

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON JANUARY 18, 2022 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Doney called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Day, Doney, Hewitt, Hrubes, Scotten, Spika and Terry.

APPROVAL OF MINUTES

Chairman Doney stated that without objection and based on the corrections the January 3, 2022 minutes are approved.

COURTESIES

There were none,

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Day reported that she attended the Park and Recreation Board meeting on Wednesday, January 5th. New business discussed was possible stage enhancements at Creekside allowing for more variety of usage with events, concerts and productions. The Civic Center and Pool fees will be need to be addressed as will the swimming pool wages due to the minimum wage increase from \$8.75 to \$9.20. The Lewistown Ice Skating Association gave an update on the tournaments and scrimmage at the rink. The Civic Center has a full schedule with volleyball leagues, basketball season and more. The trails are currently clear of winter weather and soon signage will be discussed to mark areas of high traffic and visibility. The next Park and Recreation meeting is scheduled for February 2nd at 7 pm at the Civic Center.

Commissioner Hewitt reported that the Airport Board met on January 5th and she attended by phone. Commissioner Hewitt reported that the pilots lounge new heater was finally installed and it is working great. The FAA will be meeting in Helena this month and the Airport did get some grant money to help repair the runways and taxiways. The weather cameras are here and waiting to be installed.

Commissioner Scotten reported that the first Snowy Mountain Development Corporation meeting will be held February 16th. Commissioner Scotten also stated that he stopped by their office and introduced himself.

Commissioner Hrubes reported there has been no meeting for the City County Health Board.

Commissioner Terry reported that the Central Montana Foundation will be meeting on January 25, 2022.

Commissioner Doney reported that the next Library Board meeting will be January 20th.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The City of Lewistown has several board openings on the following boards: City County Planning, Historic Resource Commission, and one seat on the Board of Adjustments. If any of the Commissioners know someone that may be interested in serving on one of these boards, please have them get ahold of the City Manager. Also, they can fill out the form that is located under Forms and Applications page on the City's website. (www.cityoflewistown.com)

Several trees have been removed recently from Frank Day Park. This is being done as part of a statewide Department of Natural Resources and Conservation (DNRC) grant to remove hazardous trees. Three large elms and an ash tree have been removed.

There has been revived interest in addressing the challenges and opportunities for housing in our area. The Port Authority has a housing group that is now looking at these issues. A Lewistown Housing Coalition originally planned on putting on a Housing Summit in March of 2020, but was canceled due to COVID.

The Department of Natural Resources and Conservation (DNRC) is currently accepting Public Comments on the draft amended adoption of existing environmental review for the Central Post and Treating Company site. The full advertisement is attached and will be published in the News Argus. Comments must be received by the DNRC by 5 pm on January 24, 2022. Included in the Commission packets was a brief history on this clean up project.

The Central Montana Perch Derby is being held at East Fork Dam on January 15-16, 2022 from 8 am to 2 pm.

Upcoming educational opportunities:

The City will be hosting a Commissioner training January 24th from 4 to 6 pm. This training will be conducted by Dan Clark from Montana State University Local Government Center. This training will be held at the Council on Aging.

The Local Government Center is offering a Fundamentals of Montana Municipal Government class January 24th through March 3, 2022. During this course, participants will study the foundational elements of local government, including its purpose, laws, best practices and much more. It is a great opportunity for both new and experienced officials. Please let City Clerk Nikki Brummond know if you are interested in attending.

PUBLIC COMMENT – non agenda items

Mr. Brandon Beriault addressed the Commission stating he has a concern regarding federal government bureaucracy and bureaucrats. Mr. Beriault stated that his concern that we tend to let them tell us what to do. Mr. Beriault commented that the Commission is the on board of the City of Lewistown, Montana and somehow, we allow the DEQ and EPA to give all of these mandates and directives. Mr. Beriault stated

his concern is freedom and liberty and when we pledge allegiance to the flag, he wonders what that really means. Mr. Beriault commented that he doesn't want to pledge allegiance to the flag, but want to be in allegiance with the principal founding fathers, the decivilization of power and the decentralization of government and giving it back to the locals. Mr. Beriault commented that we continue to brag on the sign east of town stating we have the greatest water, but we are disinfecting that water. Mr. Beriault stated there should be some honesty and integrity with regards to that sign. Mr. Beriault finalized by saying that is why he will not say the pledge of allegiance to the flag with the Commission because he does not feel they meant it.

CONSENT AGENDA

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Hrubes seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from January 1, 2022 to January 13, 2022 for a total of \$65,929.09

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on approving the Water System Improvements Project, Task order two for the design phase of the project

City Manager Phelps explained that Mr. Brad Koenig, Robert Peccia and Associates, is on zoom if any of the Commissioners have questions about task order number two. City Manager Phelps explained that in 2018 the City of Lewistown put together a request for qualification for engineering services. The City solicited proposals from engineers across the state. City Manager Phelps further explained that the city interviewed four different firms and Robert Peccia was selected at that time, this process is in line with the City's purchasing policy and some of the requirements from grant boards. The City entered into Task Order one some time ago and now as part of the project, we are ready to enter into Task order two and three. This task order is the design portion of the water systems improvements project, the amount is estimated at \$280,000. Commissioner Terry asked where this expense was located in the City's budget. City Manager Phelps replied that it is in the budget as a whole amount and this amount is listed in the total project budget. It is expected that the majority of this work will not be done until the next budget year. Commissioner Terry made the motion to approve the Water System Improvements Project, Task order two for the design phase of the project and authorizing the City Manager to sign the agreement and Commissioner Hewitt seconded the motion. Commissioner Doney asked for comments from the audience and Commission. There being none, the question was called for and those Commissioners voting for the motion were: Day, Doney, Hewitt, Scotten, Spika and Terry. Commissioner Hrubes voted against.

2. Discussion and action on approving the Water System Improvements Project, Task order three for the funding administration of the project

City Manager Phelps explained that is project task order three and is for the funding and administration of the project. This outlines what Peccia will be doing with regards to any grants, starting up projects and submitting any necessary documents for the project. The estimated amount is \$59,000, which is less than what was initially anticipated. Commissioner Hrubes made the motion to approve the Water System Improvements Project, Task order three for the funding administration of the project and authorizing the City Manager to sign the agreement and Commissioner Spika seconded the motion. Commissioner Day asked why the estimates are coming in lower. Mr. Koenig answered that there are several reasons. One of the reasons is some of the estimates are just that estimates and Peccia has been working with the City of Lewistown's water system for so long they are able to do a better cost estimate, secondly there are several different projects that are being done and there is some savings to the City. The final reason is

that their surveying that had been done in the past was able to be used instead of having to do more. Commissioner Doney 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 a business license for Redkey Refrigeration

City Manager Phelps explained that as part of the City's business license codes require certain licenses come before the Commission for approval. The licenses are mechanical, plumbers and electricians and are required to provide proof of a surety bond. City Manger Phelps stated this contractor has been hired by the Yogo to do some work and recommend approval. Commissioner Hewitt made the motion to approve the business license for Redkey Refrigeration and Commissioner Day seconded the motion. Commissioner Doney 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 confirming the City Manager's reappointment of Jean Collins to the Library Board of Trustees for an additional five-year term

City Manager Phelps explained that included in the Commissioner's packet is a letter from Ms. Jean Collins stating she would like to serve another five-year term on the Library Board of Trustees. City Manager Phelps commented that she has been a valuable member and recommends the Commission confirm her reappointment of Ms. Collins to the Library Board. Commissioner Doney stated that she has worked with Ms. Collins on the Library Board and would appreciate her serving another term. Commissioner Terry made the motion to approve the confirm the City Manager's reappointment of Jean Collins to the Library Board of Trustees for an additional five-year term and Commissioner Spika seconded the motion. Commissioner Doney 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 accepting the letter of intent to purchase the property located at 301 W Broadway from Your Montana Days, LLC

City Manager Phelps gave some background on the property. City Manager Phelps explained that the mini mall portion of the power mercantile building was an addition to the structure. There actually was no interior walls on the property lines and it is three stories. The City acquired the property through a tax deed process in late 2017. The City has followed a formal process to advertise the sale of the building. City Manager Phelps explained that because it is a historical building it was not required to be sold for market value. City Manager Phelps explained that criteria that was used to evaluate the request for proposals of the building. The six criteria that were determined were as follows: monetary offer, proposed use of the building, benefit of proposed use to the downtown and to its patrons, financial means of the proposed buyer purchase, maintain and care for the building over time, responsiveness of the buyer to the requirements of the RFP and any other factors affecting the best interests of the City. City Manager Phelps stated she has shown the property to several different parties, but basically the building has been locked up over the last decade. City Manager Phelps stated that prior to going through the RFP process a phase II environmental site assessment was completed and SMDC was able to facilitate that assessment. City Manager Phelps stated that before the Commission is a letter of intent to purchase the building in the amount of \$75,000. The purchasers are Your Montana Days, LLC, which is Doug and Loraine Day. Mr. Doug Day commented that one of the plans is a music program, expanding the Main Street Treats for indoor seating. Mr. Day hopes they can partner with the High School for a starter business program. Commissioner Hrubes made the motion to accept the letter of intent to purchase the property located at 301 W Broadway from Your Montana Days, LLC and Commissioner Hewitt seconded the motion. Commissioner Day stated that she needs to publicly recuse herself from the vote. Commissioner Doney

asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously, with Commissioner Day recusing.

CITIZENS' REQUESTS

Mr. Richard Battrick asked about the past appointment to the City County Planning Board and asking if a recommendation can be made at the Commission meeting and those willing to volunteer must be in the room to be appointed to the board they are volunteering for. Commissioner Doney stated that she does not know any way the Commission can make that happen.

COMMISSIONER'S MINUTE

Commissioner Spika asked if the health board was still looking for volunteers. City Manager Phelps answered there are currently six applicants and are all from the medical profession. There will be an interim health board for now.

Commissioner Hrubes stated that he received a letter from Ms. Kay Anderson and read the following: Pure water like we have always had is rare and we need to do all we can to keep it. I feel it would be a worthwhile endeavor to put the money into whatever is needed to make our water pure like it was. It was healthy and tasted wonderful. If some people feel the need for chlorination, they can get it in toothpaste and not ruin the water for the majority of us.

Commissioner Hewitt asked about recreational and medical marijuana in Lewistown. City Attorney Theresa Diekhans explained that the legislature created a county-by-county situation. City Attorney Diekhans explained that because of the way the vote went Lewistown and Fergus County can not begin to sell recreational marijuana and in order change that is will have to go to a voter.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 18th day of January, 2022.

Gayle Doney, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk