

A REGULAR COMMISSION MEETING OF FEBRUARY 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, Oldenburg and Turk. Commissioners Hewitt and Loomis participated via zoom.

APPROVAL OF MINUTES

Chairman Turk stated that without objection and based on the corrections the January 19, 2021 minutes are approved.

COURTESIES

There were none,

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Oldenburg reported that she attended the Central Montana Foundation meeting on January 25th. In addition to the regular monthly business, Allied Investment Advisors presented a quarterly report. A summer intern position was approved to assist Carrie Mantooth. There were two grant requests received and approved. One was for the Junior Class after prom party in the amount of \$2,500 and the second one was for the Friendship Lodge of the Masons. They received \$1,220 for their Kids Books and Bikes program.

Commissioner Loomis reported that the Park and Recreation Board will meet on Wednesday, February 3rd at 7 pm at the Civic Center.

Commissioner Hewitt reported that the Airport Board will also meet on Wednesday, February 3rd at 3 pm at the Airport.

Commissioner Doney reported that the Library met on January 21st. The Library Director has completed the Montana History Foundation Grant to finish and restore the stonework of the Library. The grant will be award in April of 2021. The Library has received four more HP Laptops from the Montana State Library and are available for patrons to check out. This brings the total laptops available for patron use to six and there are also hotspots available for check out. The Library Board is looking at parking issues and looking at doing a summer retreat to work on a strategic plan.

Commissioner Day reported that the Central Montana Health District Board met on Thursday, January 28th in person and all of the personnel attended via zoom from their respective offices. There are two new board members, one from Golden Valley County and the other is from Musselshell County. There were announcements and reports from the junk vehicle program which is booming and they have over 147 vehicles in their yard. There were reports from the Environmental department and the Public Health Nurses department. The majority of discussion from these two departments was regarding vaccinations and distribution to the different counties. There is a new tab on the Central Montana Health District webpage dedicated to information and updates on vaccinations. The temporary COVID-19 testing location at the airport has slowed down and will reevaluate the need to continue. Commissioner Day reported that some of the action items on the agenda included renewing cooperative agreement, and the Kenfield food kiosk was approved. Also, discussed were the septic permit process plans and the exempt status of employees. Commissioner Day reported that the next board meeting will be Thursday, April 8th at 12 pm.

Commissioner Turk reported that on January 21st the ordinance review committee met and review several ordinances and a couple of them are on the agenda for first reading tonight.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

While Lewistown has not seen a lot of snow this winter. There is still the risk of waterlines freezing. With cold overnight temperatures, erratic winds and no snow cover the frost is getting deeper and deeper. It is important for people that have an issue with their waterline freezing in the past to monitor the conditions and in some cases run water. If people have questions or concerns, they should contact Public Works for assistance.

The City is currently advertising the Civic Center women's locker room remodel project. This project will update the showers, lockers and restroom in the women's locker room located in the basement of the Civic Center. The funding from this comes from the Park and Recreation District funds.

The Park and Recreation department has been working with DNRC on a grant to remove approximately 12 trees from several City owned locations. This work to remove these ash trees and grind the stumps will begin soon. The grant will also fund the planting of approximately 30 trees.

The Bureau of Business and Economic Research at the University of Montana will host its 46th annual Economic Outlook seminar event, "The Path Forward, How COVID-19 has Reshaped the Economy," via video conference. The seminar will be held February 1st and 2nd and will include two nationally recognized keynote speakers, and multiple networking and discussion opportunities with local speakers, panelists and fellow attendees. This two-day virtual event will examine the myths and realities of how the economic landscape has been reshaped by the COVID-19 pandemic.

PUBLIC COMMENTS – non agenda items:

Mr. Richard Battrick thanked Commissioner Oldenburg for her suggestion of calling the Council on Aging to help with his medical concerns. Mr. Battrick stated that he got some help and the necessary appointments are scheduled.

Mr. Brandon Beriault addressed the Commission stating that he posted a refrigerator on Facebook Marketplace a couple of weeks ago and a City employee made comment that he should not resell something he got for free. Mr. Beriault stated that he feels City and government employees should be

held to a higher standard as far as those type of comments. Mr. Beriault further commented that if he is trying to make money to pay a City employees salary, his should not be disrespected like that on a public platform if he had done nothing wrong. Mr. Beriault wanted to make his opinion known on that issue. Mr. Beriault is not asking the council to do anything he is just wanting to exercise his freedom of speech.

Mr. Josh Wright was in attendance via zoom, and asked about the review of City Code 6-3-21. Mr. Wright stated that it has been about a year since he provided the Commission with the petitions and comments regarding chickens. City Manager Phelps explained that this item was discussed in the last ordinance committee meeting. There will be some follow up with Commission at an upcoming meeting. Mr. Wright stated he would appreciate this because he recently got cited for breaking the code.

Mr. Brandon Beriault addressed the Commission stating the he feels the mask mandate is a violation of my free speech rights and freedom of expression. Commissioner Turk explained to Mr. Beriault that he can remove his mask when speaking but he must have it on when not speaking to attend the meeting in person. This is the governors mandate, but also a requirement of the building. Mr. Beriault stated the he does not hae the right to believe how he believes about masks. Mr. Beriault stated he does not believe the masks are affective and that masks can be mandated without violating a person right to express themselves. Mr. Beriault further stated that his thoughts are different that theirs might be on the mask issue and to force him to wear a mask is to force him to think like they do and feels it is a violation of my rights as a human being. Commissioner Turk stated that she understands his point. Commissioner Loomis commented that this issue has been discussed several times by the City Commission and have tried to make it as clear as possible and if you do not wear a mask the Commission will recess the meeting and finish the meeting virtually. Commissioner Loomis stated that he finds it difficult to conduct public meetings in person if citizens can not follow the guidelines that have been put in place. Commissioner Loomis stated that these guidelines have been there for several months and these are not new and wish people would respect what we need to do to carry on City business. Commissioner Turk explained to Mr. Beriault that he needed to make a choice is he would like to put on a mask so the meeting can continue. If he chooses not to put on a mask the meeting will recess and the meeting will resume in 20 minutes via zoom. Commissioner Turk stated that because the City Commission is following their guidelines, they established for the safety of themselves and the public and respecting the guidelines in place by the building. Mr. Beriault stated that he does not wish to forfeit his right to express myself in a way he sees is appropriate. Commissioner Turk recessed the meeting.

Chairman Turk resumed the meeting and City Clerk Brummond did another roll call.

All the Commissioners were in attended for the next part of the meeting.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Oldenburg seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from January 14, 2021 to January 27, 2021 for a total of \$34,461.64 and RM88 records destruction document in accordance with Schedule 8, Municipal Records Schedules.

REGULAR AGENDA – Resolutions, Ordinance & Other Action Items:

1. Discussion and action on approving the first 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 the City allows under City Code 3-3-10 item b the City to enter into pay back arrangements with developers. This ordinance will change the time frame from 10 years to 15 years. The pay back agreements are negotiated individually and approved by the Commission. City Manager Phelps stated that tonight she is asking for approval to extend the pay back time from 10 years to 15 years. This is only for water main line extensions. Commissioner Doney made the motion to approve the first 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 first 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 this ordinance is similar to the previous only this one is for sewer mains. This ordinance will change the time frame from 10 years to 15 years. The pay back agreements are negotiated individually and approved by the Commission. City Phelps commented that there are some administration fees that the City can recouped by the City. City Manager Phelps further commented that the City already does this and is just asking the pay back period to be changed from 10 years to 15 years. Commissioner Doney made the motion to approve the first 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 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 approving the first 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 Ordinance No. 1767 addresses temporary camping within residential areas. This amends the camping code and this ordinance would allow on street camping for up to 72 hours without a permit. The recreational vehicles will have to be parked lawfully, no garbage, electrical cords or sewer lines across the side walk and make sure that their wastewater is contained in their tanks. City Manager Phelps further explained that for private property the City is proposing a temporary permit that can be issued for \$20, it must be displayed and it would allow individuals to camp for fourteen days. There are extensions that can be granted up to and not exceed ninety days in a calendar year. This is for private property only and must have permission from the property owner. It can not be parked in front of properties, must have waste contained and no obstruction on sidewalks. Further discussion followed. Commissioner Doney made the motion to approve the first 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 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.

4. Discussion and action on approving the first 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 ordinance is aimed to address parking on boulevards. This is the regular parking ordinance and the change is letter g. Item G states the following: There shall be no

parking on any grassy or landscaped median lying in the middle of a city street. No person shall stop, stand or park any vehicle on that portion of a city street between the traveled road surface and private property line except for cases involving hardship or to allow city snow removal occurring between the dates on November 1 and April 1, unless such parking is otherwise permitted. Commissioner Oldenburg made the motion to approve the first 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 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. 4043, a resolution adopting fees and charges for the Lewistown City Cemetery

City Manager Phelps explained a year ago the Commission adopted the revisions to the Cemetery the City Codes and passed a resolution setting the new fees for cemetery plots, opening and closing and other items. It was determined as part of the fees that the City Commission would review the fee resolution annually and determine if the fees should be raised by the previous year's CPI. City Manager Phelps stated that the other option is keep the fees the same. Commissioner Oldenburg stated that she feels it is good to do small increases instead of larger increase every few years. Commissioner Oldenburg made the motion to approve Resolution No. 4043 with the suggested increases 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.

6. Discussion and action on approving Resolution No. 4044, a resolution authorizing participation in the Montana Board of Investments Intercap Revolving program, and approving the form and terms of the loan agreement and authorizing the City Manager to sign documents related thereto

City Manager Phelps explained that this resolution allows us to participate in the Intercap Loan program through the State of Montana. City Manager Phelps further explained that this is to borrow the necessary funds to purchase the SCBA's for the Fire Department that was previously approved by the Commission. City Manager Phelps stated that if you look at page two is the amount borrowed of \$111,585 with an interest rate of 2.5%. The interest rate is variable but the City can pay the loan off at any time. City Manager Phelps commented that tonight we are asking approval to enter into a loan agreement for the purchase of the SCBAs. Commissioner Loomis asked how long is the loan for and would like to know that before the vote. City Manager Phelps reported that it is a 10-year loan. Commissioner Oldenburg made the motion to approve Resolution No. 4044, a resolution authorizing participation in the Montana Board of Investments Intercap Revolving program, and approving the form and terms of the loan agreement and authorizing the City Manager to sign documents related thereto 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.

CITIZENS' REQUESTS

Mr. Robert Snyder addressed the Commission and asked about the parking ordinances. City Manager Phelps explained that these are ordinances and tonight was the first reading and the second reading will be on the next agenda. There are copies of the ordinances on the City's website. Mr. Snyder stated that he struggled to hear some of the people tonight. Mr. Snyder stated that maybe at some point we can allow people who have different political views take one corner of the room to be able to participate in person.

COMMISSIONER'S MINUTE

Commissioner Loomis commented that he was contacted by a citizen who would like the badgers live trapped from the airport taken to her ranch. Commissioner Hewitt suggested she should call the Airport Manager.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 1st day of February, 2021.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk