

A REGULAR COMMISSION MEETING OF MARCH 2, 2020 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: Byerly, Doney, Hewitt, Loomis, Oldenburg and Turk. Commissioner Dunnington was absent.

APPROVAL OF MINUTES

Chairman Doney stated that without objection and based on the corrections the February 18, 2020 minutes are approved.

COURTESIES

There were none,

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported that the next Airport Board meeting is March 4, 2020.

Commissioner Oldenburg reported that she attended the Central Montana Foundation Board meeting on February 25, 2020. The CMF approved the establishment of a pass thru account for the Lewistown Police Department K9 Program. There were four grant requests and the total amount requested was \$8,696.30. Commissioner Oldenburg commented that all four of the requests received a portion of funding that totaled \$6,197.30. Those receiving funding included the Cub Scout Pinewood Derby, Friendship Lodge (Bikes for Kids), Chamber of Commerce (fireworks) and the Lewistown Youth Baseball/Softball Association for tables and chairs at the complex for concessions.

Commissioner Loomis reported that the Park and Recreation Board will meet on March 4, 2020 and will be reviewing the Creekside Pavilion exclusive use and special events agreement. Once the Park and Recreation Board approves the agreement it will be brought before the Commission for approval.

Commissioner Doney reported that the Library Board met February 21st. The Board discussed training opportunities for the board and staff. The Author Dinner was discussed and there were two citizens in attendance that may consider applying for the Library Board Trustee vacancy.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The pavilion at Creekside is the last structure at the facility that needs to be completed. The landscaping, signage, and playground installation will be completed this spring. The art piece is scheduled to be installed in May and the Creekside committee has been working on a Creekside conditions for exclusive use and special events and associated fees. This will be brought before the Park and Recreation Board and once approved by them will come before the Commission for approval. The pavilion space will be available for rent this summer.

The Library will be closed from April 2nd -4th, for their annual conference and training.

The Montana Department of Transportation has hired an engineering firm to focus on Public relations for the Main Street construction project. Once the project is underway there will be several ways the public can find out what, when and where the current work is happening. This information will be shared with the radio and newspaper or electronically. Once it is up and running, the information will be shared with the Commission.

The City Manager recently met with representatives from Snowy Mountain Industries to discuss the challenges with recycling locally. They discussed the difficulty of getting loads picked up and the decrease in revenue that each load brings in. The City Manager did offer the opportunity for them to come and discuss their situation with the Commission at a future meeting.

The City Manager and the Police Chief has met with both the Pet Assistance League (PAL) and Saving Animals From Euthanasia (SAFE) and have discussed how these groups work in and around the community. The future needs of both organizations were discussed. The City Manager and Police Chief will continue to meet with these groups and discuss how each organization can work with the City.

There has been some discussion for additional training for the Commission and it was thought that the fifth Monday of the month would be an opportunity for these sessions. Please think about what you would like to discuss and let the City Manager know your thoughts. It was discussed that the sessions can be held from 6 to 7:30 pm. Commissioner Doney suggested talking about funding strategies for the water system. Commissioner Byerly commented and he would be okay with coming with a topic that has been discussed amongst department heads.

Commissioner Doney stated that she has received a phone call from a constituent and is wondering where the City is at on the Zackus situation. City Manager Phelps stated that she will follow up on that issue.

PUBLIC COMMENTS – non agenda items

There were none.

CONSENT AGENDA

Commissioner Turk made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from February 13, 2020 to February 27, 2020 for a total of \$149,935.70

REGULAR AGENDA – Resolutions, Ordinance & Other Action Items:

1. Discussion on a Resolution adopting fees and charges for the Lewistown City Cemetery,

City Manager Phelps explained that the resolution before you is the proposal for the cemetery fees. The current fees are included in the ordinance and were passed out at the last Commission meeting. It has been discussed that the fees be passed by resolution and not included in the ordinance. City Manager Phelps stated that it is hoped that these fees can go into effect the same time as the ordinance. City Manager Phelps explained that the cemetery fees have not been increased for approximately 20 years and these rates being proposed are approximately a fifty percent increase. There was some discussion on the rate increases. A perpetual care fee was added to the fees. City Manager Phelps stated that a perpetual care fee was added to the cemetery fees and would be for the sale of non-resident lots. City Manager Phelps stated that currently in this resolution there is no additional increases for future years. The following options were discussed: cpi increase and a flat amount increase each year. Commissioner Byerly commented that this is a resolution so it could come back before the commission annually for review. City Manager Phelps answered that is true, however, as we all know that there are many things on our plate at all times and we are very good at getting caught up but then we need to remember to review it. There was some discussion on including additional fee increases. Mr. Ralph Mihlfeld, Creel Funeral Home, commented that he fees the increase are in line. Mr. Mihlfeld asked about the headstone fee of \$125. Mr. Mihlfeld stated that he is okay with this fee with the exception that a Veteran's headstone is a two-foot stone and the County pays a total of \$400 for the Veterans, which is \$100 for the headstone and \$300 for funeral expenses. Mr. Mihlfeld asked if the headstone could be changed to \$100. It was discussed that the wording for monuments would be changed to say 2 feet x 1 foot or smaller will be a setting fee of \$100. Mr. Mihlfeld asked if he has a monument company that comes and sets a headstone, can that fee be waived. City Manager Phelps explained that again this goes along with the fact that the City is responsible for the stone forever and it would go along with perpetual care of the cemetery. City Manager Phelps further explained that the setting fees also includes the concrete and then any maintenance that would need to be done for example if the grave sinks. Mr. Mihlfeld asked if the monument company can still set the headstones? Public Works Director Killham answered that yes, they can still do that with the direction of the Cemetery Caretaker. Finance Officer Brummond stated that the monument companies need to have a business license to do work in the City cemetery. Mr. Mihlfeld stated that the monument companies that he works with work under his business license and those companies have insurance and cover their work. Finance Officer Brummond explained that it something that would have to be discussed further and ask the City Attorney Boettger what his thoughts are. City Attorney Boettger stated that it would be a lot like a sub-contractor and the City requires all sub-contractors to obtain a business license. It was discussed that the business license question would need to be looked at going forward to address the concern. Commissioner Doney commented that this will be on the next agenda for approval.

2. Discussion and action on second reading of Ordinance No. 1764, an ordinance amending Chapter 7, Title 9 of the Lewistown City Code, revising regulations for purchase and transfer of

cemetery lots, setting of fees, grave openings and closings, burial regulations; establishing general restrictions and making miscellaneous changes

City Manager Phelps explained that this is the ordinance that was passed at the last meeting with the approved changes. However, when the ordinance was reviewed it was discovered that fees were addressed in two different sections of the ordinance and it was removed from the burial regulations section. On page 5 cremains was discussed with reference to vaults and it now states that only one vault per plot will be allowed. The Veterans section is specific to City residents and the perpetual care will remain at 50%. Finance Officer Brummond stated that on page 3 item F is where it addresses that all work performed by anyone other than the City will be required to have all appropriate City licenses and permits. Finance Officer Brummond explained that this was a question from Mr. Mihlfeld. Finance Officer Brummond further explained that there are other monument companies and engraving companies that come into the cemetery to do work and if there is any damage to the stones or theft of stones it then becomes the City's responsibility to pay for any damage. Finance Officer Brummond stated that she does not feel it would be beneficial to change the business license ordinance but maybe come up with a solution. Commissioner Doney commented that she is fine with this wording regarding business license remaining in the ordinance and then maybe the business license situation can be addressed by policy. Commissioner Turk commented that the wording on page 4 states infant being buried with his mother can't it read father or parent. Commissioner Turk made the motion to approve the second reading of Ordinance No. 1764, an ordinance amending Chapter 7, Title 9 of the Lewistown City Code, revising regulations for purchase and transfer of cemetery lots, setting of fees, grave openings and closings, burial regulations; establishing general restrictions and making miscellaneous changes with the change on item B page 4 to say an infant being buried with his or her parent and Commissioner Byerly 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 the Memorandum of Agreement (MOA) with the Montana Department of Environmental Quality for the voluntary work being done to develop a cleanup plan for Central Post and Treating Co. site and authorizing the City Manager to sign the agreement

City Manager Phelps explained that this is an agreement with the Montana Department of Environmental Quality to start the cleanup of the Central Post and Treating Co site. City Manager Phelps stated that it is voluntary work and they will start by developing a clean up plan. City Manager Phelps also stated that this is part of the planning grant the City received from the Montana Department of Natural Resources and Conservation. Commissioner Hewitt made the motion to approve the Memorandum of Agreement (MOA) with the Montana Department of Environmental Quality for the voluntary work being done to develop a cleanup plan for Central Post and Treating Co. site and authorizing the City Manager to sign the agreement and Commissioner Oldenburg 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 approving the City Manager contract for March 1, 2020 to February 28, 2023

City Manager Phelps commented that she met with the committee and came up with the contract before you for approval this evening. City Manager Phelps explained that the contract is for three years and outlines her duties and wages. It includes a \$5,000 increase on her base salary and the vehicle and phone considerations will remain the same for the entire contract.

Commissioner Byerly explained that it was a very good discussion, a lot of aspects of the agreement, it was very positive. Commissioner Byerly commented that with her performance and what is expected of her that the increase in the base was justified. Commissioner Loomis made the motion to approve the City Manager contract for March 1, 2020 to February 28, 2023 and Commissioner Oldenburg 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 awarding the Creekside Pavilion Bid. This bid includes the construction and finishing of pavilion.

City Manager Phelps explained that the bid for the pavilion was received on Friday and only one bid was received from Birdwell Builders. City Manager Phelps explained that this is for the erection of the steel pavilion and the materials were donated. The completion of the pavilion includes some electrical. City Manager Phelps stated that the bid is \$88,676.45 which is barely over the engineers estimate and an additional component that was bid was an additional stand-alone storage building that would be located behind the pavilion. The bid for the storage was \$15,706.69. City Manager Phelps stated that she is recommending awarding the bid to Birdwell Builders for both the pavilion and the storage structure. Commissioner Oldenburg made the motion to award the Creekside Pavilion bid to Birdwell Builders in the amount of \$88,676.45 and the addition of the storage building in the amount of \$15,706.69 and Commissioner Turk seconded the motion. City Manager Phelps stated that the completion date is the end of May and they are working on scheduling the first event. 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 and action on reappointing Tim Robertson to Lewistown's Design Review Board for an additional three-year term

City Manager Phelps stated that Mr. Tim Robertson has served on the Lewistown Design Review Board for a few years and was very involved in the recent changes to Lewistown's sign ordinance. Mr. Robertson has agreed to serve another three-year term. City Manager Phelps stated that Mr. Robertson is an active member and recommends he be reappointed for an additional three-year term. Commissioner Hewitt made the motion to reappoint Tim Robertson to Lewistown's Design Review Board for an additional three-year term and Commissioner Byerly 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.

7. Discussion and action on reappointing Tim Robertson to the Airport Board for an additional two-year term

City Manager Phelps explained that Mr. Tim Robertson has requested that he be reappointed as the City's representative to the Airport Board. City Manager Phelps explained that his company has a couple of planes and he himself is a pilot and owns a hangar at the Airport. Commissioner Hewitt would recommend that he be reappointed to the Airport Board as he is very knowledgeable. Commissioner Oldenburg made the motion to reappoint Tim Robertson to the Airport Board for an additional two-year term and Commissioner Loomis 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.

CITIZENS' REQUESTS

Mr. Richard Battrick asked why the same person was serving on two boards. City Manager Phelps answered that the City has many boards and sometimes citizens are able to serve on two boards because of their knowledge and experience.

COMMISSIONER'S MINUTE

Commissioner Hewitt asked who the caretaker was for Sunset Memorial Gardens. Mr. Ralph Mihlfeld answered that it is Nathan and Tracy Lewellen. Mr. Mihlfeld stated that they both work but if you leave a message, they are very good at returning calls.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 2nd day of March, 2020.

Gayle Doney, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk