

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON NOVEMBER 1, 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 October 4, 2021 minutes are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Day reported that the next Central Montana Health District meeting is November 17th at 1 pm at the Lincoln Building.

Commissioner Loomis reported that the Park and Recreation Board have not met.

Commissioner Oldenburg reported that the Central Montana Foundation met on October 26th. Commissioner Oldenburg further reported that besides regular agenda items, Allied Investment Advisors gave their quarterly report. Several estate gifts were discussed that will affect a number of area counties. There were two grants awarded one to the Lewistown Junior Rifle Club for \$4,999 and one to Saving Animals from Euthanasia received \$4,999 to assist with cat spaying clinics.

Commissioner Turk reported that the ordinance committee met and reviewed the fence ordinance. Commissioner Doney commented that the City Attorney will review suggested changes. There will be a permitting process that will give the Public Works Director an idea of what materials would be used and how the fence will be constructed. There will be a brochure available after all of the changes to the ordinance are made. It is hoped that the process will be a little more user friendly.

Commissioner Doney reported that the Library Board met on October 26th. The windows have been replaced and they are looking to purchase some blinds to help protect the books in that area. The staff is

working on training for CPR and there has been a fire inspection. The Friends of the Library will be having a Santa Sale on December 4th at the Judith Mountain Players Theatre.

Commissioner Hewitt reported that the Airport Board meeting this Wednesday, November 3rd. Commissioner Hewitt stated that she will not be attending the Airport Board meeting but will have a report at the next Commission meeting.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues

The City Manager review was held in place of the Committee of the Whole. The review began at 5:30 pm and the regular meeting was at 7 pm.

This year the City Offices will be closed November 11th in observance of Veteran’s Day and November 25th for Thanksgiving.

The City is currently updating City email accounts. We will be updating our antivirus software and will begin requiring dual authentication for your email accounts. This change will require us to do some updates on the device or devices you are using to access your city email account. We are planning to switch over to this on November 17th. If you have questions regarding your city email account, feel free to contact the City Manager.

This year’s audit will take place the week of November 15th. Stay tuned for more information regarding the process and outcome of the audit.

Fall is in the air and with that comes an increase in activities at the Civic Center. There are basketball games and volleyball leagues will begin soon.

At the recent, Montana League of Cities and Towns annual conference, the City of Lewistown was awarded with the 2nd call Cities Liability award. This award acknowledges members who have had the lowest claim experience over the previous five years.

City Manager Phelps asked what the Commissions thoughts are to host a Holiday Open House or would you like to have a few listening sessions in the new year. We are also looking to plan a get together for the Commissioners and those newly elected Commissioners. Please let the City Manager know.

PUBLIC COMMENT – non agenda items

There were none.

CONSENT AGENDA

Commissioner Loomis made the motion to approve the consent agenda and Commissioner Oldenburg seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from October 16, 2021 to October 31, 2021 for a total of \$251,006.79

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

1. Discussion on the future of the City of Lewistown’s involvement in public health. (this is a discussion item only – no action can be taken)

City Manager Phelps stated that this item will continue to be on the agenda for discussion until there is a better understanding of the future of Public Health for the City of Lewistown. City Manager Phelps reported that herself and Commissioner Day have had some communication with the Department of Public Health and Human Services (DPHHS) and asked some questions. City Manager Phelps feels that a follow up call may be warranted because there were some questions posed and not really answered. City Manager Phelps commented that she had a conversation with the City Manager of Great Falls and the City of Great Falls has filed a declaratory action in the courts to better define what the governing body under HB121 is. City Manager Phelps stated that she would like to see what the outcome is for Great Falls. City Manager Phelps and Commissioner Day feel they should maybe reach out to One Health and see what they can do for the City. City Manager Phelps explained that the City has an agreement with Fergus County and will have public health services until June 30, 2022. Commissioner Turk asked for the City Manager to explained what the City of Great Falls is asking for the judge. City Manager Phelps answered that they are asking a judge to make a ruling under HB121 defining what is a governing body. Ms. Kellyanne Terry addressed the Commission asked if the agreement between the City and the County was only with the County and not the Central Montana Health District. City Manager Phelps answered that yes, it is an agreement between the City and County only. Commissioner Day explained that One Health is looking and what it would be for them to host the district. Commissioner Doney commented that she is just fine with waiting and receiving more information.

2. Discussion and action on approving Resolution No. 4078, a resolution adopting fees and charges for the Lewistown City Cemetery

City Manager Phelps explained that as part of the new cemetery ordinance is the annual review of the cemetery fees. City Manager Phelps explained that per the ordinance and resolution the fees are adjusted by CPI and rounded to the nearest \$5. City Manager Phelps explained that the maximum increase amount is \$10 and others are not increase because the increase to the nearest \$5. Commissioner Loomis asked the City Manager to give some background to the annual review of the cemetery fees. City Manager Phelps explained that the ordinance went into effect in 2019 after a very lengthy process of discussion. The ordinance and the fees had not been reviewed in almost twenty years. City Manager Phelps stated that at the time there was a substantial increase in fees due to inflation and costs and the City Commission at the time wanted the fees reviewed annually and make small increases as necessary so that large increases don't happen. City Clerk Nikki Brummond explained that the purchase of lots 50% is put in the general fund and 50% is put in the perpetual care fund. When the ordinance was changed it was determined there would be a perpetual care fee for nonresident lots. City Manager Phelps explained that the perpetual care is for the maintenance of the cemetery once it is full. City Clerk Brummond stated that in the future she would like the Commission to look at how lots are bought back by the City. City Clerk Brummond explained that currently the City buys back an unused cemetery lot at 50% of today's cost. As a result people are making money off the selling back of lots and the City has cared for that lot all this time. Commissioner Doney would like the ordinance committee to get a recommendation from you and then the committee could bring a recommendation back to the Commission. Commissioner Loomis made the motion to approve Resolution No. 4078, a resolution adopting fees and charges for the Lewistown City Cemetery and Commissioner Doney seconded the motion. Mr. Robert Snyder asked if the action is to raise lots. City Manager Phelps answered that yes all the fees are being raise by CPI. Ms. Suzanne Westhoff asked if the Commission was discussing only the City cemetery or the Catholic cemetery also. Ms. Westhoff commented that in the new budget the City has budgeted \$200,000 for the cemetery. City Clerk Brummond explained that yes, there was \$200,000 budgeted in the Cemetery Perpetual Care account. However, in accordance with the ordinance the money cannot be spent until the cemetery is at capacity and is closed. The perpetual care fund is for the future maintenance of the City once is closed.

City Clerk Brummond further explained that half of the cash must be budgeted in accordance with State law. 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 Resolution No. 4079, a resolution setting Business License and Registration Certificate Fees and setting penalties for delinquent payments of those fees

City Manager Phelps explained that in reviewing fees we are being business licenses fees before the Commission tonight for discussion. City Manager Phelps stated that the last time the fees were raised was in 2004 and in 2016 direct sales language was added to the ordinance. City Manager Phelps explained that basically we are proposing a \$5 increase. Commissioner Oldenburg asked if the City Manager would explain direct sales. City Manager Phelps explained that direct sales are the home-based businesses like Avon, Mary Kay, Tastefully Simple and Tupperware. City Clerk Brummond stated that the home-based business located in Fergus County pay \$30. Commissioner Oldenburg asked how much does a business that puts up a tent pay for a license. City Clerk Brummond answered \$55. Commissioner Oldenburg made the motion to approve Resolution No. 4079, a resolution setting Business License and Registration Certificate Fees and setting penalties for delinquent payments of those fees and Commissioner Doney seconded the motion. Commissioner Loomis stated that the Commission was charged by the Finance Officer to look at a way to raise revenue without raising taxes. Commissioner Loomis stated that he supports these minor fee increases. Mr. Richard Battrick asked some questions regarding direct sales. 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 Resolution No. 4080, a resolution setting animal registration, lost tag and impound fees

City Manager Phelps explained that the animal license fees haven't been looked at in quite some time. The registration requires that all animals have the proper shots. City Manager Phelps stated that we are only proposing a \$5 increase. City Clerk Brummond explained that this resolution only sets the fees. There is a separate ordinance for the rules, a license must be renewed by March 1st or the fee is doubled. Commissioner Oldenburg stated that she has had some complaints regarding the animals at the plant and wonders who is in charge of the pound. City Manager Phelps answered that currently the City works with PALS. Further discussion followed regarding impound fees. Commissioner Hewitt made the motion to approve Resolution No. 4080, a resolution setting animal registration, lost tag and impound fees and Commissioner Day seconded the motion. Mr. Ron Hrubes asked if the City of Lewistown has an animal control officer. City Manager Phelps answered that the City has a code enforcement officer. Mr. Hrubes talked about some of his experiences with animal shelters. Mr. Robert Snyder asked if he heard that it was a \$40 charge for unaltered dogs and does not feel that will help the situation. City Clerk Brummond answered that \$40 is only if they are purchasing the license after the due date and first-time animal licenses are only \$20 for unaltered and \$10 for altered. 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 on rental fees for Creekside (this is a discussion item only – no action can be taken)

City Manager Phelps explained that a few years ago the Commission approved some rental fees for the Creekside facility and now that we have a year of experience renting the facility and would like to review the policies and fees. City Manager Phelps stated that if the Commission is okay with this, she would like the move forward with possible changes to the Park and Recreation Board and then bring the final proposals back to the Commission for final approval. Commissioner Oldenburg commented that we

should look at some of the other communities that have had the same issues and see how they addressed the issues.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Oldenburg commented that One Health is going to have sixteen apartments, along with other downtown apartments and adding in APR tourists may require the City to address the need for more parking spaces in the downtown area. above the One Health building. Commissioner Oldenburg thinks something needs to be done for parking in the downtown area.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 1st day of November, 2021

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk