

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON JUNE 21, 2021 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Vice Chairman Oldenburg called the meeting to order.

PLEDGE OF ALLEGIANCE

Vice Chairman Oldenburg asked everyone to stand and say the Pledge to the Flag.

ROLL CALL

Present were Commissioners: Day, Doney, Dunnington, Hewitt, Loomis, and Oldenburg. Commissioner Turk was absent.

APPROVAL OF MINUTES

Vice Chairman Oldenburg stated that without objection and based on the corrections the May 17, 2021 and June 3, 2021 minutes are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that the Library Board has met several times to interview Library candidates and have a possible candidate for the position.

Commissioner Day reported that she attended the Central Montana Health District (CHMD) Board meeting on Thursday, June 17th at the Fergus County Fairgrounds Trade Center. Commissioner Day read the following report: Musselshell County Commissioner Jeff Sell replaced Dave Miller that day. Public comment was heard beginning with a written statement from Ms. Sue Woods, the department supervisor for the CMHD. Public comment continued with Ms. Heather Perry, Judith Basin County Attorney taking a stand in support of Fergus County Attorney Kent Sipe's legal stand and interpretation of House Bill 121. It was urged by County Attorney Perry, that the CMHD Board needs to "take these employees with caution and that the opinion of Mr. Eric Bryson, the Director of MaCO, is not legal advice because his is not an attorney. Commissioner Day reported that public comment continued for some time from several Fergus County citizens wanting to understand what decisions are at hand, receive more clarification of HB121, and information as to why the district cannot continue as is. Mr. Dave Berly, House Representative of Hamilton County and legislature, participated via conference call and explained that HB 121 was written with the intention of having some creativity in establishing these health district boards and because the current board is all elected officials, he saw no reason why the CMHD board could not continue as normal. CMHD Board Chairman Sandy Youngbauer then asked for a statement from each Commissioner who serve on the CMHD Board. All the Commissioners were in agreement that

they needed more time to discuss these issues with our City and County Commissions and would not be signing the MOU. Fergus County's stance is that they will no longer remain with the district unless the MOU is signed allowing them to be the host county and the governing board for the Central Montana Health District. The MOU was tabled and it was decided that the department will be inventoried so each County has a clear understanding of what each individual County's assets are. There was discussion that the CMHD by Laws and the need for them to be reviewed and revised was tabled as well as the election of Board officers. The next meeting was set for August 12, 2021. Commissioner Day stated that she feels that the City Commission needs to discuss their standing and intentions with the health district as to whether we desire to host or continue with a new host county or dissolve our relationship with the County. Commissioner Doney stated she would like to discuss this issue for a few minutes and asked if there are any other counties struggling with this House Bill. City Manager Phelps answered that the CMHD is the only larger district and most districts are not representing five other counties. Commissioner Doney asked why wouldn't the City of Lewistown and the counties other than Fergus County ask for an Attorney General's opinion on this along with a friendly court brief giving them information. Commissioner Doney stated it is her understanding that in 2007 or 2009 stating it was an autonomous board. Further discussion followed. Commissioner Loomis stated that his concern is if Fergus County withdraws from the Health District where does that leave the City going forward. City Manager Phelps answered that the City still has a contract with Fergus County to provide services with a set amount and it is a two-year contract. Commissioner Day stated that she feels that Fergus County has made a decision unless a change is made. Commissioner Doney asked if Commissioner Day is wanting a decision from the City Commission prior to attending the August 12th meeting. Commissioner Day answered yes, that is what she would like and will continue to forward any information to the Commission and City Manager as she receives it. Commissioner Doney stated that she would like to find out immediately if we can get an AG's opinion.

Commissioner Loomis reported that the Park and Recreation Board will meet next month.

Commissioner Oldenburg reported that the Central Montana Foundation will meet tomorrow June 22nd.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The Library Board of Trustees currently has an opening. Ms. Jo McCauley resigned last month. Any citizens interest in serving on the Library Board should drop off a letter of interest to the City Office.

Monday, June 21, 2021 is the last day for any citizens interested in running in the next election for a City Commissioner candidate. All paperwork must be completed and submitted to the Clerk and Records Office by 5 pm.

The City of Lewistown has a new City Attorney, Marthe VanSickle is in the process of moving her family to Lewistown. She will begin work in July 6th.

Fireworks are allowed inside the City limits on July 4th from 8 am to 11:59 pm. As a reminder they can only be done on private property and must be a safe distance from any structures. Fireworks cannot be done in City parks, or on streets and sidewalks.

The Fourth of July parade this year will be held at 1 pm, on July 4th. After the parade there will be a car show, ice cream social and concert at Symmes Park. The festivities will end with fireworks at dark.

The City Office will be closed July 5th in observance of the 4th of July holiday. The Library will close at 2 pm on July 2ⁿ and will open again at 9 am on July 6th.

The Creekside Grand Opening will be June 26th the grounds open at 4:30 pm and the grand opening ceremony begins at 6 pm. In addition to the ribbon cutting there will be music, food and drinks. I hope everyone can make it and as a reminder you should bring your lawn chairs or a blanket to sit on.

The City Manager will be out of the office from July 27th to July 2nd. The City Manager will be checking in with the office daily. If you need something please leave a message there and she will get back to you as she can.

PUBLIC COMMENT – non agenda items

There were none.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Loomis seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from June 1, 2021 to June 17, 2021 for a total of \$140,346.91

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

1. Discussion and action on entering into a Kone elevator maintenance contract for the Lewistown Public Library

City Manager Phelps commented that the Commission may recall Library Director Dani Buehler talking about elevator inspections at the Library. City Manager Phelps explained that the Library basically has a lift and it is a requirement that it be serviced at least annually. City Manager Phelps stated that Kone approached the Library Director about the maintenance services they offer for elevators. City Manager Phelps explained that this contract is for two maintenance events each year and it is a two-year contract. The contract will automatically renew unless the City notifies them and there is an escalation cap of 5% increase per year. There is a discount on any service we may need if we are under a maintenance contract. City Manager Phelps reported that this contract is a lot less expensive than the past contract and is an expense for the Library's operating budget. Commissioner Doney made the motion to approve entering into a Kone elevator maintenance contract for the Lewistown Public Library and authorizing the City Manager to sign the agreement and Commissioner Hewitt seconded the motion. Commissioner Oldenburg 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 authorizing the City Manager to sign a memorandum of understanding between the Montana Department of Transportation and the City of Lewistown to receive the funding for the maintenance of the Kiwanis Park public rest area

City Manager Phelps reported that included in the Commissioner's packet is a copy of the MOU. City Manager Phelps stated this is the same agreement the City has had many years for the maintenance of the rest area west of town. The City works with the Lewistown Kiwanis to reimburse them for the maintenance and up keep of the facility. The amount of the agreement is \$6,900 and is a reimbursement agreement. Commissioner Doney made the motion to approve authorizing the City Manager to sign a memorandum of understanding between the Montana Department of Transportation and the City of

Lewistown to receive the funding for the maintenance of the Kiwanis Park public rest area and Commissioner Dunnington seconded the motion. Commissioner Oldenburg asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

3. Public hearing to hear comments on Resolution No. 4052, a resolution approving the fiscal year 2022 work plan and budget for Tourism Business Improvement District #1

Vice Chairman Oldenburg opened the public hearing to hear comments on Resolution No. 4052, a resolution approving the fiscal year 2022 work plan and budget for Tourism Business Improvement District #1. City Manager Phelps explained that this is budget is very close to previous years. Finance Officer Nikki Brummond stated that the Tourism Business Improvement District which is the hoteliers. City Manager Phelps stated that this is the \$1 per night that is charged to those renting rooms at the hotels. Finance Officer Brummond stated that typically this is done as part of the budget process, but since the TBID board had their meeting and it was ready, we went ahead and moved forward with the resolutions and public hearings and it will be included in the final budget. Vice Chairman Oldenburg asked for any more comments or questions from the Commission or audience. There being none, the public hearing was closed.

4. Discussion and action on approving Resolution No. 4052, a resolution approving the fiscal year 2022 work plan and budget for Tourism Business Improvement District #1

Vice Chairman Oldenburg stated that since this was discussed in the public hearing she asked for a motion. Commissioner Dunnington made the motion to approve Resolution No. 4052, a resolution approving the fiscal year 2022 work plan and budget for Tourism Business Improvement District #1 and Commissioner Day seconded the motion. Commissioner Oldenburg 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. 4053, a resolution approving an assessment to defray the cost of the work plan and budget for Tourism Business Improvement District #1 for fiscal year 2022

City Manager Phelps explained that this is the resolution setting the assessment of \$1 per night per occupied room. This is determined by the hoteliers and gives them opportunities to help encourage local tourism. City Manager Phelps commented that they sponsor a lot of events in the community. Commissioner Hewitt made the motion to approve Resolution No. 4053, a resolution approving an assessment to defray the cost of the work plan and budget for Tourism Business Improvement District #1 for fiscal year 2022 and Commissioner Day seconded the motion. Commissioner Oldenburg asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

6. Public hearing to hear comments on Resolution No. 4054, a resolution amending the 2020-2021 budget of the City of Lewistown

Vice Chairman Oldenburg opened the public hearing to hear comments on Resolution No. 4054, a resolution amending the 2020-2021 budget of the City of Lewistown. Mr. Richard Battrock asked if there is not enough money in the budget. City Manager Phelps explained that the City of Lewistown is required to balance a budget so if there are any unanticipated revenues or expenditures they must

accounted for as part of the amendment process. Vice Chairman Oldenburg asked for any more comments from the audience and Commission. There being none, the public hearing was closed.

7. Discussion and action on approving Resolution No. 4054, a resolution amending the 2020-2021 budget of the City of Lewistown

City Manager Phelps reviewed the resolution stating there are five sections in the resolution. City Manager Phelps stated that the amendments are as follows: the loan for the Fire Departments SCBA, the sprinklers at the D'Autremont complex that was funded by donations and a grant, a grant for thermal imager for the Fire Department, the K9 account did not anticipate any revenue this year, Shark broke his leg so there was additional medical expenses and unanticipated payroll expenses and finally the unanticipated overtime and expenses associated with standoff/suicide. Commissioner Loomis made the motion to approve Resolution No. 4054, a resolution amending the 2020-2021 budget of the City of Lewistown and Commissioner Hewitt seconded the motion. Commissioner Oldenburg asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Loomis stated that he had a heated conversation with a citizen regarding the chlorination of the water. The citizen feels the City should just replace all of the pipes starting at the spring.

ADJOURNMENT

Vice Chairman Oldenburg adjourned the meeting.

Dated this 21st day of June, 2021.

Diane Oldenburg, Commission Vice Chairman

ATTEST:

Nikki Brummond, City Clerk