

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON MAY 16, 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, Hrubes, Scotten, Spika and Terry. Commissioner Hewitt was absent.

APPROVAL OF MINUTES

Chairman Doney stated that without objection the May 2, 2022 minutes are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Day reported that the Park and Recreation Board met on May 4, 2022. There is a work day scheduled for June 1st at 5 pm to clean up East Fork recreation area. This is in place of the regular June meeting. Anyone is welcome to attend and help with the clean up of East Fork for the summer season. The Fergus County Recreation District Board approved \$100,000 in funding for the new facility project at Frank Day Park. A presentation of the facility will be coming before the Commission at a later date. Park and Recreation Director Jim Daniels reported on the National Guard clean up day. The worked at cleaning up East Fork and Frank Day Park. There was also a report on the clean up of Brewery Flats. The end of June the Montana Cycling project will be riding through central Montana and staying two nights in Lewistown. The Civic Center activities are switching to outdoors. The opening day of the swimming pool will be June 5th.

Commissioner Hrubes reported that the Fergus County Health Board met this evening at 5:30 pm. He was able to attend the meeting.

Commissioner Terry reported that the annual Central Montana Foundation meeting will be held May 24, 2022.

Commissioner Scotten reported that there has not been a Snowy Mountain Development Corporation (SMDC) meeting. Commissioner Scotten stated that the annual meeting for SMDC will be June 15th at

Jack's Hangar. On the agenda of the annual meeting will be the election of officers and approval of the budget.

Commissioner Doney reported that the Library board will be meeting on May 26th. Commissioner Doney stated that she has seen the language for the MOU from MMIA and that MMIA has set a deadline of June 24, 2022.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The City Manager met again with the Library Board. The committee is continuing to do some minor tweaks to the Memorandum of Understanding (MOU) but continue to move forward. The City received some more guidance from the MMIA on what they would like to see in these agreements. This was a collaboration with the Montana State Library and they did provide a sample MOU. The city Manager hopes to meet and finalize the MOU soon.

The Montana Department of Labor and Industry, Building Code Program is in the process of adoption the 2021 building codes and the 2020 electric code. As a Certified jurisdiction we must adopt the same code the state adopts. There is more information available on the Department of Labor's website.

The City recently received more information that the proposed upgrades to the State radio tower are not currently funded. This means that the upgrading to an 800 MHz system will be delayed. We will have an opportunity to use the test site and see what the conversion will offer both the Police and Fire departments. Once there is a definitive timeline for the test, the City Manager will let the Commission know.

The parking committee met last week. The committee discussed the concerns with downtown parking and how we could improve the current situation. The Department of Transportation was in attendance and the City Manager did share concerns and comments that have been received from renters, property owners and others recently regarding parking issues.

A reminder that the 2022 Historic Preservation awards will be held on May 17th at 6:30 pm. The event is open to the public and will be held in the loft at the Central Feed company. Commissioner Terry added that Mr. Pete Brown, state Preservation Officer, will be in attendance. Commissioner Terry also stated that herself and Mr. Jeff Sheldon serve on the local state preservation board. This is the first meeting in person since 2019.

The Library's summer reading program is just around the corner. Registration starts May 31st for both the children's and adult's program. This year's theme is "Oceans of Possibilities. The summer reading program will run from May 31st to July 9th. The Library will also be hosting a presentation by Humanities Montana called "The Veteran's Experience and Military Culture". This presentation will be held next Saturday, May 21st (Armed Forces Day).

The sign ups for this year's swim lessons will be held May 25th and 26th from 4 pm to 7:30 pm at the Civic Center. At this time, we plan on having the pool open on June 5th 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.

CONSENT AGENDA

Commissioner Terry made the motion to approve the consent agenda and Commissioner Spika seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from May 1, 2022 to May 13, 2022 for a total of \$172,859.61.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Annual report from the Fergus County Council on Aging – City Manager Holly Phelps

City Manager Phelps stated that included in the Commissioner's packet was the annual report from the Fergus County Council on aging. City Manager Phelps commented that Director Dale Pfau is in attendance and would like to give him a few minutes to talk. Mr. Pfau talked about the building improvements that have been done over the last three year through grants and donations. Mr. Pfau stated that the transportation is maintaining with pick ups and drop offs every fifteen minutes in town. Mr. Pfau stated that the lighting was upgraded this year. Mr. Pfau further stated he worked with Northwestern Energy to complete the lighting project. Mr. Pfau reported that the health clinics are packed. Mr. Pfau explained that as part of the lease agreement with the City an annual report is required in May and then the Council on Aging give a donation to the building fund of \$1,000 annually and then a \$1,000 donation to the City for the upkeep of this room. Mr. Pfau commented that he hopes the Commission could discuss the \$1,000 being paid back to the Council on Aging for the lighting. Mr. Pfau stated that if the City could kick in a \$1,000 on the \$15,000 light project he would be grateful. Mr. Pfau talked briefly about the construction of the transportation garage. Mr. Pfau commented on some of the other services provided. Further discussion followed. There was some discussion on improvements that could be made for the Commissioners chambers.

2. Discussion and action on approving Resolution No. 4086, a resolution establishing a city court of record in the City of Lewistown

City Manager Phelps stated that the City has a combined court with the Justice of the Peace. This resolution would allow City court to become a court of record. City Attorney Teresa Diekhans explained that right now City court is not a court of record which means nothing is recorded. City Attorney Diekhans further explained that since it is not a court of record and the judge give their ruling and the case is appealed to district court, the whole new trial is conducted. So basically, cases are heard twice and the cost doubles. If the City court becomes a court of record the cases are recorded and if someone wants to appeal the ruling of the City court judge then they can only appeal on a finding or ruling made during the trial. City Attorney Diekhans reported that she thinks this is a good direction for the court to go. City Attorney Diekhans explained that Fergus County Attorney Kent Sipe, Judge Oldenburg and Judge Mantooth have been working on this over the last few months and feel that it is a good move. Judge Mantooth has been practicing recording and looking to see if it would be beneficial. City Attorney Diekhans reported that the County Commissioners have approved Justice Court as a court of record effective July 1, 2022. City Manager Phelps commented that as you have heard the judges, attorneys and law enforcements are in favor of going to a court of record. Commissioner Hrubes made the motion to approve Resolution No. 4086, a resolution establishing a city court of record in the City of Lewistown and Commissioner Scotten 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.

3. Discussion and action on approving Resolution No. 4087, a resolution by the City of Lewistown Commission setting the fees of the Lewistown City court of record for electronic audio records

City Manager Phelps explained that as was discussed in the prior item there will be a fee associated with the recording. If a citizen wants a copy there will be a fee for a flash drive and staff time to make the copy. City Attorney Diekhans explained that the fees associated with the court of record will be done the same as fines

and will be split in accordance with any agreements in place. This resolution is just following the agreement that is already in place. Commissioner Doney stated that typically the City only gets the fines from the cases and asked what is the split. City Manager Phelps explained that there is no longer a split and there are some fees the City does not receive in accordance with state statute. Commissioner Doney stated that fees are not included in the City's agreement. Further discussion followed. Commissioner Doney stated that she has a problem with the one sentence and feels it is contradictory to the agreement. Commissioner Terry made the motion to table Resolution No. 4087, a resolution by the City of Lewistown Commission setting the fees of the Lewistown City court of record for electronic audio records and Commissioner Hrubes seconded the motion. There was no vote taken.

4. Discussion and action on approving Resolution No. 4088, a resolution appointing successor trustee to Lewistown Tourism Business Improvement District No. 1

City Manager Phelps explained that this is a resolution appointing trustees to the Tourism Business Improvement Board (TBID) at this time the board is wanting to appoint Susanne Wiggington to replace David Wiggington on the board as the representative from the Yogo Inn. Commissioner Terry reported that she is the Vice Chair on the TBID board and there is a meeting on Wednesday and if this resolution is approved then the board will be able to have a quorum. Commissioner Terry further explained that the ownership of the Trails End Motel has changed and another resolution will be coming back before the Commission to make the other changes to the trustees. Commissioner Terry asked what the vacant position was listed on the resolution. City Manager Phelps explained that vacancy is the Mountain View Hotel and the by laws were not changed to reflect that, however, it would not affect the number for a quorum. City Manager Phelps commented that this board has had a lot of discussion on the difficulty they have getting a quorum and possible solutions. City Manager Phelps explained that at this time there is not a requirement that the board members be a representative from hotel, but reside in the district. Commissioner Terry stated that as a board they are looking at changing the language to state it could be a hotel designee. Commissioner Spika made the motion to approve Resolution No. 4088, a resolution appointing successor trustee to Lewistown Tourism Business Improvement District No. 1 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.

5. Discussion and action on reappointing Mr. Tim Robertson to serve as the City's representative on the Lewistown Airport Board for an additional two-year term

Commissioner Doney stated she did not receive any information in her packet regarding this appointment. City Manager Phelps answered that is correct, Mr. Tim Robertson has served two previous terms. Commissioner Terry asked if there are term limits. City Manager Phelps answered the City does not have term limits but the County does. Commissioner Doney stated that she thought there was a form that was completed to serve as a representative. City Manager Phelps further explained the first time there is always a form or letter of interest and typically reappointments are approved by the board they are serving on and recommended to the Commission for reappointment. Commissioner Terry made the motion to reappoint Mr. Tim Robertson to serve as the City's representative on the Lewistown Airport Board for an additional two-year term 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.

6. Discussion on future funding for the City of Lewistown – City Manager Holly Phelps

Commissioner Doney stated that this is an item that she asked the City Manager to put on the agenda. Commissioner Doney attended the elected officials training put on by the Local Government Center and thought it was very beneficial and would encourage any Commission to attend. Commissioner Doney reported that a lot of issues were covered and audit was an entire morning session. Commissioner Doney commented there were people there celebrating their town and showed a book regarding a North Dakota community

enrichment program from the extension service. It was interesting to see how they could build some of the small communities. Commissioner Doney stated that it was interesting that how this was done by more listening and town hall listening. Commissioner Doney explained that the town hall listening has been discussed by the Commission in the past and is something the Commission should look into something like it. Commissioner Doney stated that the State Library and MMIA was there for some training and updates. Commissioner Doney as was able to see a draft of the language before it came completely out and ask questions. Commissioner Hrubes attended also, he thanked the City for sending him and he thinks it should almost be a requirement. Commissioner Hrubes commented that the presenters were so professional and the information presented was great. Commissioner Hrubes stated that some of the discussions were social media, listening, doing more for less and welcoming newcomers. Commissioner Doney stated that the ethics and integrity session was interesting. Commissioner Doney also, liked the personality class and showed interest in how to communicate with citizens and Commissioners. Commissioner Doney stated that she has talked with Commissioner Terry and a meeting should be scheduled that is driven by the Commission and not the manager or department heads. Commissioner Doney said if they want to do they pick a date, because there would be a quorum, minutes and no action taken. Commissioner Doney stated the whole demeanor would be listening and there would be some ground rules, we are not going to sit here and run employees down, same ground rules as meetings but no time limit. Commissioner Doney further stated she wants to welcome people to hear what their concerns are and there is no way for people to communicate because the Facebook page is not up yet. Commissioner Doney stated it would be a nice thing to do and her and Commissioner Terry have talked about Tuesday, June 21st it is not a meeting night from 5 pm to 7 pm. Commissioner Doney commented that she is getting more communication from people in the community than she has ever had and she has been on the commission for twelve plus years. Commissioner Doney stated that she is getting calls from people who are telling her they are having difficulties getting their job done because they are not getting the oversight they need. Commissioner Doney stated that this is public works and knows we need a director. Commissioner Doney stated that what they are telling her is that they are getting no direction, don't know what they are doing so they are not moving forward, they are giving me names of contractors that are calling her because they are not getting bid specs. Commissioner Doney further stated that all of these things greatly concern her that they are not getting communicated back and there is a real problem with communication. Commissioner Doney stated that during the audit training she got concerned, because the state will withhold our funds if the City does not do the right things. Commissioner Doney stated that the person said the minute you go over a line item you should have an amendment immediately on that budget and can't wait until the end of the year. Commissioner Doney explained that she looked at the audits and there are repetitious items and when we get the next audit some time should be scheduled to go over it with the new commissioners. There was a brief discussion regarding the City's audit and the auditors. Commissioner Doney stated that why she wanted to bring this up is the Commission is failing in their support. The Commission should be able to support our City Manager so she can do her job and move forward. Commissioner Doney reported that what she is hearing that City Manager Phelps is overwhelmed and Commissioner Doney has had other elected officials comment that City Manager Phelps is exhausted. Commissioner Doney stated that she can see that when you have to be everything to everybody. City Manager Phelps explained that the City continues to look and we have received applications, but don't know that one we necessary want, public works is going to be difficult to fill and there are a ton of positions open. Commissioner Terry commented that something needs to be done in public works because we have all had calls on public works. Commissioner Terry commented that what do we tell contractors who call and ask why the bids aren't out. City Manager Phelps answered the City is not putting any bids out, it would be the engineers. City Manager Phelps commented that maybe she could explore the option of an interim. Commissioner Doney responded and said she would love if the City Manager could explore the possibility of an interim. City Attorney Diekhans commented that you just heard about communication with the public and with everything the commission is hearing, everyone hears comments on their own perspective which is not always true on both ends. Commissioner Doney stated she thinks something is a miss and that is why she is getting so many questions. Commissioner Hrubes stated he is not

getting any calls on job performance. Commissioner Doney stated she feels the Commission has let it lapse and the Commission is responsible to support the City Manager. Commissioner Day commented that she has had some calls, but not sure if it is more than normal. Commissioner Day stated she is a listening ear and then does research to give feedback and confident in giving an answer. Commissioner Doney brought up initiative 121 could change how City's operate. City Manager Phelps stated this initiative is still getting signature and would greatly affect the taxing ability of the City of Lewistown. Commissioner Terry stated that the appearance and perception of City administration right now is not favorable and we want to help make that better. Commissioner Terry further stated because what the appearance is and what the perception is not super and want to stop it from what we are hearing. Commissioner Doney asked that the Commission take some time and think about how the Commission can support the City Manager and support our City. Commissioner Doney stated that with Library there is some angst out there and mistrust and it will take some time to fix, but does feel it is fixable, but will take some time. Commissioner Doney stated she thinks a listening session would be helpful. Commissioner Terry commented that she has talked with Commissioner Doney and it is very important that it comes from the Commissioners and they are supporting the City Manager and you can get back to your work. It was determined that a one on one meeting with the City Manager be done on June 6th and then have a town hall meeting on June 21st from 5 pm to 7 pm.

CITIZENS' REQUESTS

There were none.

COMMISSIONER' MINUTE

There were none.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 16th day of May, 2022.

Gayle Doney, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk