

COMMITTEE OF THE WHOLE

MAY 5, 2025

6:00 PM

1. Update on Cemetery
2. Ordinance discussion
3. Sidewalk assistance policy
4. Tree removal policy

Citizen Participation

The Lewistown City Commission welcomes you to its public meeting. The Commission appreciates your participation and values your input in our decision-making process. Your input and suggestions are important to the Commission as we discuss important issues affecting all of us in Lewistown.

We ask that you silence your cell phone before the meeting begins and please refrain from using your cell phone during the meeting. Thank you.

The City Commission thanks public members for respectfully and courteously providing constructive and valuable information.

The Public is invited to speak on any issue under discussion by the Commission, after recognition by the presiding officer.

Public members who are recognized by the presiding officer shall:

- ***Stand***
- ***Give his/her name and address for the record***
- ***If applicable give the person, firm, or organization he/she represents***
- ***Address comments to the presiding officer and not to individual members or staff***
- ***Limit comments to the matter of fact listed on the agenda unless recognized in the 'Citizen Requests' portions***
- ***Keep comments brief to ensure adequate time for additional comment and commission business***
- ***Prepared statements are welcome and should be given to the Clerk of the Commission. Prepared statements that are also read, however, may be deemed unduly repetitious if they are lengthy. All prepared statements shall become part of the official record.***

In the event that there is a large number of people wanting to comment in a meeting or hearing, the presiding officer reserves the right to impose a time limit on comments to ensure adequate time for public comment and Commission business.

Impertinent or slanderous remarks towards city officials, staff or other members of the public, or other boisterous, disorderly or disruptive behavior during a Commission meeting are not permitted. Swearing, derogatory language, threats, personal attacks, heckling or similar behavior may be considered impertinent and/or disruptive. Any person exhibiting such behavior during the Commission meeting may be admonished to cease that behavior or risk being asked to vacate the Commission chambers. If such behavior continues after the admonishment, the presiding officer may request that person to vacate the Commission chambers, unless permission to remain is granted by vote of the Commission.

NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION, CITY OF LEWISTOWN, MAY 5, 2025 AT 7:00 P.M. AT THE CENTRAL MONTANA COMMUNITY CENTER LOCATED AT 307 W WATSON

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES – April 7, 2025 & April 21, 2025

COURTESIES

PROCLAMATIONS – Historic Preservation

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgment of the claims that have been paid from April 18, 2025 to April 30, 2025 for a total of \$159,394.55

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

1. Discussion and action on reappointing Dana Goodan to serve an additional three-year term on the City of Lewistown Police Commission (**Action: approve, disapprove or amend Police Commission appointment**) City Manager Holly Phelps
2. Discussion and action on approving a bid for the City Hall concrete project (**Action: approve, disapprove or amend bid for the City Hall concrete project**) 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 2

POLICE COMMISSION

SECTION:

2-2-1: Police Commission Established

2-2-2: Terms And Compensation

2-2-3: Examination Of Applicants For Police Force

2-2-4: Hearing And Deciding Charges Against Policemen

2-2-5: Charges To Be In Writing

2-2-6: Rights Of Accused Policemen

2-2-7: Police Commission Trials Open To Public

2-2-8: Subpoena Authority Of Police Commission

2-2-9: Decisions By Police Commission; Veto Power Of City Manager

2-2-10: Hearing Required Prior To Dismissal Of Policeman

2-2-11: Temporary Suspensions

2-2-12: District Court Review

2-2-1: POLICE COMMISSION ESTABLISHED:

The city manager shall nominate and, with the consent of the city commission, appoint three (3) residents of Lewistown who shall have the qualifications required by law to hold a municipal office therein and shall constitute a board to be known by the name of "police commission". (Ord. 1581, 5-7-1990; amd. Ord. 1663, 1-3-2000; Ord. 1664, 1-3-2000)

2-2-2: TERMS AND COMPENSATION:

(A) The appointees to the police commission shall hold office for three (3) years, and one such member must be appointed annually at the first regular meeting of the city commission in May of each year. However, a member serving on the police commission during a hearing or deciding of a case under section 2-2-4 of this chapter shall continue to serve on the police commission for that case until a decision has been made; a new member may not sit on the police commission for such business. (Ord. 1581, 5-7-1990; amd. Ord. 1664, 1-3-2000)

(B) The compensation of the members of such board shall be ten dollars (\$10.00) per day, not to exceed fifty dollars (\$50.00) per month for any month for each member. (Ord. 1581, 5-7-1990)

2-2-3: EXAMINATION OF APPLICANTS FOR POLICE FORCE:

It shall be the duty of the police commission to examine all applicants whose applications have been referred to the police commission as to their age, legal, mental, moral and physical qualifications and their ability to fill the office as a member of the police force. It shall also be the duty of the police commission, subject to the approval of the city manager, to make such rules regarding such examinations not inconsistent with this chapter or the laws of the state. (Ord. 1581, 5-7-1990; amd. Ord. 1663, 1-3-2000)

2-2-4: HEARING AND DECIDING CHARGES AGAINST POLICEMEN:

(A) The police commission shall have the jurisdiction and it shall be its duty to hear, try and decide all charges brought by any person or persons against any member or officer of the police department, including any charge that such member or officer:

1. Is incompetent or has become incapacitated, by age, disease, or otherwise is unable to discharge the duties of his office;
2. Has been guilty of neglect of duty, of misconduct in his office, or of conduct unbecoming a police officer;

3. Has been found guilty of any crime; or
4. Whose conduct has been such as to bring reproach upon the police force.

(B) It is the duty of the police commission, at the time set for hearing a charge against a police officer, to forthwith proceed to hear, try and determine the charge according to the rules of evidence applicable to courts of record in the state. (Ord. 1581, 5-7-1990)

2-2-5: CHARGES TO BE IN WRITING:

Any charge brought against any member of the police force must be in writing in the form required by the police commission, and a copy thereof must be served upon the accused officer or member at least fifteen (15) days before the time fixed for the hearing of such charge. (Ord. 1581, 5-7-1990)

2-2-6: RIGHTS OF ACCUSED POLICEMEN:

The accused shall have the right to be present at the trial in person and by counsel and to be heard and to give and furnish evidence in his defense. (Ord. 1581, 5-7-1990)

2-2-7: POLICE COMMISSION TRIALS OPEN TO PUBLIC:

All trials shall be open to the public. (Ord. 1581, 5-7-1990)

2-2-8: SUBPOENA AUTHORITY OF POLICE COMMISSION:

The chairman or acting chairman of the police commission shall have power to issue subpoenas, attested in its name, to compel the attendance of witnesses at the hearing, and any person duly served with a subpoena is bound to attend in obedience thereto. The police commission shall have the same authority to enforce obedience to the subpoena and to punish the disobedience thereof as is possessed by a judge of the district court in like cases; provided, however, that punishment for disobedience is subject to review by the district court of Fergus County. (Ord. 1581, 5-7-1990)

2-2-9: DECISIONS BY POLICE COMMISSION; VETO POWER OF CITY MANAGER:

(A) The police commission must, after the conclusion of the hearing or trial, decide whether the charge was proven or not proven and shall have the power, by a decision of a majority of the police commission, to discipline, suspend, remove or discharge any officer who shall have been found guilty of the charge filed against him. (Ord. 1581, 5-7-1990)

(B) Such action of the police commission shall, however, be subject to modification or veto by the city manager, made in writing and giving reasons therefor, which shall become a permanent record of the police commission; provided, however, that where and when the police commission decides the charge not proven, the decision is final and conclusive and is not subject to modifications or veto by the city manager or to any review.

(C) Where the police commission decides the charge proven, the city manager, within five (5) days from the date of filing of such findings and decision with the city clerk, may modify or veto such findings and decision.

(D) When a charge against a member of the police force is found proven by the board and is not vetoed by the city manager, the city manager must make an order enforcing the decision of the board or the decision as modified if modified by the city manager. Such decision or order shall be subject to review by the district court of Fergus County on all questions of fact and all questions of law. (Ord. 1581, 5-7-1990; amd. Ord. 1663, 1-3-2000)

2-2-10: HEARING REQUIRED PRIOR TO DISMISSAL OF POLICEMAN:

In no case shall any officer or member of the police force be discharged without a hearing or trial before the police commission as provided herein. (Ord. 1581, 5-7-1990)

2-2-11: TEMPORARY SUSPENSIONS:

The city manager or chief of police, subject to the approval of the city manager, shall have the power in all cases to suspend a policeman or any officer for a period not exceeding ten (10) days in any one month, such suspension to be with or without pay as the order of suspension may determine. Any officer suspended, with or without pay, is entitled to appeal such suspension to the police commission. (Ord. 1581, 5-7-1990; amd. Ord. 1663, 1-3-2000)

2-2-12: DISTRICT COURT REVIEW:

The district court of Fergus County shall have jurisdiction to review all questions of fact and all questions of law in a suit brought by any officer or member of the police force, but no suit to review such hearing or trial or for reinstatement to office shall be maintained unless the same is begun within a period of sixty (60) days after the decision of the police commission or order of the city manager has been filed with the city clerk. (Ord. 1581, 5-7-1990; amd. Ord. 1663, 1-3-2000)

BID DOCUMENTS
City Hall Concrete Project

1.0 PROJECT IDENTIFICATION:

(Name of Project)

City Hall Concrete Project

(Location)

305 W. Watson Street, Lewistown, Montana

2.0 THIS BID SUBMITTED TO:

Lewistown City Office

(Organization)

305 W. Watson St

(Street; P.O. Box)

Lewistown, Montana

59457

(City) (State)

(Zip Code)

3.0 CONTRACT:

The undersigned BIDDER proposes and agrees if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents, to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Prices and within the Contract Time indicated in this Bid and in accordance with the Scope of Work and Project Specifications.

4.0 BID TO REMAIN OPEN:

BIDDER accepts all of the terms and conditions of the Advertisement or Invitation to Bid, and Instruction to Bidders, including without limitation those dealing with the disposition of Bid Security. This Bid will remain subject to acceptance for sixty (60) days after the day of Bid opening. BIDDER will sign and submit the Agreement with the Bonds and other documents required by the Bidding Requirements within fifteen (15) days after the date of OWNER'S Notice of Award.

5.0 SUBMITTING THE BID:

In submitting this Bid, BIDDER represents, as more fully set forth in the *Agreement*, that:

5.1 BIDDER has examined copies of all Bidding Documents.

5.2 BIDDER has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

BID DOCUMENTS
City Hall Concrete Project

- 5.3 BIDDER has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests and which pertain to subsurface or physical conditions at the site or otherwise may affect the cost, progress, performance or furnishing of the Work as BIDDER considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigation, explorations, tests, reports or similar information or data are or will be required by BIDDER for such purposes.
- 5.4 BIDDER has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.
- 5.5 BIDDER has given OWNER written notice of all conflicts, error or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by OWNER is acceptable to BIDDER.
- 5.6 This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group,, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.
- 5.7 The BIDDER certifies that no official of the OWNER or any member of such officials' immediate family has direct or indirect interest in the pecuniary profits or Contracts of the BIDDER.
- 5.8 The sealed bids must be received by the City Clerk no later than May 5, 2025, at 1 pm. Bids will be opened and read aloud by the City Clerk at 1:05 pm on May 5, 2025 at the City Office located at 305 W Watson St Lewistown MT 59457.
- 5.9 There will be an optional pre-bid walk through on April 30, 2025, at 11:00 am at the City Hall, 305 W. Watson, Lewistown Montana.
- 5.10 **Bid Security** Bidder will furnish a 10% bid security upon which the contractor has placed a bid. The security may be by bond by a licensed surety company, by cash, or defined negotiable bank instruments.
- 5.11 **Performance Security** Bidder will furnish Performance and Labor & Material Payment Bonds for 100% of the total Bid price.
- 5.12 **Prevailing Wages** will be paid on this project per the attach prevailing wage rates include

BID DOCUMENTS

City Hall Concrete Project

fringe benefits, for each job classification that will be paid; b) a requirement that payroll records be maintained by employer for not less than 3 years after the completion of work.

- 5.13 **Contractor Liability Insurance** is required for this project. The contractor must provide certificates of insurance or binders showing coverage for commercial general liability and automobile insurance with policy limits of not less than \$1,500,000 per occurrence and \$750,000 per claim. The contractor's insurance coverage must name the City and the engineer as an additional insured.

6.0 **CONTRACT TIME:**

BIDDER agrees that the Work will be substantially complete and ready for final payment in accordance with the General Conditions after date of Notice to Proceed.

Unless otherwise granted work will be completed within (120) calendar days **after** owner has notified bidder to proceed, estimated start date to be no sooner than May 1st, 2025, nor any later than June 30th, 2026.

7.0 **BID REJECTION:**

The OWNER reserves the right to reject any or all Bids.

BID DOCUMENTS
City Hall Concrete Project
Scope of Work

These Items are the scope of the project and can be discussed further at the walk-through. This project includes the removal and replacement of all curb and gutter on the south-side of the 300 block of West Watson Street. A six-foot concrete accessible sidewalk will also be constructed along this side of the street. Two accessible entrances into City Hall will be constructed. The concreted driveway from the Fire Department to Watson Street will also be replaced as part of this project.

Project Specification

- 1) Remove existing curb, gutter, sidewalk, and concrete driveway along the 300 block of Watson Street in front the City Complex. The City of Lewistown will allow concrete to be hauled to their concrete pile at their Marcella lot. Phasing for concrete replacement will be discussed in more detail at the pre-bid meeting, but one entrance to City Hall must be maintained at all times. This building is open 24 hours a day 365 days a year. Also, the schedule for replacement of the Fire Department driveway must approved by the Fire Chief prior to any work being done.
- 2) Curb and Gutter shall meet the City of Lewistown's design standards. Storm drain inlets at 3rd Avenue and 4th Avenue and Watson will also be required to be reset as part of this project. If the inlets need to be replace they will be provide by the City of Lewisown.
- 3) Sidewalks will be 6 feet wide and should meet ADA. Please reference Lewistown design standards for more detail.
- 4) The entrances to City Hall must meet ADA but can be reconfigured. A single entrance into the Police/Fire department is desired but it must meet ADA. These entrances will be a minimum of 5 feet wide. The City of Lewistown will be responsible for moving and replacing the bell and any sprinkler lines that interfere with construction of this project. Designs of these entrances must be approved by the City of Lewistown prior to construction. Grass areas will be backfilled and seeded as part of the project.
- 5) The driveway at the Fire Department shall be 8 inches of concrete with #4 rebar 18 inches on center. The scheduling of this removal and replacement must be approved by the Fire Chief prior to any work being done. The slope of this driveway is currently problematic and this construction cannot make the slope of this driveway any steeper than the existing driveway. The driveway slope must be approved by the City of Lewistown prior to pouring concrete.
- 6) Overlay of the south half of Watson Street shall be included in this project. The pavement depth must be at 4 inches at all locations included in this project. The overlaying of existing asphalt is allowed, but the minimum depth of milling and overlay shall be 1 inch.

BID DOCUMENTS
City Hall Concrete Project

All work shall comply with the City of Lewistown's Design Standards or Public Works Standards

BID FORM

PROJECT: *City Hall Concrete Project*

TO: City of Lewistown, 305 W. Watson Street, Lewistown MT 59457

BID FROM: _____

I have received and fully reviewed the Contract Documents for the City Hall Concrete Project. I have also received **Addenda Nos.** _____, and have included their provisions in my Bid. I have examined the documents and submit the following Bid for:

In submitting this Bid, I agree:

1. To hold my bid open sixty (60) consecutive calendar days.
2. To enter into and execute a Contract, if awarded on the basis of this Bid and to furnish all bonds if required, and insurance required by the bidding documents.
3. To accomplish the work in accordance with the Contract Documents.

This bid must be submitted to City of Lewistown before the noted date and time in the bid documents. Please see the "Bid Package Descriptions" for Scope of Work and all the Project Specifications.

Respectfully Submitted:

Date: _____

By: _____

Contractor

Signature

Title

Email Address:

Business Address

Montana Public Contractor's License No.

BID DOCUMENTS
City Hall Concrete Project

City Hall Concrete Project

Bidder will perform Work as detailed and described in the Project Scope and Specifications, for the lump sum price of:

_____ Dollars

(\$ _____)

Bidder will furnish Performance and Labor & Material Payment Bonds for 100% of the total Bid price.

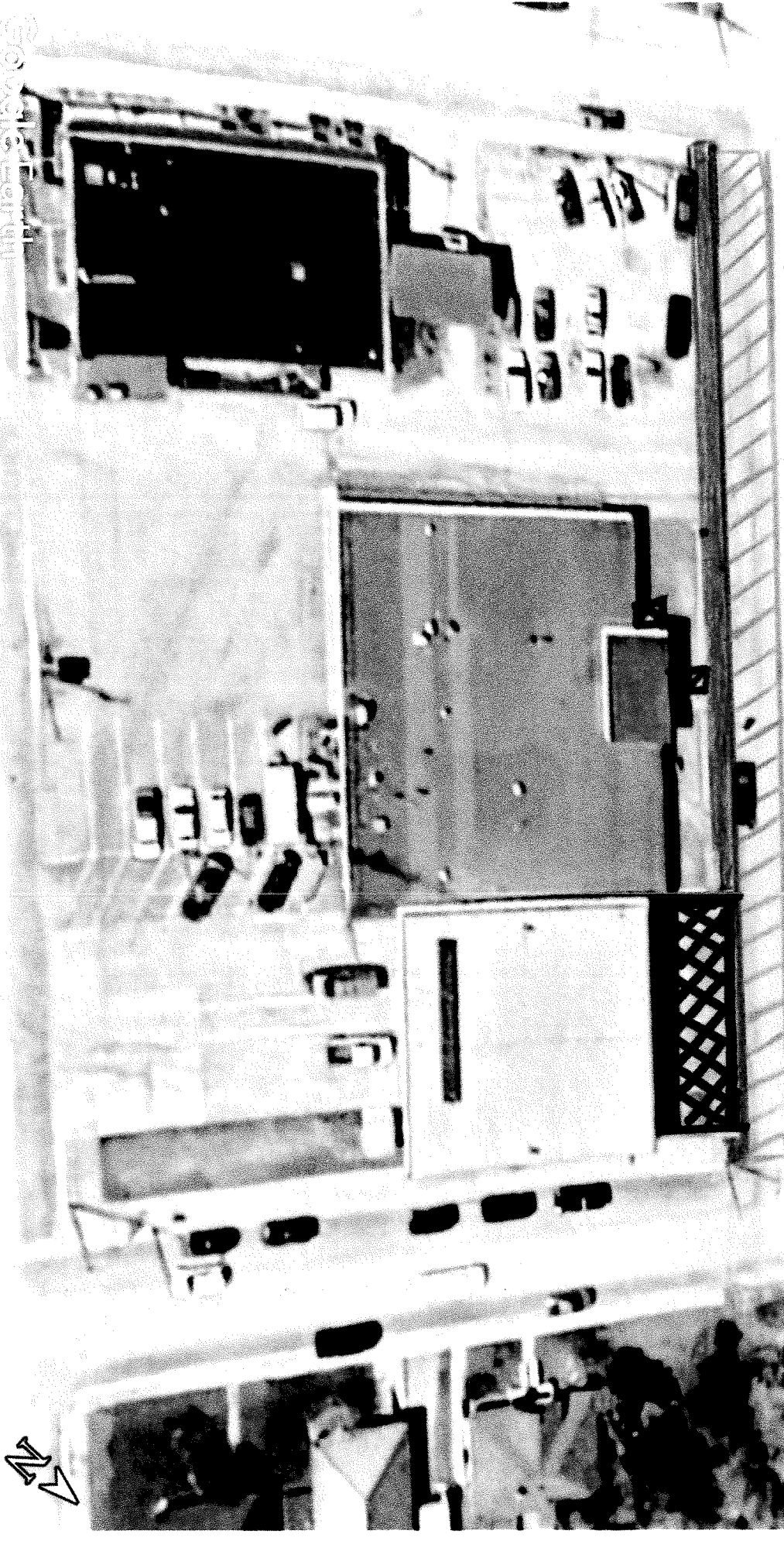
City Hall Concrete Project

April 2025



Legend

-  ADA Sidewalk
-  Curb & Gutter
-  Accessible Entrance
-  Reinforced Driveway
-  Pavement replacement



Google Earth

Image © 2025 Airbus

