

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON DECEMBER 6, 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, Loomis, Oldenburg and Turk. Commissioner Hewitt participated via zoom and Commissioner Dunnington was absent.

APPROVAL OF MINUTES

Chairman Turk stated that without objection and based on the corrections the November 15, 2021 minutes are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that she was unable to attend the Library Board meeting on November 18th. Commissioner Doney stated that she has the minutes and both the City Attorney and City Manager attended the meeting. The main topic of discussion was the memorandum of understanding between the City and the Library.

Commissioner Oldenburg reported that the Central Montana Foundation Board met on November 30th. In addition to the regular meeting business, a grant of \$2,500 was awarded to “Central Montana Spirit of Christmas” to assist with Christmas dinner groceries for 120 to 140 families in Central Montana. Commissioner Oldenburg stated that one additional grant was approved on December 2, 201 that provided a \$7,500 match for the Fire Relief Fund for the Rural Fire Districts that fought the Denton fire.

Commissioner Loomis reported that the Park and Recreation Board did not meet on December 1st and will meet on December 8th.

Commissioner Hewitt reported that she attended the Airport Board meeting on December 1st. There is still no heater in the Pilot lounge. Commissioner Hewitt reviewed the different items discussed on the agenda.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The Police Department recently hired two new officers and a dispatcher. We recently had an officer retire and are planning for the retirement of another officer. An officer gave notice of their resignation in early 2022 due to moving out of town.

The warm weather has prevented the hockey association from making ice, but with the colder weather expected they are hoping to make ice this next week. The hockey association is all ready for the season and will be busy hosing two hockey tournaments. The tournaments will be held the first two weekends of the new year.

Public Works recently completed the installation of new signage around town. They worked with the Police Department on this project and it includes the installation of stop signs and yield signage in several locations.

The culvert at 5th and Bebb Street was recently replaced by Fergus County. A hole in the old culvert was recently discovered and the Public Works Department worked with them to install the new culvert and the street will be patched in the spring.

The City will be hosing a Commission and Management professional development training on December 13th, beginning at 6 pm. This training will be for incoming, current commissioners and department heads.

Commissioner Doney asked where the City is at on hiring a City Planner. City Manager Phelps stated that she will be looking at the job description and will be posting it again in the new year.

Commissioner Doney asked where the issue with the fence on East Lake Street is at. City Manager Phelps replied that herself and the City Attorney will be discussing this issue and determine how to move forward. There was no action taken on addressing the issues with the fence from the home owner.

Commissioner Doney asked where the deer issue is at. City Manager Phelps reported that a census has been done and a plan has been developed and turned into Fish Wildlife and Parks and waiting for their input.

PUBLIC COMMENT

Ms. Taylor Daye asked the Commission for clarification on the poultry ordinances in the City of Lewistown. Ms. Daye stated that she has found conflicting information on the internet and would like more information on how she can raise her own poultry and eggs in the community. Ms. Daye stated she would like to know the process to get the ordinances changed to allow poultry. City Manager Phelps answered that poultry is currently not allowed in the City limits. City Manager Phelps explained that after the first of year you are welcome to come to the Commission and plead your case. The issue was discussed about a year ago and it was determined not to move forward with any changes. Commissioner Doney stated that is the new year because of the substantial change in Commissioners, it could maybe be something that could be taken up in a discussion phase.

Mr. Ron Hrubes reported on the conditions at the dog kennel. Mr. Hrubes stated that he visited the facility and the two volunteers are Shannon Maxwell and Jan Mane. The problem is when the police bring an animal to the shelter and there are no other animals there, then that animal could be without food and water until a volunteer is notified. Mr. Hrubes feels that is just a communication issue that can be

worked on. Mr. Hrubes reported that all of the cat and dog food is donated and in the winter the areas can't be hosed out. Mr. Hrubes commented that cleaning is a concern, keeping food safe from mice is another concern and some of the lighting is not working. City Manager Phelps reported that the Police Chief has met with some individuals to work on the communication regarding this issue.

Mr. Brandon Beriault commented that he would like to see the City lift the restriction on hens in the City limits. There are concerns of food supply chains. This could be a life saver in the community.

CONSENT AGENDA

Commissioner Oldenburg made the motion to approve the consent agenda and Commissioner Doney seconded the motion. The motion passed unanimously. Commissioner Acknowledgment of the claims that have been paid from November 13, 2021 to November 30, 2021 for a total of \$353,444.01

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 report that herself, the City Attorney and Commissioner Day attended a Central Montana Health District (CMHD) board meeting mid-November. City Manager Phelps explained that Commissioner Day reported to the board what was discussed at the November Commission meeting that the City really only two choices. Once choice is to go with the county and create a health board and the other choice is to create a City health board. Commissioner Day reported that the CMHD board met on November 17th and there were four items on the agenda. The first item discussed was the junk vehicle program and Fergus County would like to assume all responsibility and acquire the project from the department. As it is on Fergus County property and already approved by DEQ, all other counties expressed they were not interested in forming their own junk vehicle program as obtaining property and DEQ approval is a costly and timely issue. All were in favor of contracting services with Fergus County for the program. It was passed unanimously that Fergus County would take ownership of the program January 1, 2022. It was also documented that One Health is not interested in obtaining this program and it was not part of the proposal made to new forming district. The next items discussed was a request of documents from Fergus County to the department regarding variances and other information. The department does not feel that proper documents of various issues is being supplied to the department. Fergus County Commissioner, Sandy Youngbauer stated she would look into this issue. There was a request made from the department to purchase a vehicle for sanitation travel needs from the junk vehicle yard. All board members felt strongly that a purchase at this time is not appropriate as One Health is about to assume responsibilities for the department and it was just passed that the junk vehicle program will be taken over by Fergus County. The member status of the district was announced for each county. Commissioner Day stated that Fergus County has already officially withdrew from the district effective December 31, 2021 and the City of Lewistown announced that by statute the City is not able to remain in the district without the County they reside in a member of the district. The City of Lewistown is looking to form either a city board of health or a city county board of health. Those are the two options according to law. All other counties will remain as a district accepting the One Health proposal. Discussion continued as to how they will proceed with legal representation to assist them with necessary contract and needed MOU's to become officially organized. The next CMHD meeting is set for Tuesday, December 14th at 2 pm at the Lincoln building. Discussion followed about the statue recreating a city county health board. City Manager Phelps explained that she has requested a meeting with the County Commissioners and County attorneys. Commissioner Doney is comfortable moving forward with a joint board so that

there is input. City Manager Phelps stated that regardless of the decision the City Commission will have to approve the agreements. Commissioner Loomis stated he thinks it would be a good idea for a commissioner to attend the meeting with the City Manager, Attorney and CMHD Commission representative.

2. Discussion and action on approving a low income home water/wastewater assistance program contractor application and contract and authorizing the City Manager to sign the contract

City Manager Phelps explained that this is an agreement with the Montana Department of Health and Human Services regarding low income water and sewer utility funding. The program will be administered through HRDC using the system already in place for low income assistance for energy assistance. City Manager Phelps explained that this type of a program has been available before. This is some money funded through COVID and cares. Commissioner Oldenburg asked if she read the agreement correctly that the funding will be provided to the entity and not the applicant. City Manager Phelps answered yes, the City gets the funds and applies it to the proper utility account. Commissioner Doney made the motion to approve a low income home water/wastewater assistance program contractor application and contract and authorizing the City Manager to sign the contract 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 City Clerk did a roll call vote and the motion passed unanimously.

3. Discussion and action on awarding a bid for the crushing of asphalt and concrete

City Manager Phelps explained that included in the Commission packets is the information regarding the bid for the crushing of asphalt and concrete. This is something that has been done in the past, this allows the City to reuse the product for other projects. In completing various construction projects, the public works department generates broken asphalt and concrete. These products are transported and stockpiled at the City's Marcella gravel pit. The City periodically recycles these products by crushing down the chunks to a usable product. Once crushed down to a two inch minus product we are able to utilize this material on streets, water digs and various fills. The City currently has approximately 2,500 cubic yards of broken asphalt and approximately 5,000 cubic years of broken concrete stockpiled at the Marcella pit. City Manager Phelps explained that this project is weather dependent and when it is cold is the ideal time to complete the project. The City has received two bids from local contractors. One bid is from Century Construction for \$134,500 and the second bid is from Casino Creek Concrete for \$105,000. It is recommended that the Commission approve the bid from Casino Creek Concrete. Commissioner Oldenburg made the motion to approve awarding the bid for the crushing of asphalt and concrete to Casino Creek Concrete with a bid a of \$105,000 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 City Clerk did a roll call vote and the motion passed unanimously.

4. Discussion and action on awarding the 2022 annual excavation bid

City Manager Phelps explained that the Public Works Director requested bids for the emergency excavation bids. City Manager Phelps stated this allows the City to do emergency work and the best example is during a hard freeze and there is an emergency situation. City Manager Phelps stated that only one bid was received from Griffith Contracting. City Manager Phelps explained that included in the bid is the hourly rate per equipment used. The City is only charged by the hour and only for the equipment necessary to complete the job. It is recommended that the bid be awarded to Griffith Contracting. Commissioner Doney made the motion to approve the 2022 annual emergency excavation bid to Griffith Contracting and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for

comments from the audience and Commission. There being none, the question was called for and the City Clerk did a roll call vote and the motion passed unanimously.

5. Discussion and action on awarding the 2022 annual grading bid

City Manager Phelps explained this is mainly used in an emergency situation. This is a per hour bid based on the equipment used. City Manager Phelps reported that two bids were received. One bid from Griffith Contracting in the amount of \$525 and a bid from Besel Construction in the amount of \$405. City Manager Phelps stated that she recommends the Commission award the bid to Besel Construction. Commissioner Oldenburg made the motion to approve awarding the 2022 annual grading bid to Besel Construction 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 City Clerk did a roll call vote and the motion passed unanimously.

CITIZENS' REQUESTS

Mr. Richard Battrick shared with the public and the Commission the letter he received from Senator John Tester for his willingness to run for City Commission.

COMMISSIONER'S MINUTE

Commissioner Oldenburg asked what responsibility the City has with regard to the notice that has been put in the paper by Republic Services regarding the restricted access to alleys. City Attorney Diekhans explained that if the City starts regulating the alleys for Republic Services, then we end up regulating for all utilities. City Attorney Diekhans stated that alleys are public right of way but want to limit the liability for the City.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 6th day of December, 2021.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk