

**A REGULAR COMMISSION MEETING OF OCTOBER 7, 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**

Unfortunately, there was no flag.

**ROLL CALL**

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

**APPROVAL OF MINUTES**

Commissioner Oldenburg made the motion to approve the September 16, 2019 minutes as corrected and Commissioner Loomis seconded the motion. The motion passed unanimously.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORT**

Commissioner Byerly reported that the Central Montana Health District Board will meet in November.

Commissioner Oldenburg reported that the Central Montana Foundation did not meet in September.

Commissioner Dunnington reported that the City County Planning Board did not meet in September.

Commissioner Turk reported that the ordinance committee hasn't met recently either.

Commissioner Loomis reported that he attended the October Park and Recreation Board meeting. There were two Eagle Scout projects approved by the Park and Recreation Board. One of the projects is build an access to Hansen Creek, which would be stairs. The other project is putting concrete benches and picnic tables in Frank Day Park. The Board suggested that at least one of the tables be handicap accessible. A memorandum of understanding is still being worked on between the Ice-Skating Association and the Park and Recreation Board. The pool report is still being worked on. Pickle Ball is now being played in the gym at the Civic Center.

**CITY MANAGER REPORT**

City Manager Holly Phelps reported on the following issues:

In preparation for the last storm the Public Works Department did have the Street Crews and equipment on call. The Public Works Department did not have to use the plows but did work to keep the roads accessible. There were many large branches that fell as part of the storm and the Public Works Department is working to pick them up. The Street Department is working on grading streets and alleys and laying down millings. The leaf pickup will be done the end of October.

The Library will be closed in observance of Columbus Day. The Library will close on Friday at 2 pm and won't open again until 9 am on Tuesday. The Library will be hosting a Carnegie Book Reception on November 7<sup>th</sup> at 6 pm at the Library. This book was written by Kate Hampton, who is with the State Historic Office. The City's library is featured on the front of the book "The Best Gift Montana's Carnegie Libraries".

City staff have gone out and looked at the fence at Casino Creek Dam and we will be working to address the fence issues this fall and next spring.

There is still discussion being had on the possibility of housing on the Berg Lumber site.

The City has been notified that they have received an additional \$50,000 in planning grant funds for the clean up at the old dump site.

### **PUBLIC COMMENT – non agenda items only**

Mr. Marv DeBuff addressed the Commission stating he was here to discuss the H to G Street water project. Mr. DeBuff stated that he was the lowest bid on the project and the Commission awarded the bid to the third highest bid and it was \$72,000 over his bid. Mr. DeBuff explained that his goal is to make sure the public knows this because there are times when things like this are covered over. Mr. DeBuff explained that in accordance with the project specs the contract is to do something prior to starting the project and he did not see it being done and would like to know where to go to express his concerns with the project. Mr. DeBuff stated that there is a bid item that requires laboratory and compaction testing and that was never done because he watched. Mr. DeBuff stated that according to the specs the testing is to be done by a independent testing lab and he has never seen them on the job site. City Manager Phelps explained that at the last Commission meeting the engineer was in attendance and discussed with the Commission on how the test are done and reviewed the test results from Pioneering Technical. City Manager Phelps told Mr. DeBuff that he was welcome to request copies of those reports and tests. City Manager Phelps explained that there are many different ways that the testing can be performed. Mr. DeBuff stated that the traffic control is not being done in accordance to the specs. Commissioner Oldenburg asked Mr. DeBuff why he did not have a completed bid package. Mr. DeBuff stated that it is a boiler plate spec and the request for the copy of the contractor's license was in the back and he missed it. Commissioner Byerly asked who found the deficiencies. City Manager Phelps answered that the engineer found the two deficiencies and one deficiency was the copy of the contractor's license and the other deficiency was a letter regarding their schedule to do the project. City Manager Phelps stated that all bids received were under the engineers estimate. Further discussion followed. Mr. DeBuff stated that he wants the citizens that pay water bills to know that the City paid \$72,000 over the lowest bid when the City could have waived a technicality.

Ms. Sara Hudson from 613 E Main asked that the Commission consider instituting a three-minute public comment period.

### **CONSENT AGENDA**

Commissioner Oldenburg made the motion to approve the consent agenda and Commissioner Dunnington seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from September 12, 2019 to September 30, 2019 for a total of \$882,663.32

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

1. Discussion and action on approving Resolution No. 4015, a resolution of necessity, finding that an area within the proposed amended targeted economic development district within the City of Lewistown is infrastructure deficient requiring the improvement for the welfare of the residents of the City

City Manager Phelps explained that the owner of the new grocery store has requested that his property be included in the Targeted Economic Development District (TEDD). It was also requested by the TIF/TEDD board and it would mean amending the TEDD boundary. City Manager Phelps stated that this is would be the first step in the process. City Manager Phelps explained that if this resolution is approved tonight then the comprehensive plan will be amended to reflect the current conditions, acknowledge infrastructure improvements and updates to map and boundaries. Then the Comprehensive plan will be referred to the Lewistown City County Planning Board for review throughout the community and then two public hearings will be held. City Manager Phelps introduced Ms. Sara Hudson and Ms. Carly Wheatley both from Snowy Mountain Development Corporation and they will be assisting the City with the process. Ms. Hudson commented that Montana Code is requiring you to go through the same process to amend the TEDD as was done to create the TEDD. Ms. Hudson further explained that the amended plan is essentially the 2017 plan with the change being the annexation of the Top Star property. Commissioner Loomis made the motion to approve Resolution No. 4015, a resolution of necessity, finding that an area within the proposed amended targeted economic development district within the City of Lewistown is infrastructure deficient requiring the improvement for the welfare of the residents of the City 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 the motion passed unanimously.

2. Discussion and action on accepting the FEMA grant in the amount of \$25,925 with the acknowledgement that the City has a match in the amount of \$1,235 for the purchase of radios for the Fire Department

City Manager Phelps explained that the Fire Department has been working on several grants through FEMA and Fire Chief Joe Ward has received a letter of award for one of the grants. Fire Chief Ward explained that the grant is for a base radio that is necessary for the dispatch center to be able to talk to the Fire Department. Commissioner Loomis made the motion to accept the FEMA grant in the amount of \$25,925 with the acknowledgement that the City has a match in the amount of \$1,235 for the purchase of radios for the Fire Department 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.

3. Discussion and action on the purchase of two patrol vehicles for the Police Department

City Manager Phelps explained that the purchase of patrol vehicles were discussed during the budget process. City Manager Phelps stated that the Police Department does have an aging patrol fleet. City Manager Phelps further stated that Police Chief Jenness has put together a good summary of the vehicles in his department and has gone out to and would like the recommendation to purchase at least one vehicle and hear him out on the potential of adding a second vehicle. Police Chief Jenness wanted to point out the condition of the fleet and at this point the Police Department vehicle maintenance is 90% spent for the fiscal year and this is due to unusual needed repairs. Police Chief Jenness explained that there is not enough budgeted for one vehicle due to the increase prices and then there will continue to be expenses associated with the maintenance of a older fleet. Police Chief Jenness explained that the City does have the funding to get a K-9 unit. Commissioner Oldenburg asked if there is any device in the City budget to be able to purchase both vehicles, because she will weigh in on the side of safety for the community and

would like to see if there is anyway that we can afford to purchase both vehicles. Finance Officer Nikki Brummond explained that as part of the budget process two patrol vehicles were asked for, the records management system and matching funds for three grants for the Fire Department were discussed and were not added to the budget due to the unknowns of the projects. There was no way to foresee the vehicle breakdowns. Finance Officer Brummond stated that the Commission can do a budget amendment and the money will be taken from the Commission reserves. Further discussion was held regarding the purchase of the vehicles and the vendors. Mr. Nik Scebba, representative from Snowy Mountain Motors, reviewed the bids that Snowy Mountain Motors quoted. Mr. Colie Bass addressed the Commission stating that it is good business to do business in Lewistown and doesn't like that his tax dollars are going to Great Falls. Mr. Bass further stated he doesn't care if the price is 15% higher than out of town. Commissioner Oldenburg made the motion to purchase two vehicles from Snowy Mountain Motors which will be 2020 F150 police package with the ecoboost in the amount of \$33,992 and the interceptor in the amount of \$37,760 and Commissioner Turk seconded the motion. Police Chief Jenness explained that the expense of outfitting the vehicle has increased. 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 entering into a contract with Zuercher for the dispatch RMS and CAD software

City Manager Phelps explained that before the Commission is the servicing and licensing agreement for the Records Management Software that was approved at the last Commission meeting. City Manager Phelps explained that the payment schedule is as follows: 50% upon contract execution, 30% at completion of the testing phase and the remaining amount when the program goes live. City Manager Phelps further explained that the cost will be split between Central Montana 911, Fergus County and the City of Lewistown. City Manager Phelps stated that both Central Montana 911 and Fergus County has agreed to the amounts and the vendor. Commissioner Dunnington made the motion to approve entering into a contract with Zuercher for the dispatch RMS and CAD software 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.

#### 5. Discussion and action on authorizing the City Manager to sign the Community Data Platform Membership Agreement

City Manager Phelps explained that this is an agreement between the City of Lewistown and Zuercher. One of the services that Zuercher offers is sharing information state wide with other users of Zuercher. Police Chief Jenness explained that this is more informal information that is made by people. Commissioner Loomis made the motion to authorize the City Manager to sign the Community Data Platform Membership Agreement 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 the motion passed unanimously.

#### 6. Discussion and action on approving Resolution No. 4016, a resolution stating the intention of the City Commission to amend the 2019-2020 budget of the City of Lewistown

City Manager Phelps explained this is a resolution that notifies the public that a budget amendment will be done. This will authorize the public notices necessary for the public hearings. Commissioner Byerly made the motion to approve Resolution No. 4016, a resolution stating the intention of the City Commission to amend the 2019-2020 budget of the City of Lewistown 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.

**CITIZENS' REQUESTS**

There were none.

**COMMISSIONER'S MINUTE**

Commissioner Loomis reported that he has had a couple of complaints regarding the diagonal parking on 3<sup>rd</sup> Ave.

Commissioner Dunnington reported that she had a citizen call and ask if Griffith Contracting was paying Davis Bacon wages. City Manager Phelps answered yes and the City is receiving certified payrolls. Commissioner Dunnington asked that if there is no grant money why are they paying Davis Bacon wages. City Manager Phelps answered that it was according to State law. Commissioner Dunnington asked if all projects paid Davis Bacon wages. City Manager Phelps explained it depends on the cost of the job.

Commissioner Byerly asked if we have gotten the wordage of the changes that were made to made the City chlorinate the water.

**ADJOURNMENT**

Chairman Turk adjourned the meeting.

Dated this 7<sup>th</sup> day of October, 2019

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Patty Turk, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk