

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON MAY 21, 2024 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Terry called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Buehler, Day, Hewitt, Hrubes, Spika and Terry. Commissioner Scotten was absent.

APPROVAL OF MINUTES

There were none.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Buehler reported that the Library Board on May 16, 2024 and the board will be starting the budget review the second week of June. Commissioner Buehler and the Library Director will be looking for all the current financials and the vacancy savings number. The author dinner was May 8th and it was the day of the snow storm. There were still a lot of attendees and it was a great dinner. The Library staff is gearing up for the Summer Reading Program for six weeks and the theme is the adventure starts at the Library. Commissioner Buehler reported that the part time seasonal helper was hired for this summer for the Library. Commissioner Buehler stated that the Library has submitted next fiscal year funding request to the County. The request to the County includes a meeting with one of the Commissioners to work towards a memorandum of understanding for the funding of the Library.

Commissioner Hrubes reported that he sat in on a Snowy Mountain Development Corporation meeting on Monday at 8 am. City Manager Phelps verified it was the TIF/TEDD meeting and Commissioner Hrubes answered yes. Commissioner Hrubes reported that there was a grant application from the 406 Café for about \$12,286 and John Tognetti is currently working on an application but it has not been turned back into the board. Commissioner Hrubes commented that Dave Byerly and Tim Robertson were in attendance by zoom and it was discussed that Tim Robertson's term on the board is up in June and he is willing to serve another term. Commissioner Hrubes reported that was a lot of discussion on the clean up of the trap and skeet club at the airport. There was discussion on the moving all of the utilities into the airport area for VACOM and there was a little bit of discussion regarding drilling under the highway and brining lines over from Town and Country. Commissioner Hrubes explained that he did ask how the \$250,000 revolving loan fund was going

and he was told they do have some applications out there and nothing has been turned in. Commissioner Hrubes explained that Tim Robertson talked with him and how we need to be patient with the use of the TIF money, there is a lot out there to be used, however, Tim anticipates a couple of bigger projects and it will be important to have the funding available. Commissioner Hrubes explained that the board would like to extend the TEDD district to include land where people are looking to develop, on the Town and County side of the highway. The next TIF/TEDD meeting is June 10th.

Commissioner Day reported that the Park and Recreation Board will meet the first Wednesday in June.

Commissioner Hewitt reported that she attended the Airport Board and the trap and skeet club will have to have a lead abatement bond. The lead will have to be cleaned up to some degree on the airport property. The Fire Department may use the trap and skeet buildings for training because those will not be torn down. The trap and skeet club are not planning on staying at the airport and are considering moving to the shooting complex. The Airport Board are considering a new larger door for the main hangar to be able to accommodate the larger planes. The FAA may require a structural inspection and the board is looking at all the would be required. The Airport Manager is looking at some new deicer to help with emergency flights. Showdown is interested in buying the snow making machine that was left by Western Transportation. The board will be asking the farmer not to seed 18 acres and Century will be fixing the parking lot area.

Commissioner Hewitt reported that she attended the zoning Commission meeting. There was a lot of discussion on a infant daycare. In order to move forward with the daycare, center a variance is required. Commissioner Hewitt briefed the Commission on some of the discussion.

Commissioner Terry reported that both Dave Byerly and Tim Robertson were on the Port Authority Board when the TEDD was created.

Commissioner Terry reported that the Central Montana Foundation meeting will be May 28th at noon at the Yogo Inn. This is the meeting where larger grants are considered.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

This week much of the Public Works staff have been assigned to the cemetery for the week of May 20th to prepare the cemetery for Memorial Day. The mowing and trimming are much of the work but this year with the recent snow many tree limbs need to be cut and removed before mowing could start. Typically, the staff start on one end and work their way back to the other end and then begin again, weather has made this more difficult.

The recent snow did cause flooding in some areas. The wastewater plant also, saw a couple days of extremely high flows. Things have now returned to normal. It is very important that residents make sure that their sump pumps are not connected to the sanitary sewer. All water that enters the sanitary sewer system must be treated.

The City is currently accepting applications to host the parklet this summer. The application is available on the City's website.

The Fire Department is working with the Montana State Fire Marshal's office to adopt the current Fire Codes. As a certified jurisdiction we must adopt the same code the state adopts. The sign up for this year's swim lessons will be held May 28 & 29th from 3 pm to 6 pm at the Civic Center. Currently, we plan on having the pool open June 8th for the season. We have received a lot of applications

but can always use more lifeguards. So, if you know someone that may be interested have them stop by the Civic Center or City Office to pick up an application.

There is still time to register for the Municipal Summit. The Municipal Summit will take place at the training room of city hall on June 4th from 9 am to 4 pm, lunch is provided. Join the League of Cities and Towns, MMIA and MSU Local Government Center for an educational workshop. If you are interested in attending, please let the City Clerk or City Manager know so that we can get you registered.

The City Manager will be out of the office June 4th to 11th. The City Manager will be available by phone and email if necessary.

Commissioner Terry asked where the City Manager was at with Street bids. City Manager Phelps answered that the City is moving forward with them and does have a complete list. The Street Department is scheduled to get some mix.

PUBLIC COMMENT - non agenda items:

Mr. John Koch addressed the Commission stating that he does the lawn mowing at the Veterans Park. Mr. Koch explained that as part of the American Legion, they have a Memorial Day program coming up and wanted to acknowledge that the lawn looks beautiful and would like to the Commission to give an attaboy to whoever is maintaining the lawn.

Mr. Shane Klakken addressed the Commission explaining that he had relatives that live in Lewistown Heights area and asked him regarding the old Berg lumber site and annexation. Mr. Klakken commented that he is not sure why they asked him, but he decided to come and find out what the annexation does to the residents in that area. Commissioner Terry answered that the annexation is only of Berg Lumber.

Mr. Joe Kern addressed the Commission stating on behalf of himself and the Redbirds he wanted to thank the Fire Department for coming out and wetting down the field. Players from both teams appreciated the help from the Fire Department.

Ms. Robin Lemmon stated that she has not been able to get anymore estimates to fix the damage on their property. Ms. Lemmon commented that it is a small project and the one bid they have is for \$3,500 and are willing to take that amount and take care of the issue themselves. Commissioner Terry explained that this item is on the regular agenda and will get an answer on that issue.

CONSENT AGENDA

Commissioner Day made the motion to approve the consent agenda and Commissioner Buehler seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from May 1, 2024 to May 15, 2024 for a total of \$247,152.76

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

1. Discussion and action on the letter of resignation submitted by Ward III Commissioner Scotten effective May 6, 2024

Chairman Terry read the following letter: please accept this as an official letter of resignation from my seat on the Lewistown City Commission effective upon your receipt of this letter. After lengthy consultations with my family and health care providers I am determined that this action is in the best interest of all concerned. I would appreciate extending my thanks to all the members of the City Commission and all City

employees that were so kind and willing to assist me in any way during my short tenure on the City Commission. I wish you all the best in the future. Respectfully, Dave E Scotten. Commissioner Hewitt made the motion to accepting the letter of resignation submitted by Ward III Commissioner Scotten effective May 6, 2024 and Commissioner Hrubes seconded the motion. Commissioner Hrubes wished Mr. Scotten well. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the clerk took a roll call vote with all being in favor of the motion.

2. Discussion and action on procedure for appointing a Commissioner for Ward III

Commissioner Terry explained that according to the charter the Commission must appoint a replacement within 30 days of the vacancy. City Manager Phelps explained that what was done last time was an application was completed, along with a resume and letter of interest. The application is brief asking if they are a registered voter, how long lived in Montana, Lewistown and Ward and address. Once all the applications are received all copies are given to the Commission. Commissioner Terry explained that the list of questions was included in the packet and would ask the Commission to keep those to themselves. The questions can be modified if the Commission chooses to. Commissioner Terry stated that we have received some letters of interest and will need to be a little more formal. Commissioner Hrubes asked if this appoint is for the next 18 months. Commissioner Terry answered that yes, they would fill the vacated term on 18 months and then would need to run in the next election. City Manager Phelps asked that a time line be identified. Commissioner Terry asked if the interview can take place during the Committee of the Whole. City Manager Phelps answered yes, that is what has been done in the past and the appointment is done during the regular meeting. City Clerk Nikki Brummond explained that packets must be done by 5 pm on Thursday before the meeting and that if the interviews will be done during the committee of the whole that the meeting start earlier than 6 pm. Commissioner Terry asked that the information be advertised on the website, radio and newspaper. It was determined that the Committee of the Whole on June 17th will be at 5 pm to 7 pm. Commissioner Buehler made the motion to approve the moving forward with the process to appoint a Commissioner to Ward III, we ask the interested candidate to submit an application, resume and letter of interest no later than 12 pm on June 13th the interviews will take place on July 17th from 5 to 7 pm and Commissioner Spika seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the clerk took a roll call vote with all being in favor of the motion.

3. Public hearing to hear comments on a conditional use permit application submitted by Tiffany Potter to locate and operate an infant childcare business at 510 W Janeaux St

Chairman Terry opened the public hearing hear comments on a conditional use permit application submitted by Tiffany Potter to locate and operate an infant childcare business at 510 W Janeaux St. Ms. Tiffany Potter introduced herself stating that she is a single mother of three and it is difficult for her to find work due to the hours and availability of childcare. Ms. Potter stated what better way to help the public with childcare. Commissioner Terry asked if she was only providing care for infants. Ms. Potter answered yes. Planning Director Doug Osterman reported that the Zoning Commission unanimously recommended approval of the conditional use permit by the City Commission. It was discussed that it should be a priority of the city to increase opportunities for childcare in the community. Planning Director Osterman further commented that the Zoning Commissioner made the recommendation for approval with the following conditions. All State of Montana requirements for infant childcare of up to 6 infants must be met to begin operating the childcare. The building at 510 W Janeaux Street must be deemed qualified by the Montana Department of Public Health and Human Service for licensure. The building shall be inspected for fire and other safety reasons by the Lewistown Fire Marshal and Building Inspector. All identified safety needs shall be implemented prior to operating the childcare. All Lewistown parking requirements in front of the building on both sides of

Janeaux Street must be adhered to. No parking is allowed in the private parking lots located on either side of the building (SUS Furniture and Courtesy Motors). A plan for off-street parking is highly recommended. Chairman Terry asked for more comments from the audience and Commission. There being none, the public hearing was closed.

4. Discussion and action on approving a conditional use permit application submitted by Tiffany Potter to locate and operate an infant childcare business at 510 W Janeaux St

Commissioner Hrubes made the motion to approve a conditional use permit application submitted by Tiffany Potter to locate and operate an infant childcare business at 510 W Janeaux St with the following conditions: 1.) All State of Montana requirements for infant childcare of up to 6 infants must be met to begin operating the childcare. 2.) The building at 510 W Janeaux Street must be deemed qualified by the Montana Department of Public Health and Human Service for licensure. 3.) The building shall be inspected for fire and other safety reasons by the Lewistown Fire Marshal and Building Inspector. All identified safety needs shall be implemented prior to operating the childcare. 4.) All Lewistown parking requirements in front of the building on both sides of Janeaux Street must be adhered to. No parking is allowed in the private parking lots located on either side of the building (SUS Furniture and Courtesy Motors). A plan for off-street parking is highly recommended and Commissioner Hewitt seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the clerk took a roll call vote with all being in favor of the motion.

5. Discussion on the City's process of property and/or liability claims. City Manager Phelps

Commissioner Terry explained that at the last meeting a claim was brought before the Commission. City Manager Phelps explained that depending on what it is property or liability claim they are typically routed through the City's insurance company. Once the insurance has done the research and all documentation has been provided the insurance company makes a determination on the claim. There is no fault sewer coverage in the amount of \$2,500. City Manager Phelps further explained that the City's purchasing policy allows expenses up to \$5,000 without a whole lot of bids and don't have to come to the Commission for approval until the expense is over \$15,000. Any deductibles are expensed out of the corresponding departments. City Manager Phelps stated it is the desire that with the specific claim from Ms. Lemmon to have some direction and it would be her recommendation to take action on the claim from Ms. Lemmon. Commissioner Terry verified that the amount is \$3,500. Ms. Lemmon answered yes and it was the only bid she was able to obtain. Commissioner Hrubes made the motion give the City Manager the authority to handle this situation that is satisfactory to both the City of Lewistown and Ms. Lemmon and Commissioner Buehler seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the clerk took a roll call vote with all being in favor of the motion.

6. 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 for the state funded City Park rest area maintenance program FY 2025 (Kiwanis Park public rest area)

City Manager Phelps stated that the agreement was included in the Commissioners packet and is an agreement that the City has done for many years. It is a great partnership with Kiwanis, who volunteer their time and service to maintain the rest area. City Manager Phelps explained that because the City doesn't have a rest area in the area the Department of Transportation offers this money as reimbursement for eligible costs. The costs include janitorial supplies, labor, utilities and ground maintenance to provide a clean and safe rest area. City Manager Phelps explained that the Kiwanis Club provides the City with receipts and then can reimburse those expenses up to \$6,980. Commissioner Spika made the motion to authorize the City

Manager to sign a memorandum of understanding between the Montana Department of Transportation and the City of Lewistown for the state funded City Park rest area maintenance program FY 2025 (Kiwanis Park public rest area) and Commissioner Day seconded the motion. Commissioner Buehler asked other than the date what is different with this agreement. City Manager Phelps answered it is the same agreement with a new date and amount. Commissioner Buehler asked if that was enough money. City Manager Phelps answered if there is money available then Kiwanis does concrete work or planting trees, if the grant does cover the all the expenses, then Kiwanis covers the excess. City Clerk Brummond explained that she works with a representative from MDOT and Kiwanis and the Kiwanis submits a budget and the MDOT funds what they can. Commissioner Buehler asked if the property is owned by the City. City Manager Phelps it is on airport property and located in the County. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the clerk took a roll call vote with all being in favor of the motion.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Hrubes asked when the estimated tax revenue for the TIF go into their budget. City Clerk Brummond answered that she receives tax money every month and it is posted to their fund monthly.

Commissioner Buehler asked if the stop signs near Lewis and Clark going to be made permanent. City Manager Phelps answered that once the construction is done at Lewis and Clark the signs on Birch Street will be removed.

Commissioner Buehler announced that on May 18th was the opening day for the soccer park. It was well attended and received a lot of compliments.

Commissioner Terry thanked Mr. Scotten for his service and wish him the best.

City Manager Phelps stated that SMDC has contacted her regarding the vacated spot on their board and think about what should be done. City Manager Phelps asked that it be put on the next agenda for an appointment. The annual meeting is coming up in June. Commissioner Hrubes and Spika expressed interest on serving on the SMDC board.

ADJOURNMENT

Chairman Terry adjourned the meeting.

Dated this 21st day of May, 2024.

KellyAnne, Terry, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk