

A COMMISSION MEETING OF JUNE 6, 2016 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Byerly called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Byerly, Doney, Gremaux, Hewitt, Poss, Putnam and Turk.

APPROVAL OF MINUTES

Commissioner Poss made the motion to approve the May 16, 2016 minutes and Commissioner Turk seconded the motion. The motion passed unanimously with Commissioner Gremaux abstaining because he was absent at the prior meeting.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported that she attended the Airport Board recently and there still is no doors for the bus barn, it was hoped to have them in place prior to the fly in but does not look like that is going to happen. Commissioner Hewitt commented that the walking path will go along the utility corridor next to the fence at the airport. The Friends of the Trails are going to do some of the work on the trail. Commissioner Hewitt reported that retired Lieutenant Colonel Larsen was here visiting on May 30th. The Airport Manager Jerry Moline and Mr. LeRoy Musick gave him a tour of the airport and Mr. Larsen commented on how well kept the WWII buildings were. The Airport Board is working to get the Land Use Committee together. Then the Land Use Committee will be revisiting their bylaws because the Airport Board needs to utilize the committee.

Commissioner Putnam reported that the Park and Recreation Board met. Commissioner Putnam stated that it was overwhelmingly encouraging because three groups came to the board asking for support for different projects and to use City property. Commissioner Putnam explained that one grouped would like to use City property for a soccer field complex, and a second group is

looking for a permanent skateboard facility. Commissioner Putnam further explained that the baseball association has removed the old playground equipment at the d'Autremont complex and have raised the necessary funding for the new playground equipment and some netting to put over the equipment for protection.

Commissioner Putnam reported that she attended the Central Montana Foundation annual meeting. The large grants were awarded and the total amount was \$146,000.

Commissioner Byerly reported that the Central Montana Health District Board will be meeting in June and so far the move to the new location was positive.

Commissioner Turk reported that there has not been a Library Board meeting, but the author dinner was very well attended.

Commissioner Doney reported that the Study Commission met the Tuesday after Memorial Day and they have put together a draft tentative report. The Study Commission will be meeting on Wednesday to finish working on the tentative report and the tentative report will be approved at the Friday meeting.

CITY MANAGER REPORT

City Manager Kevin Myhre reported on the following issues:

The contractor and sub-contractors are busy working to complete the pool. The main pool is behind schedule and the slides and splash part are ahead of schedule. The swimming pool is still planning for an opening date of around June 15th.

Community groups are working with the Park and Recreation Board to locate soccer fields at the south end of Brewery Flats. The baseball group is working to replace the playground equipment and change fencing at the d'Autremont Softball Complex. The third group is seeking a location to plan for a concrete skateboard facility.

The Library has a fitness, health and wellness theme for this year's summer program. The program begins June 7th.

The City has received several compliments on the condition of the cemetery this year. The City Manager commented that the City appreciates all the work that Public Works does to get the area prepared for Memorial Day.

The Airport Board has approved the building of a trail in the utility corridor along the north fence of the aviation area. The Park and Recreation Department is working to identify costs and material needs.

Public Works is advertising for bids for additional curb and gutter to supplement the TA Grant and ADA Project on 7th Ave N. We are hoping to get some additional curbing to prepare the street for an overlay in 2017.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Putnam seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from May 12, 2016 to May 31, 2016 for a total of \$624,970.85, Resolution No. 3907, a resolution providing for the annexation by petition of property known as Snowy Mountain Motors, into the City of Lewistown and second reading of Ordinance No. 1752, an ordinance adopting revised City of Lewistown Floodplain Hazard Management Regulations.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on appointing five citizens to the Lewistown Improvement District (LID) Board

Mr. Myhre explained that there are five positions on the Lewistown Improvement District Board and you have six applicants. Mr. Myhre further explained that the terms are staggered, there will be a one year term, a two year term, a three year term and two four year terms. Mr. Myhre recommended that a Commission make a motion to appoint one of the applicants get a second and vote on the motion. Then move right on down the line to fill the board positions. Commissioner Putnam asked if she understood correctly that the applicants would be nominated in order we want them to serve terms on the board. Mr. Myhre answered that he would recommend one applicant for one spot first, vote and then move to the next one. Commissioner Putnam made the motion to nominate Mr. Gregory Clark for a four year term and Commissioner Doney seconded the motion. Commissioner Byerly asked for comments, there being none, the question was called for and the motion passed unanimously. Commissioner Gremaux made the motion to nominate Mr. Charlie Pfau for a four year term and Commissioner Doney seconded the motion. Commissioner Byerly asked for comments, there being none, the question was called for and the motion passed unanimously. Commissioner Putnam made a motion to nominate Ms. Chris Cooler to the three year. Commissioner Byerly stated we have a motion for the three year term. Commissioner Doney then made the motion to nominate Mr. Jim Wier to the three year term and Commissioner Hewitt seconded the motion. Commissioner Gremaux then seconded the motion to nominate Ms. Chris Cooler. Discussion was held on how to proceed. Commissioner Byerly explained that he heard a motion for Ms. Cooler and did not hear a second and he did hear a motion for Mr. Wier and did hear a second. Commissioner Byerly stated that the Chair will rule and will ask for a vote on the motion for Mr. Wier for a three year term. Commissioner Byerly asked for any comments. Ms. Suzanne Westhoff asked which Jim Wier was being nominated. Commissioner Byerly answered young Jim Wier that works at the furniture store. Commissioner Byerly asked all those in favor of Mr. Jim Wier. Commissioners voting in favor were Doney, Turk, Poss and Hewitt and those voting against were Putnam and Gremaux and Commissioner Byerly did not vote. Commissioner Putnam asked where the Chairman draws its power on what to decide on how it operates. Commissioner Turk stated that she agreed with Commissioner Byerly she did not hear a second until after the seconded motion was seconded. Commissioner Gremaux commented that he assumed Commissioner Doney was going to second the motion. Commissioner Putnam commented that the two motions were

handled differently and the Chair said he would decide and the Chair of this Commission does not have power and individually you do not have power. Commissioner Byerly stated that as presiding officer when there is a motion and no second and as presiding officer when another motion is made with a second it is his assumption that the second motion that was seconded becomes the first motion. Commissioner Turk made the motion to nominate Mr. Mike Chapman to a two year term and Commissioner Putnam seconded the motion. Commissioner Byerly asked for comments, there being none, the question was called for and the motion passed unanimously. Commissioner Hewitt made the motion to nominate Mr. Scot Solberg for a one year term and Commissioner Doney seconded the motion. Commissioner Byerly asked for comments. Commissioner Putnam commented that the board was all boys. Commissioner Byerly then called for the motion and those voting in favor were Commissioners; Doney, Turk, Poss, Byerly, Gremaux and Hewitt. Commissioner Putnam voted against.

2. Discussion and action on City Manager recommendation for interim City Manager position effective July 1, 2016

Mr. Myhre explained that he has talked with all of the Department Heads and all of the Commissioner. Mr. Myhre further explained that he has looked at all the employees the City has and the options available to the City Commission. Mr. Myhre stated that his recommendation with all of the upcoming projects and the personality to handle this position for the next six months is Public Works Director Holly Phelps. Mr. Myhre explained that he has put a draft interim City Manager contract in the packets and the Commission can proceed how they chose. Commissioner Putnam made the motion to appoint Ms. Holly Phelps to be the interim City Manager and Commissioner Doney seconded the motion. Commissioner Byerly stated there are a couple of blanks in the draft contract that need to be addressed. Mr. Myhre explained that there is a blank on the date the contract is entered into and a blank for salary. Mr. Myhre stated that his recommendation is you list this contract at \$85,000 as the Interim City Manager position and if you move forward to hire a permanent City Manager that amount will give you the flexibility to post the salary when actively look for a City Manager. Commissioner Byerly stated that to clarify this salary will be in lieu of her current salary. Commissioner Putnam stated that she thought the salary was going to be \$88,000. Mr. Myhre answered that his recommendation is \$85,000. Commissioner Putnam further stated that Ms. Phelps will still be in charge of the Public Works Department. Commissioner Putnam amended her motion to approve appointing Ms. Holly Phelps as the Interim City Manager and setting the salary at \$88,000. Commissioner Byerly asked if Commissioner Doney would like to second the amended motion. Commissioner Doney explained that she does not have a problem with the \$88,000 or \$85,000 salary but would like an explanation as to why \$85,000? Mr. Myhre explained that typically when a City Manager position is posted there is a salary range. Mr. Myhre further explained that if you were to hire someone that has not done this job before you could set their salary at \$85,000 and if you hire someone that has a lot of experience you could give them more within the range advertised. Mr. Myhre stated that if you hire Ms. Phelps she has the ability hire, fire and promote employees. Mr. Myhre further stated that Ms. Phelps has the ability to move the Superintendent of Operations into the Public Works Directors position to fill the duties as a temporary role. Commissioner Putnam made the motion to amend her motion to accept the recommendation of hiring Ms. Holly Phelps as the Interim City Manager at \$85,000 and Commissioner Doney seconded the motion. Commissioner Byerly asked for comments from the audience and

Commission. Commissioner Turk asked when the agreement starts. Mr. Myhre explained that the contract can be entered into in June but would not be effective until July 1, 2016. Mr. Ed Durbin asked if the \$85,000 was for the six months or annually. Commissioner Byerly answered no the \$85,000 is an annual salary. Further discussion followed. Commissioner Byerly asked for any comments from the audience or Commission. There being none, the question was called for and the motion passed unanimously.

3. Discussion and action on approving the 2016-2019 Fire Department Bargaining Agreement

Mr. Myhre explained that the City of Lewistown has three different bargaining units. One is the Montana Public Employees Association, Police bargaining unit and the Fire Department bargaining unit. Currently the agreements are staggered to be negotiated every three years. Mr. Myhre explained some of the changes made to the contract, one was clarification of alarm time, clarification on short term time off requests and some minor changes to the disciplinary process. Mr. Myhre explained that the hourly rate increase for this year is 2.3% for firefighters and closer to 3% for the Captains. Mr. Myhre further explained that in years past any percentage increase received was averaged and the increases spread out among all positions, which in turn give the higher positions the same dollar amount as the firefighters and over time the salaries become compressed. Mr. Myhre stated that the second year is a 1% increase and 3rd year is a 1.5% increase with no reference to CPI. Mr. Myhre commented that he feels it is a good contract and that he recommends approval. Commissioner Doney asked if it was a three year contract and Mr. Myhre answered yes. Commissioner Poss made the motion to approve the 2016-2019 Fire Department bargaining agreement and Commissioner Doney seconded the motion. Commissioner Byerly asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously. Mr. Myhre stated that he really appreciates working with the bargaining units and appreciate them looking at the conflicts in operations and working to solve them.

4. Discussion and action on request for additional funding from City Attorney for support staff expenses

Mr. Myhre explained that City Attorney Monte Boettger has been the half time City Attorney and the half time Deputy County Attorney for almost twenty years. Mr. Myhre commented that for many years the City funded the salary of the City Attorney but did not put much money into the operations of the office. Mr. Myhre stated about four years ago the City worked out an agreement with the County to pay some money toward the operation of the City Attorney. The agreement automatically renews each year and automatically increases 3% each year. Mr. Myhre commented that he does feel the contract is escalating at a higher rate than CPI. The City Attorney has submitted a letter to the Commission asking for some additional funding for additional support staff. Mr. Myhre suggested that if the Commission chooses to fund the additional \$5,000 that maybe they make the increase from standard 3% to CPI. Further discussion followed. Commissioner Doney made the comment that if the Commission chooses to provide the additional funding that it be set in stone that the funding is contingent on them hiring additional full time staff at the County Attorney's office and if no staff is hired the City will not provide any funding and that the contract is revisited and the increase be tied to the CPI. Mr. Boettger commented that if the help does go away the funding would also go away.

Commissioner Putnam made the motion that the City fund the additional \$5,000 dependent on the creation of an additional half time position being created and if the position is not created the funding is returned to the City and that the contract increase remains at 3% and Commissioner Poss seconded the motion. Commissioner Doney stated that she really wants the 3% increase to go away and that the increase be tied to CPI. Commissioner Putnam amended the motion to fund the additional \$5,000 for additional staffing contingent upon the creation of an additional ½ time position and increase be changed from a standing 3% to CPI and Commissioner Poss seconded the motion as amended. Commissioner Byerly asked for comments from audience and Commission. There being none, the question was called for and the motion passed unanimously.

5. Discussion on the City of Lewistown parking time limits ordinance

Mr. Myhre explained that he would like to talk a little bit about enforcement and the theory of passing laws and ordinances. Mr. Myhre read the following “a vehicle, motor vehicle or trailer left on a city street, alley, roadway or public property over five consecutive days without being moved shall be deemed abandoned. After the vehicle has been declared abandoned, the City police may place a twenty four hour notice of intent to remove and impound the vehicle at the owner’s expense. Mr. Myhre stated that this is the law and at any given time across the City there are at least hundreds of vehicles that have been sitting longer than five days. Mr. Myhre commented that the question is the timeliness and how much we go out and enforce that to the letter of the law. Typically this type of enforcement is done on a complaint basis, severity or timely basis. Mr. Myhre commented that often in October the Police Chief would put a notice in the paper telling people to move their vehicles in preparation for leaf and snow removal. The goal is to get the car moved and if the car is not functioning and it is severe. This is best enforced with reasonableness and with a thought process and reason to enforce. Further discussion followed. Mr. Myhre explained some of the difficulty in enforcing this ordinance. Commissioner Hewitt commented that she is the one that has brought up this issue and she did receive some complaints and did drive around yesterday and a lot of the trailers had been moved. Further discussion followed. Commissioner Doney commented that she got a lot of complaints when the ad was put in the paper and is okay with officer discretion.

CITIZENS’ REQUESTS

Mr. Ed Durbin stated that he is concerned with the tree branches that are hanging over sidewalks. Mr. Durbin explained that he is blind and the only way to navigate in town is to walk on the sidewalks. Mr. Durbin commented that he has had tree branches remove his hat, poke him in the eye hit him in the face and is aware that there is a code to trim branches. Police Chief Cory Birdwell asked that Mr. Durbin please communicate with him the areas of concern so that he can direct Code Enforcement to help address the issue.

COMMISSIONER’S MINUTE

Commissioner Putnam commented that she missed the first meeting in May and was not paid for and would like to ask the Commission to be paid for it. Commissioner Byerly read the following from Resolution No. 3882 – effective July 1, 2015 City Commissioners will receive the stipend for up to two absences each fiscal year if needed for personal reasons. City commissioners will

receive the stipend for any other absence expressly approved by the Commission that is necessary in order to attend City business that conflicts with a regular Commission meeting. Commissioner Byerly asked if Commissioner Putnam feels it would meet the criteria and did not notify anyone because she became ill right before the meeting. City Attorney Monte Boettger commented that to do it right it should be on the next Commission meeting. Commissioner Byerly would like it to be in the consent agenda on the next agenda.

ADJOURNMENT

Chairman Byerly adjourned the meeting.

Dated this 6th day of June, 2016.

Dave Byerly, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk