

A REGULAR COMMISSION MEETING OF MAY 6, 2019 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Turk called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Byerly, Doney, Dunnington, Hewitt, Loomis, Oldenburg and Turk.

APPROVAL OF MINUTES

Commissioner Loomis made the motion to approve the April 15, 2019 with corrections and Commissioner Oldenburg seconded the motion. The motion passed unanimously with Commissioner Hewitt abstaining.

PROCLAMATIONS

Chairman Turk read the following proclamation:

**A PROCLAMATION OF THE LEWISTOWN CITY COMMISSION
DECLARING MAY 2019 AS HISTORIC PRESERVATION MONTH**

WHEREAS, Historic Preservation endeavors to protect, conserve, and preserve buildings, places, and other artifacts of historical significance for the benefit of present and future generations; and

WHEREAS, Historic Preservation is an effective tool for maintaining growth and sustainable development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, Historic Preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, 2019 marks the 53rd anniversary of the National Historic Preservation Act which established the legal framework and incentives for the documentation and preservation of historic buildings, places, and other artifacts; and

WHEREAS, The City of Lewistown is hosting the Historic Resources Commission's annual awards ceremony on Wednesday, May 22, 2019 in honor of National Historic Preservation Month and the 53rd anniversary of the National Historic Preservation Act.

NOW, THEREFORE, BE IT RESOLVED that the Lewistown City Commission does proclaim May 2019 as National Historic Preservation Month and call upon the people of Lewistown to join communities across the United States in recognizing and participating in this special observance.

BOARD AND COMMISSION REPORTS

Commissioner Byerly reported that the Central Montana Health District will meet on May 16th. Commissioner Byerly stated that they have hired a sanitarian in training.

Commissioner Oldenburg reported that the Central Montana Foundation (CMF) met on April 23, 2019. The highlight of the meeting was a report from the Investment Advisors. Commissioner Oldenburg commented that there have been a lot of new fund applications and account requests. There were three grant requests for the meeting were for a total of \$5,500. One was denied, one was awarded \$300 and the last one received \$1,000. The CMF annual meeting is Tuesday, May 28th at noon at the Elks Club. The meeting is open to the public and reservations are encouraged. The regular monthly meeting will follow the annual meeting.

Commissioner Loomis reported that the Park and Recreation Board met on May 1st. There were three signs proposed for the East Fork Campground and the board approved the signage and they will be installed at the East Fork Campground area. The City leases in the East Fork area were discussed and be advertised in the next week. Commissioner Loomis reported that the City has applied for a recreational trail grant and the City was awarded \$20,000 for trails. The trees have been removed from Frank Day Park; the swimming pool is proposed to open June 3rd and the Friends of the Pool are looking into purchasing two more shade structures for the pool. The gym floor at the Civic Center is being sanded down and refinished and being paid for by the Recreation District fund.

Commissioner Doney reported that the Library Board met on April 18th. The Library budget is looking good, but the building maintenance may be over spent this year due to some unexpected building repairs. The boiler at the Library is having issues and will be looking at what can be done in the next budget year. The Library needs new windows and the Library Director is looking for funding through grants, but the maintenance of the building will need to be looked at this next year. Library Director has met with the County Commissioners and Community Council and both meetings went well. The Library Director is going to work on an interlocal agreement between the County and City regarding the Library. Commissioner Doney reported that the Library Director is looking at getting security cameras at a couple of locations in the Library. The Library Director is looking at internet options. The Assistant Police Chief was at the meeting to review the ordinance regarding weapons in public buildings.

Commissioner Doney reported that the weapons ordinance has been addressed and we are working on the open carry situations. The ordinance will address the public buildings, parks and

the pool. It is hoped to bring the ordinance for first reading at the next meeting. Commissioner Doney commented that speed limits were discussed. Commissioner Doney explained that currently the ordinance stated speed limit is when children present and that is a tough one to enforce.

Commissioner Hewitt reported that the Airport Board met in May 1st. The OshKosh snow blower is in need of repair and a compression test is being schedule to figure out what wrong with it. The FAA has informed the Airport Board that the other green snow blower must be painted yellow and are looking to get a bid to have that done. Commissioner Hewitt reported that WTI will not be renewing their lease and will be looking to lease or remove the buildings. Fish Wildlife and Parks have come to the Airport about options available to build a building. The Airport Board will be looking to get a Fireman certified on the ARF truck and will work to help get one Fireman certified. Commissioner Hewitt reported that a formal offer has been made to one of the Airport Manager candidates. The Airport Board is waiting to hear back from them.

Commissioner Dunnington reported that the City County Planning Board met on April 18th as the zoning commission and the zoning of the Castle Butte and Roundhouse Road areas were discussed regarding the zoning. Commissioner Dunnington was unable to attend.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The City Commission approved charging a fee for camping at East Fork. The Park and Recreation board has been working to get everything in place so that these fees will go into effect this summer. They have ordered improved signage and payment envelopes. Public Works will blade the roads and turn water on prior to Memorial Day. The Park and Recreation board is also scheduling a work night in mid-June and has ordered a couple of new picnic tables for the campground.

The City of Lewistown is currently accepting applications for seasonal positions. These positions include Cemetery, Parks and Street helpers. The applications are available at the Job Service or the City Offices.

The Public Works Department is heading into a very busy season. They have been working to maintain our existing infrastructure. You will see crews blading streets, filling potholes and cleaning or repairing water and sewer lines. They are also working on a list of potential street improvements to be done this season.

Construction is underway at the Creekside Marketplace and Pavilion. The lights have been installed and the contractor will soon begin construction on the restroom facility.

The City of Lewistown will once again place the parklet on Main Street. The Lewistown Downtown Association (LDA) agreed to continue the parklet program. They will select the location for the parklet. The LDA will work with local businesses interested in having the parklet located near their business. The City will apply for a permit from the Department of Transportation for the parklets use from Memorial Day to Labor Day.

The Lewistown Downtown Association had planned the downtown cleanup day for April 28th but due to the snow it has been rescheduled to June 2nd.

The Parks Department has begun preparing for the pool season. They are hoping to open the season on June 3rd. Staff has also been busy getting trees cleaned up and weeds sprayed in the various parks and along the trails.

PUBLIC COMMENT

Mr. Richard Battrick asked about Commissioners comment regarding weapons at the Library, when the Courthouse has a sign stating no weapons. Commissioner Doney answered that is the Courthouse is a County building and the ordinance we are talking about is addressing weapons in City parks, buildings and other public areas.

Mr. Gary Pegg addressed the Commission by asking if he could get some consideration regarding the alley between Morase and Pine. Mr. Pegg explained that the alley has a slope and this winter a car slid off the hill and then when the snow and ice thaws it runs into James Zarn's garage. Commissioner Doney asked Mr. Pegg if he had talked with the Department Head of that Department. Mr. Pegg answered that yes, they talked with Mr. JR Killham and were told the City doesn't do anything with alleys and so that is why they are here asking for consideration from the Commission. There was some discussion with cutting part of the hill in hopes of diverting some water. City Manager Phelps explained that the City can not divert water across private property. Commissioner Doney commented that this issue needs to be addressed with the City Manager and the Public Works Director. City Manager Phelps asked if they could leave the pictures and she will meet will look at what possibly could be done.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from April 11, 2019 to April 30, 2019 for a total of \$40,688.19.

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

1. Discussion and action on reappointing Brad Doney to serve a three-year term on the City of Lewistown Police Commission

City Manager Phelps explained that in accordance with State Code a member on the Police Commission must be appointed or reappointed. In this case Mr. Doney has expressed his willingness to serve another three-year term. Ms. Donna Byerly was in attendance and expressed her support of Mr. Doney serving another term. Commissioner Doney commented that code states a retired officer must serve on the Police Commission and that is the position Mr. Doney is representing. City Manager Phelps recommends the reappointment of Mr. Doney to the Police Commission. Commissioner Oldenburg made the motion to reappoint Brad Doney to serve a three-year term on the City of Lewistown Police Commission and Commissioner Byerly seconded the motion. Commissioner Turk asked for comments from the audience and

Commission. There being none, the question was called for and those voting in favor were Commissioners: Byerly, Dunnington, Loomis, Oldenburg and Turk. Commissioners Doney and Hewitt abstained.

2. Discussion and action on entering into a Montana Department of Commerce Coal Board Contract #MT-CB-CG-19-0853 and authorizing the City Manager to sign the agreement

City Manager Phelps explained that this was the Coal Board Grant that the City applied for quite some time ago. There were a couple of Coal Board meetings held to prior to awarding the grant. Several committee members attended a couple of the Coal Board meetings to testify on behalf of the Creekside Project. This grant will fund the completion of the restrooms at Creekside. City Manager Phelps commented that she recommends the Commission approve the agreement. Commissioner Doney made the motion to enter into a Montana Department of Commerce Coal Board Contract #MT-CB-CG-19-0853 and authorizing the City Manager to sign the agreement and Commissioner Dunnington seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

3. Discussion and action on approving Resolution No. 3992, a resolution providing for the annexation by petition of Lot 1B of the New Life Subdivision

City Manager Phelps explained that the New Life Subdivision is located east of town. City Manager Phelps explained that in 2009 the subdivision was platted and there were two lots. The lot closest to the highway was annexed at that time and the other lot remained in the County. City Manager Phelps further explained that the New Life Assembly of God is looking to build a new church in that subdivision and will be using both lots. Therefore, they are petitioning to annex Lot 1B of the New Life Subdivision. Commissioner Loomis made the motion to Resolution No. 3992, a resolution providing for the annexation by petition of Lot 1B of the New Life Subdivision and Commissioner Doney seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

4. Discussion and action on approving Resolution No. 3993, a resolution appointing a successor trustee to Lewistown Tourism Business Improvement District No. 1

City Manager Phelps explained that the Lewistown Tourism Business Improvement District (TBID) is made up of a representative from each of the hotels in the district. City Manager Phelps further explained that recently Ms. Phyllis Cantrell passed away and that Ms. Amanda Lipke has been nominated to serve as trustee to fill the remaining term. Commissioner Hewitt made the motion to approve Resolution No. 3993, a resolution appointing a successor trustee to Lewistown Tourism Business Improvement District No. 1 and Commissioner Dunnington seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

5. Discussion and action on approving a one-year agreement between Fergus County and the City of Lewistown for the City Attorney's office

City Manager Phelps explained that this is basically an interlocal agreement between Fergus County and the City of Lewistown to provide space for the half time City Attorney. This agreement has been in place for sometime and traditionally it had been tied to a fixed 3% increase annually. City Manager Phelps explained that there was a one-year extension and that it was asked that the increase be tied to CPI. City Manager Phelps stated that the City has been asked to contribute funds toward a new copier and it is estimated that the City Attorney's use of the copier is a 1/3. The other change is the City will pay for half of the attorney's bar dues. City Manager Phelps explained that this is a year to year contract, but with sixty day notice it can be changed or modified at that time. City Manager Phelps further explained that one of the reasons for one year is that the City Attorney is looking at retiring in the near future which could change the dynamics of the agreement.

Commissioner Doney made the motion to approve a one-year agreement between Fergus County and the City of Lewistown for the City Attorney's office and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

City Manager Phelps explained that we are still having issues with the City Court and Judge Mantooth has served the City and filed a judgement against the City. City Manager Phelps commented that she is waiting for a date to move forward with the issue.

Commissioner Doney reported that the reason for the City's ordinance on feral cats is based on State code.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 6th day of May 2019.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk