

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON MAY 3, 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, Hewitt, Loomis, Oldenburg and Turk. Commissioner Dunnington was absent.

APPROVAL OF MINUTES

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

COURTESIES

City Manager Phelps read the following: Mr. James Petranek retired from the City of Lewistown after 30 years of service. Mr. Petranek started his career with the City of Lewistown in March 1991 as a Street Work in the Street Department. Later in his career he moved to the Water Department where he served as lead operator until his retirement. The City of Lewistown wanted to acknowledge Mr. Petranek's years of service to the City of Lewistown and wish him luck on the next chapter of his career.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Day reported that the Central Montana Health District will be meeting on May 14th. Items on the agenda to discuss will be the need to hire a public health nurse. This position has been vacant for a few months and the board will be discuss ideas on how to fill this position. The ideas are looking at the job description, the salary and how it is being advertised. Commissioner Day stated that other items on the agenda included discussing the new meeting schedule as once a quarter board meeting have been insufficient during the pandemic and a lot of business has been put out through emails making it difficult to discuss issues and make motions that best fit this department. The board will also be discussing and learning more about House Bill 121. Commissioner Day stated that she would like the Commission and City Manager to discuss HB 121 that was signed a few weeks ago by the governor. This house bill went into effect immediately when signed. The board will also be discussing various permits as well as an update on a new clinic van for the department.

Commissioner Hewitt reported that she attended the recent Airport Board. Commissioner Hewitt explained that she had reported at a prior meeting the request from Ballyhoo for a coffee kiosk close to their building. The Airport Board has approved this request and the owner of the kiosk would be responsible for all utility hook ups. The Department of Natural Resources and Conservation (DNRC) will be getting rid of their trailer and putting up a new building. The Airport is looking to get a trailer sweeper that has a tarp that goes behind a truck to clean up the pebbles on the runways. The Bureau of Land Management (BLM) is wanting a fifty-year contract and FAA only allows a thirty-year contract so the Airport Board is working on this contract. The next Airport Board meeting is this Wednesday, May 5th.

Commissioner Oldenburg reported that she attended the Central Montana Foundation meeting on April 27th. One of the highlights was the hiring of a summer intern to help in the office. A \$1,500 grant was approved for the Critical Incident Stress team of counselors who debrief First Responders, EMT's, Police and Firemen after a traumatic incident. This group covers three counties. A grant for \$3,180 was awarded to "unreserved" an educational project for teenagers from diverse backgrounds wherein they learn about each other's life challenges and heritage to better understand others' lives. The annual meeting of the foundation will be open to the public on May 25th at the Elks. The large grant requests in excess of \$5,000 will be considered at the meeting.

Commissioner Doney reported that Library Board met on April 29th. The board continues the process to hire a new Library Director and interviews will not be completed until after Memorial Day.

Commissioner Loomis reported that the Park and Recreation Board will meet on May 5th.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

This year the Library will once again be hosting a Kids Summer Reading program. This year's program theme is Tails and Tales and will begin in June. This will be the first in person program since COVID.

Camping at East Fork has already been a popular activity with the nice weather. The Park and Recreation Department will soon be turning on the water and getting the campground ready for the summer season. We have already seen campfire concerns this year and we will be looking at improving our signage to make sure the public is informed on proper campfire etiquette.

The Park and Recreation Department will begin the process to clean the pool and get things ready for this year's pool season. We are still in need of pool staff.

Creekside events will kick off shortly. There have been several groups interested in using the space for events this summer. There is a fee for the exclusive use of the space and applications can be picked up at the City Office.

There are currently two vacancies on the Police Commission. This Commission helps in the hiring of new officers. One of the current Police Commissioners is moving out of the area and one that has served for many years does not want to serve again. The Police Chief is working on finding citizens to fill the positions and the appointments will be on the next agenda.

This election there are five Commissioner positions open. Candidates must file with the Clerk and Recorder's office by June 21, 2021 at 5 pm. There is more information available at the Secretary of State's website.

PUBLIC COMMENTS - non agenda items

Mr. Bill Oien addressed that Commission stating that he has lived in this town for almost 30 years. Mr. Oien had information that he provided to the City Clerk that would be passed onto the Commission. Mr. Oien explained that his neighbors built a house back in 2016 at 1110 W Boulevard. Mr. Oien further explained that they asked for three variances in order to build the house. Mr. Oien commented that the property lines were never determined when they built their house. The variance agreements are as follows: the garage entrance was to be eleven feet from the property line and it is actually fifteen feet, the setback was to be twenty-five feet from the front line to main house and it is actually twenty-one feet, there was a variance for an entrance way that was fifteen feet from the front line and it is actually eleven feet. Commissioner Turk asked if the home is built and none of the items were brought up during the construction of the home. Mr. Oien answered no not to his knowledge. Commissioner Turk asked Mr. Oien what he would like the Commission to do. Mr. Oien would like the question answered how this happened and how the variances were issues and none of them were followed and as a result the entranceway is eleven feet from the front property line. City Clerk Nikki Brummond explained that City Manager Phelps received a copy of a letter from Mr. Oien with the note stating conflict of interest across the top with his phone numbers. City Manager Phelps stated that this house in question was just purchased by her and her husband and has turned the request over to the City Clerk. City Clerk Brummond explained that letter received was a copy of the letter that was sent to all adjacent

property owners as part of the variance process and was sent back in April 2016. City Clerk Brummond explained that she has contacted the City's attorney and all documentation regarding the requested variances. The attorney has sent a letter to Mr. Oien and he confirmed that he has received the letter. City Clerk Brummond asked that if he had any concerns or questions to please contact the attorney so that we can help you get the answers you wanted. Commissioner Turk explained that she feels that the City Clerk has answered some of your concerns and the issue has been turned over to our attorney. City Clerk Brummond explained that the variance was granted by the City of Lewistown's Board of Adjustment. The Board of Adjustment made the decision and would not come before the Commission for a decision, as the Board of Adjustment is ultimately the City's board of appeals. City Clerk Brummond explained that the variance request went to the Board of Adjustments a public hearing was held in accordance to policy, all adjacent property owners were notified and the Board of Adjustments approved the variance finding there would be no adverse impacts to the neighborhood due to the variance being granted and the Board of Adjustment found that the variance would not conflict with the intent of zoning codes. The building permit was granted and the home and garage were built. City Clerk Brummond explained that if he has any other questions and provide information to address why he thinks there is a conflict of interest. Commissioner Turk asked Mr. Oien to work with the City's attorney.

Mr. Mel Busenbark addressed the Commission stating that he has been working on putting in a fence on his property located at 221 East Lake. City Manager Phelps explained that the fence variance that was approved is not what was constructed. The City does not allow t posts, requires wooden frames around hog panels, no sharp edges and all that was granted was a six-foot fence. Mr. Busenbark commented that he asked for a seven-foot fence and City Manager Phelps stated that the City only allows a six-foot fence without a building permit. Mr. Busenbark stated that all he knows is he asked for a fence it was approved and he built it. Commissioner Doney asked if Mr. Busenbark talked with the Building Inspector. Mr. Busenbark answered that yes, the building inspector told him it was illegal and he called the City Manager and she said it was okay. City Manager Phelps answered that it was okay with the changes, which included the frame and limit of six foot. City Manager Phelps explained that he applied for a variance for a six-foot fence which was approved, but t posts are not allowed. City Manager Phelps asked Mr. Busenbark to call and make an appointment to discuss the issue and get everything documented so that the issue can be resolved.

CONSENT AGENDA

Commissioner Loomis made the motion to approve the consent agenda and Commissioner Doney seconded the motion. The motion passed unanimously. Acknowledgement of the claims that have been paid from April 15, 2021 to April 28, 2021 for a total of \$79,259.53

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

1. Discussion and action on reappointing Mr. Scot Solberg to an additional four-year term on the Tax Increment Finance (TIF)/Targeted Economic Development District Board (TEDD)

City Manager Phelps explained that Mr. Scot Solberg has served on the TIF/TEDD board since its inception. Mr. Solberg is very active on the board and is currently serving as chairman of the board. City Manager Phelps stated that Mr. Solberg has agreed to serve another term and would ask the Commission approve the reappointment. Commissioner Doney made the motion to approve reappointing Mr. Scot Solberg to an additional four-year term on the Tax Increment Finance (TIF)/Targeted Economic Development District Board (TEDD) and Commissioner Hewitt seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being one, the question was called for and the motion passed unanimously.

2. Discussion and action on authorizing the City Manager to sign the Airport Coronavirus Relief Grant Program grant agreement for the Lewistown Airport Board

City Manager Phelps explained that this is a grant for the Airport to receive COVID funding that was earmarked for Airports affected by COVID. The grant is from a maximum of \$13,000. Commissioner Oldenburg made the motion to authorize the City Manager to sign the Airport Coronavirus Relief Grant Program grant agreement for the Lewistown Airport Board and Commissioner Doney seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being one, the question was called for and the motion passed unanimously.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Doney asked about the fence issues and wondering if the City could do some training prior to building fences and to educate the public on what is expected and allowed. City Manager Phelps answered that the City deals with fences more than anything and it has been discussed that maybe a permit process needs to be put in place. Commissioner Turk asked that the fence ordinance be the next one looked at as part of the next ordinance committee meeting.

ADJOURNMENT

Commissioner Hewitt asked that the meeting be adjourned.

Chairman Turk adjourned the meeting.

Dated this 3rd day of May, 2021.

Patty Turk, Commission Chairman

ATTES:

Nikki Brummond, City Clerk