

**A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON FEBRUARY 22, 2022 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.**

**CALL TO ORDER**

Chairman Doney called the meeting to order.

**PLEDGE OF ALLEGIANCE**

Chairman Doney asked everyone to stand and say the Pledge to the Flag.

**ROLL CALL**

Present were Commissioners: Day, Doney, Hewitt, Hrubes, Scotten, Spika and Terry.

**APPROVAL OF MINUTES**

Chairman Doney stated that without objection and based on the corrections the February 7, 2022 minutes are approved.

**COURTESIES**

There were none.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Day reported that the Park and Recreation Board will be meeting on March 2, 2022.

Commissioner Terry reported that the Central Montana Foundation met on February 15, 2022. There was money given to the following groups: Fergus High Science Olympiads, Fergus/Petroleum County 4-H Horse Committee, Friendship Lodge #37 and Lewistown Area Chamber of Commerce. The next foundation meeting will be March 22, 2022.

Commissioner Scotten reported that the Snowy Mountain Development Corporation (SMDC) met on February 16<sup>th</sup>. Commissioner Scotten stated that the meeting was about three hours long and the majority of the meeting was reviewing the SMDC employee handbooks and board policy manual. One of the main topics of new business was the planning of a regional development authority and would be made up of multiple counties.

Commissioner Doney reported that the Library Board met on February 17<sup>th</sup>. The Friends of the Library has been very successful with their book sales. These proceeds go to help with programs and capital improvements at the Library. Commissioner Doney commented that there are a couple of writers clubs and both have had very successful. The scholarship program will continue through the spring. Commissioner Doney reported that the Humanities of Montana is still going on and hope to have some in person programs this spring.

## **CITY MANAGER REPORT**

City Manager Holly Phelps reported on the following issues:

Last week, the Department of Environmental Quality (DEQ) was at the Wastewater Treatment Plant (WWTP) conducting an onsite inspection. The DEQ does inspect the facility regularly. While the DEQ was here they looked at the laboratory testing, treatment of wastewater, handling of biosolids and the facilities stormwater handling. The findings of the inspection will be shared with the Commission once the report is received. DEQ is working on renewing the City's wastewater discharge permit.

The Police and Fire departments are in the planning stages of a large radio upgrade project. The staff will be putting together a project that will need to be done in accordance with State statute which includes advertising. The current radios are being phased out and no longer available for purchase.

The City Manager took a minute to inform the Commission on how the different departments handle after hour emergencies. Everyone knows that the Police, Fire and Dispatch departments are staffed 24/7 but the water, sewer and street departments are also available 24/7 for after hour emergencies.

The Montana Municipal Interlocal Authority (MMIA) will be here March 7<sup>th</sup> to discuss their position on City Libraries and what it means for the City of Lewistown. MMIA is the City of Lewistown's provider for self-funded liability, property, workers compensation coverage and employee benefits.

Included in the packet is a brief history of the discussions and information presented on urban chickens. Also included is information on the TIF districts (tax incrementing financing districts). The City of Lewistown has 1 TIF district and 1 TEDD district (targeted economic development district) The complete Urban Renewal Plan (TIF) and Comprehensive Renewal Plan (TEDD) electronically if anyone would like these items.

## **PUBLIC COMMENT** – non agenda items

Chairman Doney explained that is item on the agenda is for items that are not on the agenda. If someone has comments on an agenda item, it is asked that you make those comments during the discussion on that item. The citizens participation on the agenda was reviewed.

Mr. Brandon Beriault addressed the Commission commented that he still has not received any feedback on the sign east of town that does not mention any disinfection being used in the water. Mr. Beriault explained that he did some research and found out that the DEQ gets their authority from the EPA which is a federal agency.

City Manager Phelps commented that the sign Mr. Beriault is referring to is privately owned by the Central Montana Crematorium.

## **CONSENT AGENDA**

Commissioner Terry made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was the acknowledge of the claims that have been paid from February 1, 2022 to February 17, 2022 for a total of \$205,445.96

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

1. Discussion and action on approving Resolution No. 4082, a resolution to accept the determination that exempt from a full environmental assessment is appropriate for the Waite House Rehabilitation and Restoration project, Yogo Mansion LLC

City Manager Phelps explained that included in the Commissioners packet was an environmental assessment prepared by Yogo Management LLC. Ms. Susanne Wiggington addressed the Commission stating she is the authorized representative for Yogo Management LLC. Ms. Wiggington explained that she is here to talk about a grant opportunity for improvements to the Waite House. Ms. Wiggington further explained that the Waite House is located in the Silk Stocking District of Lewistown and listed on the National Historic Register and in order to move forward with possible grant funds there is a requirement of completion of an environmental review of the property. Ms. Wiggington commented that this is a self-contained existing structure and nothing is going beyond the foot of the property and not affect the environment in any way. Ms. Wiggington stated that it is her hope to bring the Waite House to some former glory. City Manager Phelps stated that the resolution identifies what Ms. Wiggington stated there will be minimum impact on the environment and if any hazardous materials are found they will work with the appropriate agencies to mitigate the material. Commissioner Hrubes asked if the Waite House was privately owned. Ms. Wiggington answered that yes, it is privately owned. Commissioner Hewitt made the motion to approve Resolution No. 4082, a resolution to accept the determination that exempt from a full environmental assessment is appropriate for the Waite House Rehabilitation and Restoration project, Yogo Mansion LLC and Commissioner Day seconded the motion. Commissioner Doney 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 Resolution No. 4083, a resolution approving an application from Homeward for Crowley Flats for TIF Funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that Homeward applied for a TIF (tax increment financing) grant funding and the grant was approved at the last TIF board meeting in the amount of \$50,000. The funds will used to help with abatement of hazardous materials and rehabilitation of windows on the second and third stories of the One Health Clinic. Ms. Heather McMilin from Homeward attended the meeting via zoom. Ms. McMilin commented on how great it was working with the TIF board and the funding is a great assist for the project. City Manager Phelps commented that this type of project is exempt from property tax but the TIF board recognizes the good the project does for the district and increases the tax base. The Urban Renewal Plan for the TIF district did identify upstairs housing and shared uses of spaces as a priority of the district. Commissioner Hewitt made the motion to approve Resolution No. 4083, a resolution approving an application from Homeward for Crowley Flats for TIF Funds made to the Lewistown Tax Increment Financing District Board and Commissioner Scotten seconded the motion. Commissioner Doney 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 appointing Kyle Dubbs to the Historic Resources Commission for an additional two-year term

City Manager Phelps explained that Mr. Kyle Dubbs has agreed to serve an additional two-year term on the Historic Resources Commission (HRC). City Manager Phelps stated that Mr. Dubbs was first appointed to the HRC in 2018, is currently serving as Chairman of the HRC and is a very active member. Commissioner Day made the motion to approve reappointing Kyle Dubbs to the Historic Resources

Commission for an additional two-year term and Commissioner Hrubes seconded the motion. Commissioner Doney 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 allowing City staff to submit the annual Certified Local Government Grant Application to the Montana State Historic Preservation Office and the authorization to enter into a grant agreement once the grant is approved

City Manager Phelps explained that included in the Commissioner's packet is the full grant application for the annual Certified Local Government Grant. The HRC has sold about half of the Lewistown Books and are working on their next project which includes improvements to the downtown walking tour. The CLG Grant provides about \$6,000 to operate the historic preservation office. Commissioner Terry made the motion to approve allowing City staff to submit the annual Certified Local Government Grant Application to the Montana State Historic Preservation Office and the authorization to enter into a grant agreement once the grant is approved and Commissioner Hewitt seconded the motion. Commissioner Doney 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 the reclamation and development project grant agreement for the Central Post and Treating Company site and authorizing the City Manager to sign the agreement

City Manager Phelps explained that included in the Commission's packet is the most recent Department of Natural Resources and Conservation grant agreement for the Central Post and Treating Company site. This is a cleanup site located at the former City dump site on Marcella Ave, this grant was approved at the last legislature in the amount of \$500,000 and hoped it will be the end of the project. This grant funding includes capping of the property and seeding. Commissioner Terry made the motion to approve the reclamation and development project grant agreement for the Central Post and Treating Company site and authorizing the City Manager to sign the agreement and Commissioner Hewitt seconded the motion. Commissioner Doney 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 appointing a City representative to City County Health Board for a one-year term to serve at the City's pleasure and approve the mutually agreed upon candidates

City Manager Phelps explained that included in the Commission packets was a list of possible candidates and applications. City Manager Phelps stated that the City has the opportunity as part of the City County Health Board to appoint one individual without mutual consent of Fergus County, then the City has a opportunity to appoint a second individual with mutual consent of Fergus County and then confirm mutual consent of Fergus County candidates. City Manager Phelps explained that Fergus County has chosen Ms. Laurie Ray as their one appointee and the mutual consent candidates were Jordan Robin, Lisa Robinson and Donna Vantassel. City Manager Phelps stated that there are two applicants that reside in the city limits and that is Courtney Moline and Donna Vantassel. City Manager Phelps commented that it is her recommendation that the candidates the City choses to serve at the Commission's pleasure be residents of the City limits. City Manager Phelps explained that the applicants are all from the medical community, a veterinary, hospital staff and school nurse. Commissioner Doney commented that there are two City residents which are Courtney Moline and Donna Vantassel. Commissioner Hewitt made the motion to approve Courtney Moline as the City's appointee and Commissioner Spika seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously. Commissioner Scotten made the motion to appoint Donna Vantassel as the City's appointee mutually agreed upon and Commissioner

Spika seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously. City Manager Phelps explained that this is a five year agreement and the terms are staggered. Commissioner Scotten asked why five years. City Attorney Teresa Diekhans explained there was a lot of discussion on this issue and wanted to have a long enough time frame to let the board get established and work through issues. City Attorney Diekhans commented that there is no idea what changes to the health board could come from the legislature. City Manager Phelps stated that one more action needs to be taken and that is to affirm the vote of the County's slate of candidates which is Jordan Robins, DVM and Lisa Robinson. Commissioner Spika made the motion to affirm the County's candidates of Jordan Robins, DVM and Lisa Robinson and Commissioner Terry seconded the motion. County Commissioner Sandy Youngbauer was present at the meeting and stated that once the candidates are appointed the County Commissioners will work with the Department of Health and Human Services to get the training done. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

#### 7. Discussion on history, process and potential changes to the animal and fowl ordinances.

City Manager Phelps explained that included in the Commissions packet is the history of Commission discussions regarding chickens in the City limits. City Manager Phelps stated there is a staff report, discussion has been held regarding changing the City ordinances and then information on how to move forward with an initiative. Commissioner Doney explained that she has been in several conversations regarding chickens and citizens can be very emotional on the issue. Commissioner Doney explained that grass roots efforts are exciting and when the petitions were done, they weren't done right. There were citizens that signed the petitions that didn't live in the City, didn't live in the City or County and were not registered voters. Commissioner Doney explained that she vetted the petitions by gathering information at the Courthouse and only 69 signatures in the City were valid. Commissioner Doney stated that after much thought going forward, she would like to see the citizens vote on this issue. City Manager Phelps briefly reviewed how the process would work and the first step is a petition and citizens signing the petition need to know what they are signing. City Attorney Diekhans stated that anyone could put the petition together. Some of the concerns were chickens at large and where would those be housed. Commissioner Day asked if this issue has ever been on the ballot. City Manager Phelps answered no. City Attorney Diekhans explained that it is an ordinance and the Commission can act on an ordinance. Commissioner Spika commented that basically the Commission needs to decide if the Commission wants to review the ordinance. Further discussion followed. Commissioner Doney stated that this is just an action item and anyone can let the City Manager know if there is some direction that should be taken or discussed further. Mr. Ben Saunders asked if the Commission can put something on the ballot. City Manager Phelps answered that the Commission can create their own law through the ordinance process or a grass roots effort. Further discussion followed regarding putting the issue on the ballot.

#### **CITIZENS' REQUESTS**

There were none.

#### **COMMISSIONER'S MINUTE**

Commissioner Hrubes thanked the City Manager for the Committee of the Whole presentation.

Commissioner Day agreed and commented that all the information was greatly appreciated.

Commissioner Doney stated she will not be at the next meeting and the Vice Chairman will run the meeting.

**ADJOURNMENT**

Chairman Doney adjourned the meeting.

Dated this 22<sup>nd</sup> day of February, 2022.

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Gayle Doney, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk