. City Manager Phelps explained that the Environmental Protection Agency (EPA) forces the that because they are the primacy on that regulation. City Manager Phelps answered that the consequences are financial fines and it is \$250,000 a day.

Mr. Tom Petranek asked if the testing that has been done on the water system in Lewistown and if testing had been done up at the Spring. Mr. Petranek stated the Peccia seems to be the only company looking at the issue and asked if another company had been asked to look at the problem. City Manager Phelps explained that testing has been done down the spring and to the furthest points of the system. The City is required to have seven locations tested monthly and then those locations are rotated monthly. City Manager Phelps explained that the City advertised about a year and a half ago request for proposals for engineering services. The City received three proposals and decided to move forward with Peccia. Commissioner Doney commented that a particular area could not be identified.

## **CONSENT AGENDA**

Commissioner Doney made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The consent agenda was the acknowledgment of the claims that have been paid from July 30, 2021 to August 11, 2021 for a total of \$357,869.14

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

1. Discussion and action on approving the 2021-2022 annual plan for the Targeted Economic Development District

City Manager Phelps commented that this is the annual budget and work plan for the Targeted Economic Development District (TEDD) and was approved by the TEDD board. City Manager Phelps explained that this is estimated revenue, because we do not know the total number of mills that will be assessed. It is anticipated to received around \$69,000 in tax revenue. The TEDD board continues to prioritize private and public investment to general increased taxable values. These projects include but not limited to improving infrastructure. City Manager Phelps reported that the investment plan and application are used to determine eligible applicants and projects. The TEDD board would like to continue to utilize the Snowy Mountain Development staff as the administrator of the board. The breakdown of the budget breakdown was reviewed and City Manager Phelps recommended approval to the Commission. Commissioner Doney made the motion to approve the 2021-2022 annual plan for the Targeted Economic Development District and Commissioner Loomis seconded the motion. Commissioner Turk asked for comments from the audience. There being none, the question was called for and the motion passed.

2. Discussion and action on approving the 2021-2022 annual plan for the Tax Increment Finance District

City Manager Phelps explained that the estimated revenue based on the certified values is \$185,000, there is a sizeable amount of cash carryover. The Tax Increment Finance District (TIF) board continues to prioritize private and public investment to general taxable value. These projects include but not limited to improving building façade, infrastructure and other public benefits. The investment plan and application are used to determine eligible applicants and projects. City Manager Phelps commented that the TIF Board would like to continue to act as administrators for the board. City Manager Phelps reviewed the breakdown of the budget and recommended approval to the Commission. Commissioner Oldenburg made the motion to approve the 2021-2022 annual plan for the Tax Increment Finance District and Commissioner Doney seconded the motion. Commissioner Loomis asked where the TIF and TEDD funds are held. City Manager Phelps answered that the funds are held at the City and are invested in accordance with the City Investment Policy. Commissioner Turk asked for comments from the audience. There being none, the question was called for and the motion passed.

3. Discussion and action on approving Resolution No. 4061, a ban on open burning extreme fire danger – State II Fire restrictions within the City of Lewistown

City Manager Phelps explained that Fergus County went under Stage II Fire restrictions on August 12<sup>th</sup> at midnight. City Manager Phelps stated that she would like the Commission to go to Stage II Fire restrictions within the City of Lewistown. The last time the City did this was in 2017. Fire Chief Joe Ward explained that Stage II in the incorporated City limits of Lewistown means is smoking needs to be in buildings or designated areas and affect recreational fires. Recreational fires will be nonexistent until the Commission rescinds the resolution. Commissioner Loomis made the motion to approve Resolution No. 4061, a ban on open burning extreme fire danger – State II Fire restrictions within the City of Lewistown and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for comments from the audience. There being none, the question was called for and the motion passed.

4. Discussion and action on a request from the Finance Officer/City Clerk to attend a Region VIII International Institute of Municipal Clerks (IIMC) Conference in Park City, Utah and the ability to add \$2,000 to the City Office's training and travel budget to attend the conference

City Manager Phelps explained that Finance Officer Nikki Brummond has brought a regional training opportunity for her to participate in. The agenda was included in the Commissioner's packet. City Manager Phelps explained that it is a great opportunity for some local regional training. City Manager Phelps explained that Finance Officer Brummond has prepared a scholarship application to get funding for the conference and as part of the application we need a decision from the Commission regarding funding. City Manager Phelps asked if the Commission is willing to add an additional \$2,000 to the budget for her to attend the conference. Commissioner Hewitt made the motion to support the Finance Officer/City Clerk Nikki Brummond to attend the conference, however, the City does not have the funds at this time to fund the attendance at the conference 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.

5. Discussion and action on approving Resolution No. 4062, a resolution relating to adopting a preliminary budget and providing a date for public hearing and adoption thereof for the fiscal year beginning July 1, 2021 and ending June 30, 2022

City Manager Phelps asked for this item to be tabled. Commissioner Doney made the motion to table this item and reschedule the preliminary budget to August 23<sup>rd</sup> at 6 pm 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.

#### **CITIZENS' REUQESTS**

There were none.

#### **COMMISSIONER'S MINUTE**

Commissioner Loomis explained that even though there was not a quorum at the Park and Recreation Board meeting. The volunteer from the museum was at the meeting and reported that the vandalism around the Skate Park has gotten better. Police Chief Jenness reported that the officers have been making more frequent stops.

Commissioner Day stated she feels the citizens need more information on the TIF and TEDD board. City Manager Phelps stated that she knows the TIF and TEDD board would like to come before the Commission in the future. City Manager Phelps commented that maybe an update can be done with the media.

#### **ADJOURNMENT**

Chairman Turk adjourned the meeting.

Dated this 16<sup>th</sup> day of August, 2021.

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Patty Turk, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk