

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON MAY 6, 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

Chairman Terry commented that she announced at the Committee of the Whole that Commissioner Dave Scotten has submitted a letter of resignation. Chairman Terry stated that she has visited with him and he is okay, but has decided to do this for health and personal reasons. 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.

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

APPROVAL OF MINUTES

Chairman Terry stated that without objection and based on the corrections the Special Meeting on April 8, 2024 and April 15, 2024 minutes are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hrubes reported that the Fergus County Health Board met April 23rd. Commissioner Hrubes stated that the health nurse and family planning gave reports. Commissioner Hrubes explained that was discussion regarding twice a week sampling of wastewater for communicable diseases. City Manager Phelps reported that since COVID wastewater has been sampled and the State Department of Health and Human Services has offered to continue testing and expand the test to include influenza and norovirus. City Manager Phelps commented that the City will partner with the health department to get the samples to the hospital to be tested at the State lab. Commissioner Hrubes reported that a gentleman at the meeting was requesting putting in a septic system in the floodplain for a couple of motorhomes. Commissioner Hrubes explained that it was agreed that the gentleman would need to have a 1,500-gallon

holding tank and would allow that, which is through the district sanitarian. Commissioner Hrubes reported some other facts were there were 28 cases of covid with one hospitalization, 72 cases of influenza with two of those were hospitalization and no animal bites this time. City Manager Phelps reported that she was notified that the sanitarian in training has resigned and this leaves the county without a sanitarian.

Commissioner Buehler reported that the Library Board has not met for the month of May. Commissioner Buehler commented that the Author Dinner is this Wednesday, and there are still tickets available. The author is Russell Rowland and writes about Montana history.

Commissioner Terry reported that the Central Montana Foundation (CMF) met on April 23, 2024. Commissioner Terry was unable to attend the meeting, but there were a lot of grant requests that were approved. The CMF is in the middle of reviewing scholarships. Some of the groups that received grant funding were: Boy Scout Troop 1360, CMMC Auxiliary does a scholarship and they requested the money be released for the upcoming award, Fergus Petroleum County 4-H is sponsoring a horse clinic, Lewistown Area of Chamber of Commerce for 4th of July fireworks, FHS Business Professionals of America, Moore Business Professionals of American and the Moore FCCLA, Standford had a park and play ground equipment project. The annual meeting for the CMF is May 28th at the noon at the Yogo Inn.

Commissioner Terry explained that during the committee of the whole it was discussed that the May 20, 2024 Commission meeting be moved from May 20th to May 21st. There will be several commissioners absent. Commissioner Hewitt made the motion to approve moving the Commission meeting on May 20th to May 21st 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 motion passed unanimously.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

A Municipal Summit is scheduled in Lewistown on June 4th from 9 am to 4 pm. The summit will take place in the Training room of City Hall and lunch will be provided. Join experts from the League of Cities and Towns, MMIA and MSU Local Government Center for a free education workshop. The information is attached and if you are interested in attending, please let the City Clerk or myself know that we can get you registered.

This year's summer reading program begins June 4th. This year's program is titled "Adventure begins at your Library." There will be an adult and children's program again this year. Make sure to stop by the Library to sign up.

The City Manager has met with the general bargaining unit, Montana Federation of Public Employees (MFPE), which includes Public Works, Library, Civic Center and the City Office. The contract is currently being negotiated and have come to a tentative agreement. The City Manager is hoping to have it before the Commission in June.

Pool pass and swimming lesson sign up will be held at the Civic Center on May 28th and 29th from 3 to 6 pm.

The Library is once again hosting an Author dinner. Russell Rowland will be this year's featured author. This event is scheduled for May 8th at the Elks Club and dinner begins at 6 pm. There are still a few tickets available so if you are interested in attending, please contact the Library for more information.

The Civic Center is transitioning to summer hours, as the weather warms up the Civic Center slows down. Beginning this month the Civic Center will not be open on the weekends and will close a little earlier. The Civic Center calendar can be found in the newspaper, Facebook or posted at the Civic Center.

After a lot of deliberation, the Police Department has elected to retire K-9 Officer Shark. His accuracy was not great and with the availability of other drug dogs in the area, we feel it is the best solution for everyone. Shark will be staying with his handler.

Commissioner Buehler asked how to access the new pickleball courts that are sometimes locked. City Manager Phelps answered that they are not going to lock the courts any more and are working on signage.

PUBLIC COMMENT – non agenda item

Ms. Robin Lemmon, 194 Castle Ridge Drive, addressed the Commission explaining her and her husband purchased the house in 2022. Ms. Lemmon stated that she sent a letter to the Commission about a year ago and the City Manager did reply. Ms. Lemmon explained that she caught the surveyor trespassing on her property and someone had been on their property with a dozer or something and tore up their back yard. Ms. Lemmon contacted her realtor to show her where her property lines are located. The surveyor did show up while they were looking at the property lines and Ms. Lemmon asked if he could tell her what was going on. The surveyor answered yes, and showed her the book of the plans for the City building that was to be located in their back yard. Ms. Lemmon told the surveyor that was great but it was her property. Ms. Lemmon commented that she received no letter, phone call or knock on the door regarding this project. Ms. Lemmon explained that the City Manager told the contractors and surveyors that the City purchased the property from the Lemmon's that is not true. Ms. Lemmon stated that she tried to get three bids from different contractors, but since it is a small project, she was only able to get one bid. Ms. Lemmon provided a letter and pictures to the Commission. Ms. Lemmon stated that all she asks is to be treated fairly. Ms. Lemmon further stated that the damage is paid for. Ms. Lemmon stated that she did send a certified letter and was signed for by someone in the City Office, but she never got a reply. City Manager Phelps explained that there is additional work that needs to be done to remove the old pump building. Ms. Lemmon stated that building is not on our property so that is not a problem. City Manager Phelps stated that the City's contractor is the one that damaged the property. Ms. Lemmon explained that the contractor dug down a foot deep and dug up water lines to the City pump and there is more damage than you think. There was discussion regarding the damage to the yard. Ms. Lemmon commented that she could probably hire someone to fix it, but doesn't think she should have to and thinks the City should pay for it. Ms. Lemmon further stated that the City trespassed on their property and for the record you should get permission from a property owner or at least talk to them. Ms. Lemmon commented that bullying your way on property is not appreciated. City Manager Phelps stated that the City does not dispute doing the work it is just the timing of the repairs and it was our contractor that did the damage. Ms. Lemmon stated she would like to hire her own contractor and the City to pay the bill. Ms. Lemmon stated the bid is for \$3,500 to haul in soil and level it out and does not include seeding and the only bid she was able to get was from Besel construction. Commissioner Terry explained that this is not something that can be decided on right now. City Manager Phelps explained that it is within the City's purchasing policy, just get the City a bill and we will get it paid. City Manager Phelps asked if Ms. Lemmon would like to be notified when the building will be torn down. Ms. Lemmon answered that would be nice. Commissioner Terry asked how do we normally handle an issue like this. City Manager Phelps answered that depending on the situation the City sometimes just takes care of it. Commissioner Terry stated that this item will be on the next agenda for action and take care of the issue for Ms. Lemmon. Ms. Lemmon stated that she would like to confirm the bid she has and bring it back to the Commission.

Ms. Sherry Johnson stated that when she left for the warmer climate and was worried about the possibility of a warming shelter coming into this area. Ms. Johnson commented that she tried to keep up to date on the warming shelter issue. City Manager Phelps explained that the City has not received any applications for any such efforts and believe that Shelter Solutions will continue with running it out of Saint James Episcopal Church. Commissioner Terry stated that if a warming shelter was going to be located in the City limits of Lewistown it would have to come before the Commission for a conditional use permit.

CONSENT AGENDA

Commissioner Buehler made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from April 12, 2024 to April 30, 2024 for a total of \$139,858.39

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

1. Discussion and action on reappointing Tyler Thomas to serve an additional three-year term on the City of Lewistown Police Commission

City Manager Phelps stated that Tyler Thomas has been a valuable member of the Police Commission. The Police Commission is organized under state statute and one of the duties is to help with the hiring of Officers. City Manager Phelps reported that he is a brand inspector and he and his wife recently purchased the bowling. Tyler and his wife are active members in the community. Commissioner Spika made the motion to approve reappointing Tyler Thomas to serve an additional three-year term on the City of Lewistown Police Commission and Commissioner Buehler seconded the motion. Commissioner Terry asked how many terms Tyler has served. City Manager Phelps answered one term this will be his second term. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the clerk called for a roll call vote with all being in favor of the motion.

2. Discussion and action on entering into a construction and maintenance agreement for a project on a portion of 1st Ave N between the Montana Department of Transportation and City of Lewistown and authorizing the City Manager to sign the agreement

City Manager Phelps explained that this is the standard Department of Transportation agreements when doing work within the City limits. Sometimes a part of their project overlaps with a project of the City of Lewistown. City Manager Phelps stated that this particular project is ADA improvements, sidewalks along 1st Ave S. City Manager Phelps explained further the pertinent parts for the City is the sidewalk maintenance and sidewalk repair. The City would be agreeing to, that through the enforcement of local ordinances the City requires people to maintain their sidewalks within the project limits. This is nothing different than what is currently done throughout the City. Commissioner Spika made the motion to approve entering into a construction and maintenance agreement for a project on a portion of 1st Ave N between the Montana Department of Transportation and City of Lewistown and authorizing the City Manager to sign the agreement 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 called for a roll call vote with all being in favor of the motion.

3. Discussion and action on authorizing the City Manager to enter into and sign an agreement between the Kiwanis Foundation and the City of Lewistown

City Manager Phelps explained that the City received this from the local Kiwanis club, who are in the process of applying to the Kiwanis Foundation of Montana for matching grant funds in the amount of \$10,000 that can be used for playground equipment at the soccer complex. Commissioner Buehler asked if there is a cost to the City. City Manager Phelps answered no, but would caution the Commission that \$20,000 will not go very far with the purchase of playground equipment. City Manager Phelps stated that every little bit helps. Commissioner Hrubes asked why the school district is listed at the bottom of page one. City Manager Phelps answered she doesn't know, but will make it is corrected prior to signing the agreement. Commissioner Buehler made the motion to authorize the City Manager to enter into and sign an agreement between the Kiwanis Foundation and the City of Lewistown, with the correction listing the City of Lewistown instead of School District 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 called for a roll call vote with all being in favor of the motion.

CITIZENS' REQUESTS

Ms. Katherine Sears, News Argus, reported to the Commission that this is her last meeting. She is taking a new position at the DNRC.

COMMISSIONER'S MINUTE

Commissioner Buehler reported that she was informed by a local citizen that at the soccer park currently the City property is being used as a storage facility. The items stored are fencing, old equipment and other materials. Commissioner Buehler stated that there is an understanding that the City will be taking over the care of the soccer park going forward. Commissioner Buehler commented that the local citizen wanted to make sure the soccer club cleaned it up prior to the City taking over. City Manager Phelps answered that the citizen stopped and talked with her at the City office. The message has been relayed to Park and Recreation Director Lisa Langbehn and she will work with the soccer association to clean it up. City Manager Phelps explained that she is currently working with the soccer association to get the proper paperwork in order to make the transfer.

Commissioner Buehler reported that a citizen in her ward has informed her regarding multiple sewage back ups into their house. It has been identified as a infrastructure problem as opposed to a person problem. The citizen is working to get this worked out with the City and the claims process and let Commissioner Buehler know it has been very slow process. City Manager Phelps commented that one she is aware of the residents are waiting for the camera-ing of lines, which has not happened yet. Commissioner Terry commented what does that mean. City Manager Phelps answered that a company comes in and run a camera through the private line and the City line. Commissioner Buehler stated that what has been expressed is the process with the City was very slow and periods of non-responsiveness. Commissioner Buehler further commented that concern is something as a City we can work on to make we are working with citizens in a timely manner and keep the line of communication open. City Manager Phelps stated that she knows the documentation was turned over to the insurance very quickly, but do not know how lengthy the insurance company process is.

Commissioner Hrubes stated that we hear a lot about timeliness and he visited with the City Manager and she brought up a good point that the City is trying to hire employees and no one wants to apply. Commissioner Hrubes stated that there is a lot stuff that needs to get done. Commissioner Hrubes commented that he knows people want things done now or sooner and not sure how to address the facts

that we have positions open and not getting a lot of applicants. Commissioner Terry commented that it is not just the City. City Manager Phelps commented that it is very cyclical, the fire, police and dispatch departments are fully staffed. Public Works have applications for the cemetery care taker and streets.

City Manager Phelps reported that the City Building Inspector is officially certified.

Commissioner Hewitt reported that the guy on the corner has straightened up his fence and it looks like now he is going to extend his fence. City Manager Phelps answered that she will reach out to him, because he was told to cease and desist.

Commissioner Terry reported on the letter from Mr. Kevin Myhre asked for the bids to go out for the trails paving project. The Friends of the Trails got a grant are needing the bids to go out in order for them to complete their project. City Manager Phelps explained the bid package is completed and will be soliciting bids, because the cost is \$70,000 so per the purchasing policy does not require a formal bid for anything below \$80,000.

ADJOURNMENT

Chairman Terry adjourned the meeting.

Dated this 6th day of May, 2024.

KellyAnne Terry, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk