

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON OCTOBER 18, 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, Hewitt, Loomis, Oldenburg and Turk. Commissioner Dunnington was absent. Commissioner Doney attended via zoom.

APPROVAL OF MINUTES

There were none.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Oldenburg reported that she attended the Central Montana Foundation meeting on September 28, 2021. There were not a lot of items to discuss at the meeting. The Round Up newsletter has been mailed and Mr. Cody Langbehn, hospital CEO, gave an update on the hospital cancer center developments at Central Montana Medical Center. The Eck Family scholarship was set up. There was one small grant for \$346 for Garfield Elementary for harvest of the month to teach students to love vegetables.

Commissioner Hewitt reported that she attended the Airport Board meeting on October 6th. The green Osh Kosh snow blower motor is finished and will be put in by Brick Yard Diesel. The WTI building has been leased for five years and the CPI will be capped at 4%. The grass landing strip will be put on the agenda in the near future and will be looking for input from the pilots. Spika needs some storage across the highway from the water tower.

Commissioner Loomis reported that he attended the Park and Recreation Board. The Lewistown Ice Skating Association (LISA) is made up of all volunteers. They will be putting up new boards in the amount of \$52,000 and \$12,000 of it is cement work. Some of the expenses will be paid by advertising. The plan is to replace some of the wooden benches at East Fork. Red Clay finished the resurfacing of the trails.

CITY MANAGER REPORT

City Manager Phelps reported on the following issues:

The City of Lewistown has hired a part time City Attorney. The Attorney is Theresa Diekhans and will serve as the Lewistown City Attorney / Chief Deputy Fergus County Attorney. Ms. Diekhans graduated from Gonzaga Law School and has experience doing prosecution, defense and civil law. Ms. Diekhans has worked as a Deputy County Attorney, Assistant Attorney General and most recently as a Regional /Managing Public Defender. She will begin her employment on November 1st. She will be attending the Commission meetings on a regular basis.

The Fire Department was busy this summer assisting the Department of Natural Resources with their wildland firefighting. The City does have a mutual aid agreement with the DMRC and many other agencies this allows them to help out where they can. Afterwards the City bills for the actual costs that were incurred.

With the increase in active COVID cases in Fergus County, comes more questions regarding the City's COVID protocols for our employees that comply with HB 702. We have developed a handout that aims to address many of the common questions. The handout was attached for the Commission's information, but the most important take away is, that if you are sick stay home.

The City owns a radio tower in South Moccasins. There are a radio and microwave dish for several agencies located on this tower. The recent fire did damage some of these dishes but at this time it appears that the tower, building and generator are fine.

The Lewistown Historic Resources Commission still has books available. This book is a pictographic journey of Lewistown's history. Books are \$25.00 each and can be purchased at the City Office or several other retail locations. Keep in mind these books would make great Christmas presents.

The City has received a lot of complaints regarding election signs. These signs must be placed on private property. While temporary signs are exempt from the standard permit requirements, they cannot be placed on public right of way (City or State) and must be removed within 60 days prior to the event and removed upon completion of the activity,

City Manager Phelps stated that she recently received a call from Phillips 66 who owns the property directly south of Brewery Flats. Phillips 66 is currently working with DEQ to clean up their property.

PUBLIC COMMENT – non agenda items

Mr. Robert Snyder asked the City Manager what is exactly being regulated sixty days before an election? City Manager Phelps answered a lot of things but election signs need to be on private property.

CONSENT AGENDA

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Oldenburg seconded the motion. The consent agenda was the acknowledgment of the claims that have been paid from October 1, 2021 to October 13, 2021 for a total of \$242,024.97

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

1. Discussion on the future of the City of Lewistown's involvement in public health.

City Manager Phelps reported that recently there was a Central Montana Health District (CHMD) meeting and she wanted to discuss the meeting with the Commission. Commissioner Day reported that the CMHD met on October 14th at the Lincoln school building. Items discussed were the Byler variance, it was

approved under conditions that Fergus County has an opportunity to review additional needed information with their county planner. Also, discussed was the current status with the CMHD department audit. There has been no progress made in completing this audit due to many firms being behind. It was decided that the board should keep the services of the current auditing firm and just wait for the audit to be completed. The board received and accepted the resignation of Stacie Plante, the officer manager. A temporary hire was hired to fill the office manager position until this year end. Commissioner Day stated that each county stated their position with regard to member status on remaining with the health district and Wheatland County is still undecided. Commissioner Day further stated that this now gives One Health enough information to put together a formal proposal for the following members: Petroleum County, Golden Valley County, Judith Basin County and the City of Lewistown. It was discussed that the CMHD bylaws would be reworked with the new organization under a new host and employee entity to better fit the needs of the district and update the current bylaws. Commissioner Day reported that there was an election of officers electing Don Hajenga, Judith Basin County as the new chair and Sig Purgrud of Petroleum County as vice chair. The next meeting will be held on Wednesday, November 17th at 1 pm. City Manager Phelps reported that since the last CMHD meeting she attended a zoom call with the Department of Public Health and Human Services (DPHHS). At this meeting the City Manager asked questions regarding City funding and have not received any answers yet. County Commissioner Ross Butcher was in attendance at the Commission meeting. County Commissioner Butcher discussed briefly the funding from the state and what the City pays to Fergus County is for environmental health. City Manager Phelps explained that there is an agreement between the City of Lewistown and Fergus County and that the City will pay the County 25% of the amount the County pays to be a member of the health district. There was discussion regarding the new legislation, the employee situation and health district board. County Commissioner Butcher stated that currently the Fergus County nurse's office is already doing a lot of the public health duties in Fergus County. County Commissioner Butcher stated that 80% of the COVID testing is done by the nurse's office and DES. County Commissioner Butcher briefly discussed all the public health services the county already provides. The junk vehicle program is used by approximately eight counties. Commissioner Loomis asked about the environmental health side of the district. County Commissioner Butcher explained that the County has reached out to several sanitarians and feel comfortable that there are contract services already in place. The City has 60% of the establishments in the city limits. The City is in an agreement with the County to provide services through June 30, 2022. Disaster Emergency Services Director Ryan Peterson talked with the Commission on how his department is helping with the COVID testing with the Fergus County Nurses Office. Commissioner Oldenburg asked if the citizens who have oversight of the health board, is the County Commission going to listen to them. County Commissioner Butcher stated he would like to think so, and further commented that the state law that was passed put the final authority on the Board of County Commissioners. County Commissioner Butcher stated it is his thoughts to find people qualified and would like to fine citizens that would like to serve on the public health board. City Manager Phelps commented that statutorily the County is obligated to have a health district. City Manager Phelps asked if the County Commissioners are currently accepting application for their board of health. County Commissioner Butcher answered yes, and are looking for five board members. City Manager Phelps stated that it is her plan to have the health district topic as the first item of the agenda until a final decision is made.

2. Discussion and action on approving Resolution No. 4076, a resolution approving an application from Bruce Williams for TIF Funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that Mr. Bruce Williams applied for a TIF grant for his property located at 607 1st Ave S. The property is located where the old Con Agra elevated is located. The improvements are roof repairs and façade improvements. The TIF board approved the façade improvements for the full grant request amount of \$10,000. Commissioner Loomis made the motion to approve Resolution No. 4076, a

resolution approving an application from Bruce Williams for TIF Funds made to the Lewistown Tax Increment Financing District Board 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.

3. Discussion and action on approving Resolution No. 4077 a resolution rescinding Stage I Fire restrictions City Manager Phelps explained that in July the City Commission imposed Stage I fire restrictions within the City of Lewistown. City Manager Phelp further explained that due to change in weather conditions it is recommended that the strictions be lessened. City Manager Phelps stated that this is a recommendation from the Lewistown Fire Chief and in line with what Fergus County just did. Commissioner Hewitt made the motion to approve Resolution No. 4077 a resolution rescinding Stage I Fire restrictions and Commissioner Day 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. City Manager Review – the meeting will be closed because the demands of individual privacy clearly exceed the merits of public disclosure in regards to the City Manager review.

Commissioner Chairman stated that the meeting will be closed because the demands of individual privacy clearly exceed the merits of public disclosure in regards to the City Manager review. However, it was decided that since one Commissioner was absent and it was determined that a Commissioner could not participate via zoom for the evaluation that the evaluation would be postponed to the next meeting.

CITIZENS' REQUESTS

Mr. Richard Battrick commented that a few months back and the Commission talked about the mail ballot election. Mr. Battrick explained that Commissioner Hewitt voted against the mail ballot election because of people getting ballots that were deceases. Mr. Battrick further explained that when the Commission voted my wife was still alive and now that the ballots have been mailed and wanted the Commission to know that he was honest and made sure he did not get his deceased wife's ballot.

COMMISSIONER'S MINUTE

There were none.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 18th day of October, 2021.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk