

COMMITTEE OF THE WHOLE

OCTOBER 4, 2021

6:00 P.M.

1. Update on Urban Routes
2. Information regarding Urban Deer

NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION, CITY OF LEWISTOWN, OCTOBER 4, 2021 AT 7:00 P.M. AT THE CENTRAL MONTANA COMMUNITY CENTER LOCATED AT 307 W WATSON

To participate virtually the options are as follows:

To join by zoom: <https://zoom.us/j/8486275925?pwd=dTVGbndDK253ZUJLMjRuZXU5QVpMd09>

Meeting ID: 848 627 5925 Passcode: 59457

To participate by phone: dial (253) 215-8782 Meeting ID: 848 627 5925 Passcode: 59457

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES – September 20, 2021

COURTESIES

PROCLAMATIONS

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgment of the claims that have been paid from September 16, 2021 to September 30, 2021 for a total of \$57,458.69

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

1. Discussion on the fence located at East Lake. (this is an a discussion item only – no action can be taken)
City Manager Holly Phelps
2. 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 Holly Phelps
3. Discussion and action on approving Amendment No 2 for Grant Agreement No RITP-20-0160 and authorizing the City Manager to sign the amended grant agreement (**Action: approve, disapprove or amend approving amendment and authorizing the City Manager to sign the agreement**) City Manager Holly Phelps
4. Discussion and action on approving Amendment No. 5 for Grant Agreement No RIT-18-8858 and authorizing the City Manager to sign the amended grant agreement (**Action: approve, disapprove or amend approving amendment and authorizing the City Manager to sign the agreement**) City Manager Holly Phelps
5. Discussion and action on approving changes to the event process and associated fees (**Action: approve, disapprove or amend approving changes to the event process and associated fees**) City Manager Holly Phelps

CITIZENS' REQUESTS

COMMISSIONER'S MINUTE

ADJOURNMENT

* All citizens are invited to make comment on any agenda item prior to action being taken by the Commission

CHAPTER 15

FENCE ENCROACHMENT PERMITS

SECTION:

9-15-1: Fence Encroachment Permits; Fee

9-15-2: Review

9-15-3: Fence Encroachment Restrictions

9-15-4: Complaints Regarding Existing Encroaching Fences

9-15-5: Revocation Of Encroachment Permit; Enforcement; Appeal

9-15-1: FENCE ENCROACHMENT PERMITS; FEE:

The public works director, or a designated agent, is authorized to grant a fence encroachment permit to the owner of land abutting city right of way for a temporary revocable privilege to construct, install, and maintain a fence upon a portion of the public right of way that is not currently or prospectively used or needed in the near future for any public travel or public use. This fence encroachment permit shall be a revocable privilege and shall be in the form of a fence encroachment permit signed and acknowledged by the permittee whereby the permittee recognizes that the permit is revocable by the city at any time upon thirty (30) days' notice to the permittee and whereby the permittee recognizes that the city retains its right to use and to access the public right of way subject to the fence encroachment permit. The permittee must, as part of the fence encroachment permit application process, agree in covenant to remove the fence and restore the land to its former condition, at the permittee's expense, upon the receipt of such notice. Such fence encroachment permits shall be issued by the city, through the action of the public works director or a designee and shall be filed with the Fergus County clerk and recorder. A fence encroachment permit fee in the amount of fifty dollars (\$50.00) to issue this agreement shall be paid by the property owner prior to receipt of the permit. (Ord. 1744A, 9-4-2012)

9-15-2: REVIEW:

Applications for fence encroachments upon public right of way shall be reviewed by the planning department and a recommendation forwarded to public works. Prior to the issuance of a permit, the public works director shall review the application for conformity with this chapter, with applicable city codes as well as for potential hazards which may be created by granting the application. (Ord. 1744A, 9-4-2012)

9-15-3: FENCE ENCROACHMENT RESTRICTIONS:

Restrictions for fences allowed to encroach into the public right of way:

- (A) No fence shall be constructed which will restrict visibility as described in section 11-4-3 of this code.
- (B) No fence shall be allowed to encroach into Montana highway department right of way.
- (C) In any public right of way where public sidewalks do not exist, no fence shall be installed closer than one foot (1') to the back of any future public sidewalk as determined by the public works director. In any public right of way where a public sidewalk conforming to all code requirements exists, the fence may be installed to the back of the sidewalk.
- (D) Fences shall not exceed maximum height requirements as determined by zoning or other applicable city ordinance.
- (E) Fences shall have posts not exceeding two and three-eighths inches ($2\frac{3}{8}$ ") outside diameter for metal pipe or four inch (4") diameter for wooden posts. All fences shall be constructed in a manner and with materials that may be easily removed. No fences shall be constructed of stone, rock, masonry, any metal with pointed or projecting tops including T-posts, with cable, or chain.
- (F) There shall be no shrubs, bushes, or hedges exceeding the height of the permitted fence in the public right of way, nor shall any such vegetation extend into the public right of way.

(G) All permitted fences constructed in the public right of way shall be properly maintained. Any permitted fence which is not maintained, becomes damaged, or otherwise is in disrepair for any reason is deemed a nuisance and such fence shall be immediately repaired/replaced within a time prescribed by the public works director or the permit may be revoked. (Ord. 1744A, 9-4-2012)

9-15-4: COMPLAINTS REGARDING EXISTING ENCROACHING FENCES:

(A) Upon its own action, or when a complaint is received concerning a fence being located on city right of way, the public works department will investigate and take the following actions:

1. If public works determines that the fence is:

(a) On city right of way, and

(b) There is not an existing encroachment permit for the fence, and

(c) The fence is constructed of materials other than wood or similar easily removed materials, and/or the fence is blocking or hindering access to city facilities, or violates any other provisions of this code, the owner will be issued an administrative warning to remove the fence within a prescribed time. If the fence is not removed within this time, a minimum five dollar (\$5.00) administrative penalty may be assessed for each day that the fence is maintained in the right of way.

2. If public works determines that the fence is:

(a) On city right of way, and

(b) There is not an existing encroachment permit for the fence, but the fence is constructed of wood or similar easily removed materials, and the fence does not appear to interfere with existing or planned city facilities and otherwise complies with this code, public works will give notice to the property owner to remove the fence or apply for an encroachment permit within a prescribed time. If an encroachment permit is applied for, public works will route the application to the appropriate review staff and upon approval, issue a permit. If the owner does not obtain an encroachment permit and the fence is not removed within this time, a minimum five dollar (\$5.00) administrative penalty may be assessed for each day the fence is maintained in the right of way. (Ord. 1744A, 9-4-2012)

9-15-5: REVOCATION OF ENCROACHMENT PERMIT; ENFORCEMENT; APPEAL:

(A) Upon a finding by the public works director that a fence for which an encroachment permit has been issued is in violation of this chapter, or must be removed in the interests of the city, the director shall cause a written notice to be mailed to the owner of such property and any tenant residing thereon setting forth the reason that the encroachment permit is being revoked and providing information to appeal that decision.

(B) Upon revocation of an encroachment permit, the owner shall remove the fence and any appurtenances thereto within thirty (30) days of mailing of notice, or, if the revocation is appealed, within twenty (20) days of an adverse decision by the city commission. Thereafter, if the fence is not removed, the owner shall be assessed an administrative penalty up to five dollars (\$5.00) for each day that the fence, or any portion thereof, remains in the right of way.

(C) The owner of the real property who receives notice that an encroachment permit has been revoked may appeal that decision to the city commission by submitting a written appeal, with any supporting documentation, within fifteen (15) calendar days of notification of the decision to revoke to the city clerk. The city commission shall then consider the matter at its next regular meeting and notify the owner of the decision. (Ord. 1744A, 9-4-2012)

11-4-3: FENCES, WALLS AND HEDGES:

(A) Height: Except as otherwise required by this code, fences, walls and hedges may be erected or maintained in any residential, commercial, or industrial zoning district along any required yard; provided, that no solid fence, wall or hedge over three feet (3') in height shall be erected or maintained on any street frontage. Fences not exceeding four feet (4') in height may be erected along street frontage provided they are constructed of chainlink or other material which provides for an unobstructed view and is approved by the building official. Fences, walls or hedges located along side or rear yards not fronting streets shall not exceed six feet (6').

"Height", for the purpose of this section, shall be defined as the vertical distance from the top rail, board or wire to the ground directly below. A base elevation shall be established.

(B) Visibility At Intersections: Corner lots in all zones shall not be permitted to have any fences, walls, hedges or other sight obstruction over three feet (3') in height in the area designated as the "clear view triangle". This area can be determined by measuring eighty feet (80') from the center of two (2) intersecting streets along the centerline of each street, then connecting the two (2) points with a straight line forming the hypotenuse of the clear view triangle. Trees within the clear view triangle, including those located within the public right of way, shall have branches removed at the trunk from ground level to a minimum of seven feet (7') above the ground level. Shrubs or hedges within the clear view triangle shall be maintained no higher than three feet (3') above the established top of curb grade.

Regardless of other provisions of this section, no fences, walls or hedges shall be erected or maintained in any yard which materially impedes vision of vehicles entering an abutting street.

(C) Prohibited Fences: No barbed wire or other sharp fencing materials and no electrically charged fences shall be erected or maintained in any district.

Barbed wire fencing materials may be used as part of a fence in a commercial or industrial zoning district when such material is located not less than six feet (6') above grade. (Ord. 1726, 7-6-2009)

(D) Prohibited Location: No fence, wall or hedge shall be erected or maintained in any public right of way unless as allowed in title 9, chapter 15 of this code. (Ord. 1726, 7-6-2009; amd. Ord. 1744A, 9-4-2012)

(E) Prohibited Materials: All fences shall be constructed from approved fencing materials and shall not be constructed from railroad ties, rubble or salvaged material. (Ord. 1726, 7-6-2009)

AGREEMENT FOR CENTRAL MONTANA HEALTH DISTRICT FUNDING

THIS AGREEMENT is made by and between Fergus County ("the County" herein) and the City of Lewistown ("the City" herein), and is meant to set forth the terms and conditions the parties have agreed upon regarding funding for the Central Montana Health District. For and in consideration, the parties understand and agree as follows:

1. Existing Relationship. This is the first written contract between the parties for the subject matter of this Agreement. However, the City and the County have worked together for many years to provide financial support to the Health District. This Agreement memorializes that long-term relationship.

2. Term. The term of this Agreement shall be for two (2) years.

3. Compensation. The City will pay the County twenty-five percent (25%) of the amount that the County annually contributes to be a member of the Central Montana Health District. The amount the County contributes is a per capita rate established by the Health District based on U.S. Census data.

The City's payment to the County shall be due on October 1 of each year. The County will provide the City with an invoice showing the City's amount due prior to October 1.

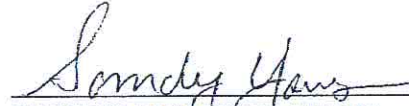
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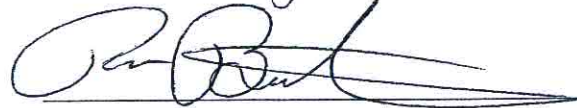
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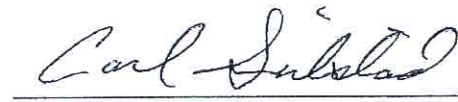
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DATED this 19 day of August, 2020

BOARD OF COMMISSIONERS:


SANDY YOUNGBAUER


ROSS BUTCHER


CARL SEILSTAD

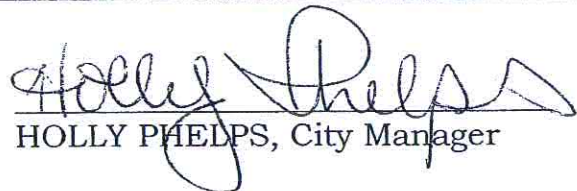


ATTEST:

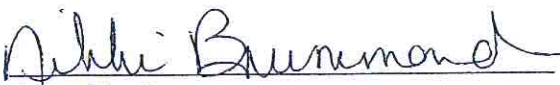

RANA WICHMAN, Clerk & Recorder

DATED this 16th day of Feb, 2020.

CITY OF LEWISTOWN


HOLLY PHEDPS, City Manager

ATTEST:


City Clerk



AN ACT REVISING LAWS RELATED TO LOCAL BOARDS OF HEALTH; REQUIRING THAT CERTAIN RULES, REGULATIONS, AND FEES BE PROPOSED BY A LOCAL BOARD OF HEALTH AND ADOPTED BY THE GOVERNING BODY; ALLOWING A LOCAL BOARD OF HEALTH TO ADOPT RULES TO IMPLEMENT A REGULATION ADOPTED BY A LOCAL GOVERNING BODY; ALLOWING A GOVERNING BODY TO AMEND A DIRECTIVE, MANDATE, OR ORDER GIVEN BY A LOCAL BOARD OF HEALTH DURING A TIME OF EMERGENCY OR DISASTER; ALLOWING A GOVERNING BODY TO AMEND AN ORDER GIVEN BY A LOCAL HEALTH OFFICER DURING A TIME OF EMERGENCY OR DISASTER; PROVIDING FOR RELIGIOUS FREEDOM; REVISING PENALTIES ALLOWED FOR THE VIOLATION OF A LOCAL BOARD RULE; REVISING AND PROVIDING DEFINITIONS; AMENDING SECTIONS 50-1-101, 50-2-116, 50-2-118, 50-2-124, AND 50-2-130, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-1-101, MCA, is amended to read:

"50-1-101. Definitions. Unless the context indicates otherwise, in chapter 2 and this chapter, the following definitions apply:

(1) "Communicable disease" means an illness because of a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal, or inanimate reservoir to a susceptible host. The transmission may occur either directly or indirectly through an intermediate plant or animal host, a transmitting entity, or the inanimate environment.

(2) "Condition of public health importance" means a disease, injury, or other condition that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community.

(3) "Department" means the department of public health and human services provided for in 2-15-

2201.

- (4) "Inanimate reservoir" means soil, a substance, or a combination of soil and a substance:
- (a) in which an infectious agent normally lives and multiplies;
 - (b) on which an infectious agent depends primarily for survival; and
 - (c) where an infectious agent reproduces in a manner that allows the infectious agent to be transmitted to a susceptible host.
- (5) "Institutional controls" means legal or regulatory mechanisms designed to protect public health and safety that:
- (a) limit access to or limit or condition the use of environmentally contaminated property or media;
 - (b) provide for the protection or preservation of environmental cleanup measures; or
 - (c) inform the public that property or media is or may be environmentally contaminated.
- (6) "Isolation" means the physical separation and confinement of an individual or groups of individuals who are infected ~~or reasonably believed to be infected with a communicable disease or possibly communicable disease from nonisolated individuals to prevent or limit the transmission of the communicable disease to nonisolated individuals.~~
- (7) "Local board of health" or "local board" means a county, city, city-county, or district board of health.
- (8) "Local governing body" or "governing body" means:
- (a) the board of county commissioners that oversees a county local board of health;
 - (b) the elected governing body of a city that oversees a city local board of health; or
 - (c) the entity identified as the governing body as established in the bylaws, interlocal agreement, or memorandum of understanding creating a city-county local board of health or a local district board of health.
- ~~(8)~~(9) "Local health officer" means a county, city, city-county, or district health officer appointed by a local board of health. With regard to the exercise of the duties and authorities of a local health officer, the term may include an authorized representative of the local health officer.
- ~~(9)~~(10) "Local public health agency" means an organization operated by a local government in the state, including local boards of health or local health officers, that principally acts to protect or preserve the public health.

~~(10)~~(11) "Physician" has the meaning provided in 37-3-102.

~~(11)~~(12) "Public health services and functions" means those services and functions necessary to promote the conditions in which the population can be healthy and safe, including:

(a) population-based or individual efforts primarily aimed at the prevention of injury, disease, or premature mortality; or

(b) the promotion of health in the community, such as assessing the health needs and status of the community through public health surveillance and epidemiological research, developing public health policy, and responding to public health needs and emergencies.

~~(12)~~(13) "Public health system" means state and local public health agencies and their public and private sector partners.

~~(13)~~(14) "Quarantine" means the physical separation and confinement of an individual or groups of individuals who ~~are or may have been exposed to a communicable disease or possibly communicable disease~~ and who do not show signs or symptoms of a communicable disease from nonquarantined individuals to prevent or limit the transmission of the communicable disease to nonquarantined individuals.

~~(14)~~(15) "Screening" means diagnostic or investigative analysis or medical procedures that determine the presence or absence of or exposure to a condition of public health importance or the condition's precursor in an individual.

~~(15)~~(16) "Testing" has the same meaning as screening."

Section 2. Section 50-2-116, MCA, is amended to read:

"50-2-116. Powers and duties of local boards of health. (1) It is a purpose of this chapter to address ongoing issues or conditions created during a declared state of emergency as a result of orders, directives, or mandates issued by the governor as allowed under Title 10, chapter 3, for a state of emergency acting longer than 7 days. It is not a purpose of this chapter to hinder, slow, or remove nonemergency-related powers granted to a local board of health.

(2) In order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

(a) ~~appoint and fix the salary~~ recommend to the governing body the appointment of a local health

officer who is:

- (i) a physician;
- (ii) a person with a master's degree in public health; or
- (iii) a person with equivalent education and experience, as determined by the department;
- (b) elect a presiding officer and other necessary officers;
- ~~(c)~~ employ qualified staff;
- ~~(d)~~(c) adopt bylaws to govern meetings;
- ~~(e)~~(d) hold regular meetings at least quarterly and hold special meetings as necessary;
- ~~(f)~~(e) identify, assess, prevent, and ameliorate conditions of public health importance through:
 - (i) epidemiological tracking and investigation;
 - (ii) screening and testing;
 - (iii) isolation and quarantine measures;
 - (iv) diagnosis, treatment, and case management;
 - (v) abatement of public health nuisances;
 - (vi) inspections;
 - (vii) collecting and maintaining health information;
 - (viii) education and training of health professionals; or
 - (ix) other public health measures as allowed by law;
- ~~(g)~~(f) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;
- ~~(h)~~(g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;
- ~~(i)~~(h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;
- ~~(j)~~(i) identify to the department an administrative liaison for public health. The liaison must be the local health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-time local health officer, the liaison must be the highest ranking public health professional employed by the

jurisdiction.

~~(k)(i)~~ subject to the provisions of 50-2-130, ~~adept~~ propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of environmental review and must provide for appeal of variance decisions to the department as required by 75-5-305. If the local board of health regulates or permits water well drilling, the regulations must prohibit the drilling of a well if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.

~~(2)(3)~~ Local boards of health may:

(a) accept and spend funds received from a federal agency, the state, a school district, or other persons or entities;

(b) ~~adept~~ propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;

(c) ~~adept~~ propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or rules adopted by the department:

(i) for the control of communicable diseases;

(ii) for the removal of filth that might cause disease or adversely affect public health;

~~(iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;~~

(iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;

(v) for the establishment of institutional controls that have been selected or approved by the:

(A) United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or

(B) department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and

(vi) to implement the public health laws;

(d) adopt rules necessary to implement and enforce regulations adopted by the local governing body;

and

~~(d)~~(e) promote cooperation and formal collaborative agreements between the local board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title.

~~(3)~~(4) A local board of health may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

(5) A directive, mandate, or order issued by a local board of health in response to a declaration of emergency or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship."

Section 3. Section 50-2-118, MCA, is amended to read:

"50-2-118. Powers and duties of local health officers. (1) In order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

(1)(a) make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the condition;

(2)(b) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and

canceling events;

~~(3)(c)~~ report communicable diseases to the department as required by rule;

~~(4)(d)~~ establish and maintain quarantine and isolation measures as adopted by the local board of health; and

~~(5)(e)~~ pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated.

(2) A directive, mandate, or order issued by a local health officer in response to a declaration of emergency or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship."

Section 4. Section 50-2-124, MCA, is amended to read:

"50-2-124. Penalties for violations. (1) (a) A person who does not comply with rules adopted by a local board is guilty of a misdemeanor. On conviction, the person shall be fined is subject to a civil penalty of not less than \$10 or more than \$200.

(b) A business entity that does not comply with rules adopted by a local board is subject to a civil penalty of not more than \$250.

(2) Except as provided in 50-2-123 and subsection (1) of this section, a person who violates the provisions of this chapter or rules adopted by the department under the provisions of this chapter is guilty of a misdemeanor. On conviction, the person shall be fined not less than \$10 or more than \$500 or be imprisoned for not more than 90 days, or both.

(3) Each day of violation constitutes a separate offense.

(4) The local board or the county attorney of the county in which a violation allowed in subsection (1) occurred may petition a court of limited jurisdiction to impose the civil penalties allowed in subsection (1).

Venue for an action to collect a civil penalty pursuant to subsection (1) is in the county in which the violation occurred or in a court of limited jurisdiction.

~~(4)~~(5) Fines, except justice's court fines, must be paid to the county treasurer of the county in which the violation occurs.

(6) (a) As used in this section, "business entity" means a corporation, association, partnership, limited liability partnership, limited liability company, sole proprietorship, or other legal entity recognized under state law.

(b) The term does not include an individual."

Section 5. Section 50-2-130, MCA, is amended to read:

"50-2-130. Local regulations no more stringent than state regulations or guidelines. (1) After April 14, 1995, except as provided in subsections (2) through (4) or unless required by state law, the local board may not ~~adopt~~ propose for adoption by the local governing body a rule under ~~50-2-116(1)(k), (2)(c)(iii), or (2)(c)(iv)~~ 50-2-116(2)(j), (3)(c)(iii), or (3)(c)(iv) that is more stringent than the comparable state regulations or guidelines that address the same circumstances. The local board may incorporate by reference comparable state regulations or guidelines.

(2) The local board may ~~adopt~~ propose for adoption by the local governing body a rule to implement ~~50-2-116(1)(k), (2)(c)(iii), or (2)(c)(iv)~~ 50-2-116(2)(j), (3)(c)(iii), or (3)(c)(iv) that is more stringent than comparable state regulations or guidelines only if the local board makes a written finding, after a public hearing and public comment and based on evidence in the record, that:

- (a) the proposed local standard or requirement protects public health or the environment; and
- (b) the local board standard or requirement to be imposed can mitigate harm to the public health or environment and is achievable under current technology.

(3) The written finding must reference information and peer-reviewed scientific studies contained in the record that forms the basis for the local board's conclusion. The written finding must also include information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed local standard or requirement.

- (4) (a) A person affected by a rule of the local board adopted after January 1, 1990, and before April

14, 1995, that that person believes to be more stringent than comparable state regulations or guidelines may petition the local board to review the rule. If the local board determines that the rule is more stringent than comparable state regulations or guidelines, the local board shall comply with this section by either revising the rule to conform to the state regulations or guidelines or making the written finding, as provided under subsection (2), within a reasonable period of time, not to exceed 12 months after receiving the petition. A petition under this section does not relieve the petitioner of the duty to comply with the challenged rule. The local board may charge a petition filing fee in an amount not to exceed \$250.

(b) A person may also petition the local board for a rule review under subsection (4)(a) if the local board adopts a rule after January 1, 1990, in an area in which no state regulations or guidelines existed and the state government subsequently establishes comparable regulations or guidelines that are less stringent than the previously adopted local board rule."

Section 6. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 121, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 121

INTRODUCED BY D. BEDEY, J. ELLSWORTH

AN ACT REVISING LAWS RELATED TO LOCAL BOARDS OF HEALTH; REQUIRING THAT CERTAIN RULES, REGULATIONS, AND FEES BE PROPOSED BY A LOCAL BOARD OF HEALTH AND ADOPTED BY THE GOVERNING BODY; ALLOWING A LOCAL BOARD OF HEALTH TO ADOPT RULES TO IMPLEMENT A REGULATION ADOPTED BY A LOCAL GOVERNING BODY; ALLOWING A GOVERNING BODY TO AMEND A DIRECTIVE, MANDATE, OR ORDER GIVEN BY A LOCAL BOARD OF HEALTH DURING A TIME OF EMERGENCY OR DISASTER; ALLOWING A GOVERNING BODY TO AMEND AN ORDER GIVEN BY A LOCAL HEALTH OFFICER DURING A TIME OF EMERGENCY OR DISASTER; PROVIDING FOR RELIGIOUS FREEDOM; REVISING PENALTIES ALLOWED FOR THE VIOLATION OF A LOCAL BOARD RULE; REVISING AND PROVIDING A DEFINITION DEFINITIONS; AND AMENDING SECTIONS 50-1-101, 50-2-116, 50-2-118, 50-2-124, AND 50-2-130, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION



GREG GIANFORTE, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE: (406) 444-2074
FAX: (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

September 20, 2021

To: City of Lewistown
305 West Watson Street
Suite 1
Lewistown, MT 59457

From: Heidi Anderson-Folnagy
Program Specialist

RE: Amendment No. 2 for Grant Agreement No. RITP-20-0160

Enclosed are two original Amendments for signature.

Please sign both where indicated and return them to me for execution by the Department of Natural Resources and Conservation. A fully executed copy will be returned to you when completed.

You may call me at 444-6691 with any questions or concerns that you have.

Cc: File w/o

Encls (2)

FOR DNRC USE ONLY

Maximum Amount under this Grant: \$49,977.00

Source of Funds

Fund Name	Fund No.
Natural Resources Projects Account	02577

Subclass	Org. No.	Amount
5401A	3420200	\$49,977.00

Appropriation Authority: 66th Legislature/ 2019 House Bill 7

Approved

No. RITP-20-0160

Amend No. 2

Division

F.S.O.

Legal



AMENDMENT NO. 2

THIS AMENDMENT MADE AND ENTERED INTO BY AND BETWEEN THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION'S (DNRC) CONSERVATION AND RESOURCE DEVELOPMENT DIVISION HEREINAFTER CALLED "DNRC", AND CITY OF LEWISTOWN, HEREINAFTER CALLED THE "RECIPIENT".

The parties to this Agreement in consideration of the mutual covenants and stipulations set out herein hereby agree as follows:

THAT because additional time is needed to complete the project, **SECTION 2. TERM** is hereby amended as follows:

SECTION 2. TERM. The Project Sponsor shall have until September 30, 2022 to complete the project and work described in Section 4. Project Scope. DNRC may grant an extension for completion upon request and showing of good cause by the Project Sponsor. A request for extension submitted less than 45 days prior to the termination date may or may not be considered.

All other terms and conditions remain unchanged and continue in full force and effect. This Amendment consists of one (1) page.

To express the parties' intent to be bound by the terms of this Agreement they have executed this document on the dates set out below.

A facsimile, photocopy or electronic copy of the signature below shall have the same force and effect as an original signature and an electronic signature shall be regarded as an original signature.

By: _____ Date: September 30, 2021
Recipient Signature

Print Name and Title

For: City of Lewistown

By: _____ Date: September 30, 2021

For: The Montana Department of Natural Resources and Conservation

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION



GREG GIANFORTE, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE: (406) 444-2074
FAX: (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

September 20, 2021

To: City of Lewistown
305 West Watson Street
Suite 1
Lewistown, MT 59457

From: Heidi Anderson-Folnagy
Program Specialist

RE: Amendment No. 5 for Grant Agreement No. RIT-18-8858

Enclosed are two original Amendments for signature.

Please sign both where indicated and return them to me for execution by the Department of Natural Resources and Conservation. A fully executed copy will be returned to you when completed.

You may call me at 444-6691 with any questions or concerns that you have.

Cc: File w/o

Encls (2)

FOR DNRC USE ONLY

Maximum Amount under this Grant: \$475,000.00

Source of Funds

Fund Name	Fund No.
Natural Resources Projects Account	02577

Subclass	Org. No.	Amount
54017	3418205	\$475,000.00

Appropriation Authority: 65th Legislature/ 2017 House Bill 7

Approved

No. RIT-18-8858

Amend No. 5

Division

F.S.O.

Legal



AMENDMENT NO. 5

THIS AMENDMENT MADE AND ENTERED INTO BY AND BETWEEN THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION'S (DNRC) CONSERVATION AND RESOURCE DEVELOPMENT DIVISION HEREINAFTER CALLED "DNRC", AND CITY OF LEWISTOWN, HEREINAFTER CALLED THE "RECIPIENT".

The parties to this Agreement in consideration of the mutual covenants and stipulations set out herein hereby agree as follows:

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A facsimile, photocopy or electronic copy of the signature below shall have the same force and effect as an original signature and an electronic signature shall be regarded as an original signature.

By: _____ Date: September 30, 2021
Recipient Signature

Print Name and Title

For: City of Lewistown

By: _____ Date: September 30, 2021

For: The Montana Department of Natural Resources and Conservation