

COMMITTEE OF THE WHOLE

FEBRUARY 6, 2023

6:00 PM

1. Presentation by the Montana Department of Commerce to discuss their Community Technical Assistance Program

NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION, CITY OF LEWISTOWN, FEBRUARY 6, 2022 AT 7:00 P.M. AT THE CENTRAL MONTANA COMMUNITY CENTER LOCATED AT 307 W WATSON

To participate virtually the options are as follows:

To join by zoom: <https://zoom.us/j/8486275925?pwd=dTVGbndDK253ZUJLMjRuZXU5QVpMdz09>

Meeting ID: 848 627 5925 Passcode: 59457

To participate by phone: dial (253) 215-8782 Meeting ID: 848 627 5925 Passcode: 59457

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES –January 17, 2023

COURTESIES

PROCLAMATIONS

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgment of the claims that have been paid from January 13, 2023 to January 31, 2023 for a total of \$305,401.45

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

1. Public hearing to hear comments on expanding the Tourism Business Improvement District No 1 for another 10 years to continue to promote tourism, conventions, trade shows and travel to the City of Lewistown, Montana
2. Discussion and action on approving Resolution No. 4112, a resolution expanding the Tourism Business Improvement District No 1 for another 10 years to continue to promote tourism, conventions, trade shows and travel to the City of Lewistown, Montana (**Action: approve, disapprove or amend Resolution No. 4112**) City Manager Holly Phelps
3. Discussion and action on approving Resolution No. 4113, a resolution amending the award of TIF district funds for One Health approved by the Lewistown Tax Increment Financing District Board (**Action: approve, disapprove or amend Resolution No. 4113**) City Manager Holly Phelps
4. Discussion and action on awarding the 2022-2023 Water Improvement Project, Schedule I & II (**Action: approve, disapprove or amend awarding the 2022-2023 Water Improvement Project**) City Manager Holly Phelps
5. Discussion and action on approving Resolution No. 4114, a resolution approving the amending the bylaws for the Lewistown Airport and striking Line 3.01 of Article 3 (**Action: approve, disapprove or amend Resolution No. 4114**) City Manager Holly Phelps

CITIZENS' REQUESTS

COMMISSIONER'S MINUTE

ADJOURNMENT

* All citizens are invited to make comment on any agenda item prior to action being taken by the Commission

RESOLUTION NO. 4112

A RESOLUTION EXPANDING THE TOURISM BUSINESS IMPROVEMENT DISTRICT No. 1 FOR ANOTHER 10 YEARS TO CONTINUE TO PROMOTE TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY OF LEWISTOWN, MONTANA

WHEREAS, the Lewistown City Commission created Tourism Business Improvement District No. 1 on December 3, 2012 by approving Resolution No. 3806; and

WHEREAS, the Duration of the District is for a period of 10 years as prescribed by Montana Code Annotated § 7-12-1141; and

WHEREAS, Montana Code Annotated § 7-12-1112 calls for a resolution of intent to expand a district; and

WHEREAS, a request to expand the district for an addition 10 years has been made; and

WHEREAS, Tourism Business Improvement District No. 1 has and will continue to increase tourist trips and promote and benefit the tourism and lodging industry in Lewistown; and

WHEREAS, the Tourism Business Improvement District No. 1 will provide funding that will promote the health, safety, prosperity, security, and general welfare and will convey a special benefit to the properties within the boundaries of the Tourism Business Improvement District;

WHEREAS, the City Commissioner of Lewistown passed a Notice of Intent to Expand the District on November 21, 2022 and the notice was provided to all of the owners of real property within the District whom an assessment may be made; and

WHEREAS, a public hearing was held on February 6, 2023 and no protests to the expansion of the Tourism Business Improvement District No. 1 being made;

BE IT RESOLVED, that Business Improvement District No. 1 is expanded for an additional 10 years. All other sections of Resolution No. 3806 remain in full force and affect.

APPROVED by the City Commission of the City of Lewistown, Montana, this 6th day of February, 2023.

KellyAnne Terry
Chairman of the Commission

ATTEST:

Nikki Brummond, City Clerk

RESOLUTION NO. 4113

A RESOLUTION AMENDING THE AWARD OF TIF
DISTRICT FUNDS FOR ONE HEALTH APPROVED BY
THE LEWISTOWN TAX INCREMENT FINANCING
DISTRICT BOARD

WHEREAS, the Lewistown City Commission has adopted Ordinance No. 1748 – An Ordinance establishing the Lewistown Urban Renewal Area, creating the Lewistown Urban Renewal District and adopting the Lewistown Urban Renewal District Plan; and

WHEREAS, by Resolution number 3903 the City created an Urban Renewal Agency per 7-15-4232 Montana Codes Annotated (MCA), which was designated as the “Lewistown Improvement District Board” to engage in activities authorized in 7-15-4234 MCA and provide administrative functions; and

WHEREAS, the Commission re-designated the “Lewistown Improvement District Board” as the “Lewistown Tax Increment Financing District Board” by Resolution 3923; and,

WHEREAS, the Commission appointed a Lewistown Tax Increment Financing District Board (hereafter, the “TIF Board”) in order to manage the Lewistown Urban Renewal District created by Ordinance 1748; and,

WHEREAS, the TIF Board oversees the operation of the Lewistown Urban Renewal District, including public purpose activities; promotional activities; façade building conservation and loan programs; and administrative functions; and,

WHEREAS, the TIF Board exercises those powers authorized by law as specified in Resolution 3923; and,

WHEREAS, the TIF Board has developed the Lewistown TIF District (LTD) Program whereby qualified applicants may apply for TIF District Program Funds for assistance in redevelopment or rehabilitation of properties within the Urban Renewal District; and,

WHEREAS, through its LTD Program the TIF Board has received numerous applications for TIF District Program Funds, has reviewed the same and, has recommended approval of several applicants for those funds; and,

WHEREAS, the City Commission has retained final budgetary authority for TIF program activities.

NOW, THEREFORE, BE IT RESOLVED, that the Lewistown City Commission hereby amends the award of TIF District Program Funds as recommended by the TIF Board due to increased material costs:

1. One Health/Homeword, for Signage, at located at 309 & 311 W. Main Street, One Health, applicant; \$8251.51 grant

BE IT FURTHER RESOLVED, that prior to disbursement of any TIF funds, all applicants shall enter into such Development Agreements as established and approved by the TIF Board.

PASSED AND APPROVED this 6th day of February, 2023.

KellyAnne Terry, Chairperson
Lewistown City Commission

Attest:

Nikki Brummond
City Financial Officer/Clerk

Lewistown TIF - Crowley Block

Eligible Improvement	Original Budget	Actual Cost
Front hanging sign for Main Street	\$ 4,010.00	\$ 7,230.00
Back entrance sign	\$ 550.00	\$ 1,154.00
Monument sign	\$ 8,475.95	\$ 8,119.01
<i>Total</i>	<i>\$ 13,035.95</i>	<i>\$ 16,503.01</i>
<i>TIF Request (50%)</i>	<i>\$ 6,517.98</i>	<i>\$ 8,251.51</i>



January 30, 2023

Holly Phelps, City Manager
City of Lewistown
305 West Watson Street
Lewistown, MT 59457

RE: **Authorization to Award** for the City of Lewistown Water System Improvements Project, Schedule I & II, 2022-2023 (E.Q. 22-1841 and PWSID No. MT0000271)

Dear Ms. Phelps:

The Drinking Water State Revolving Fund (DWSRF) loan program received your request to award contracts for the above-mentioned project. The related bidding documentation for the Schedule I and Schedule II projects were received December 29, 2022, and the Site Title Opinion was received January 27, 2023. The request and supporting documentation have been reviewed. Schedule I consists primarily of pipe replacement. **Authorization is hereby given to award the Schedule I project to Griffith Contracting, LLC.** The total amount of the Schedule I contract is \$767,449.82, all of which is eligible for DWSRF funding.

Schedule II consists of a new building with chlorination facilities and storage piping for the existing Big Springs source; improvements to the Lower Pump/Valve Station; replacement of the Castle Ridge Booster Pump Station; and new supervisory control and data acquisition (SCADA) equipment. **Authorization is hereby given to award the Schedule II improvements project to Prospect Construction, Inc.** The total amount of the contract \$5,638,138.45, all of which is eligible for SRF funding.

We will need to review contract documents to ensure compliance with the approved project specifications and applicable laws and regulations. These documents are considered to be part of the approved specifications. Following is a list of documents that must be submitted to the DWSRF loan program for both contracts:

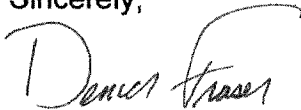
1. A signed copy of the **agreements** with the prime contractors.
2. A copy of the authorizations (**Notice to Proceed**) for the prime contractors to begin construction.

3. A copy of the contractor's **Certificates of Insurance and other documentation of insurance** (as required in Article 5 of the Standard Conditions of the Construction Contract and the Supplementary Conditions).
 - a. **Liability Insurance**
 - b. **Workers Compensation**
 - c. **Property Insurance**
4. Copies of the **Performance Bonds**.
5. Copies of the **Payment Bonds**.

Copies of subcontracts, purchase agreements or purchase orders signed with Disadvantaged Business Enterprise (DBE) firms, at the beginning of or during the project, should be forwarded to the DWSRF within 15 days of contract execution. Also, please assure that contractors and subcontractors properly post State Prevailing Wage Rates, Equal Employment Opportunity (EEO), and Occupational Safety and Health Administration (OSHA) information at the construction site.

We will monitor construction progress and are planning to conduct construction inspections as necessary.

Sincerely,



Denver Fraser, P.E.
Montana DEQ
Drinking Water SRF Program
Ph. 406.444.5318
dfraser@mt.gov

Cc: Austin Wargo, P.E., RPA. (email)
Brad Koenig, P.E., RPA. (email)
Anna Miller, DNRC (email)
Cid Sivils, DNRC (email)

RESOLUTION NO. 4114

A RESOLUTION APPROVING THE AMENDING THE
BYLAWS FOR THE LEWISTOWN AIRPORT AND
STRIKING LINE 3.01 OF ARTICLE 3.

WHEREAS, The City of Lewistown is a joint owner, with Fergus County, of the Lewistown Municipal Airport property, and as a co-owner is interested in the efficient and orderly administration of the airport property through the Lewistown Airport Board; and

WHEREAS, a Joint Resolution, number 5-98, was passed by the Board of Commissioners of Fergus County, and the Commission of the City of Lewistown, on or about March 18, 1998, and such resolution provided for the creation of a joint airport board under the provisions of the Municipal Airports Act, found in Title 67, Chapter 10, Montana Code Annotated; and

WHEREAS, at this time the Airport Board has approved and submitted a document entitled "Lewistown Municipal Airport Board Bylaws", and the Airport Board has requested to Amend Article 3 by striking the last line of section 3.01 which is amending the term limits for board members; and such approval from both governing bodies is required; and

WHEREAS, both the Board of Commissioners of Fergus County and the Lewistown City Commission have duly considered the attached document, the "Lewistown Municipal Airport Board Bylaws with the requested Amendment; and find such Amendment to the bylaws to be appropriate and necessary for the efficient and orderly administration of the Lewistown Municipal Airport;

NOW THEREFORE BE IT RESOLVED, that the Amendment to the attached document, entitled "Lewistown Municipal Airport Board Bylaws" striking the last line of 3.01 of Article 3 is hereby approved and shall be the bylaws of the Airport Board from the effective date; and

BE IT FURTHER RESOLVED that this Resolution shall become effective upon passage and approval by both the Fergus County Board of Commissioners and the Lewistown City Commission; and

PASSED AND ADOPTED by the City Commission of the City of Lewistown, Montana, in regular session on the 6th day of February, 2023.

KellyAnne Terry,
Chairperson
City of Lewistown

ATTEST:

City Clerk

LEWISTOWN MUNICIPAL AIRPORT BOARD BYLAWS

Adopted _____

ARTICLE I

Name

1.01 Name. The Lewistown Municipal Airport Board, referred to herein as the Airport Board and acting under the authority granted by the Municipal Airport Act, MCA 67-10-101, et seq.

ARTICLE II

Duties and Powers

2.01 Purposes. The purposes of the Airport Board are as follows:

A. To provide for the planning, acquisition, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of the airport or landing field, and other air navigation facilities established thereon, and all airport hazards, but the Airport Board shall make no contracts nor incur any obligations for such purposes, nor for any one of them, which singly or in the aggregate shall involve an expenditure of any more money than is available under the Airport Board budget for such purposes.

B. To fix fees and rentals for the use of said airport or landing field.

C. No contract or agreement for any expenditure of any sum in excess of the amounts provided for in M.C.A. § 7-5-2301 et. al. shall be made or entered into except as allowed by the Codes of Montana.

D. Any agreement or contract, or rule or regulation for the improvement or maintenance, fixing fees and rentals, or for the control or regulation of the use of the airport or landing field under the preceding clauses of this section shall be subject and subordinate to any and all agreements or contracts made and entered into by the County of Fergus, Montana, or the City of Lewistown, Montana, with the United States Government for the improvement and use, maintenance and equipment of the airport or landing field.

E. To prescribe forms of claims against the Airport Fund, which shall be certified by the claimant, and to prescribe the form of warrant to be drawn against the fund and to be payable by the treasurer of the County of Fergus,

Montana. All such claims shall be audited and approved by the Airport Board before payment, entered upon the minutes of the board and approval or rejection noted in the minutes and endorsed upon the claim in such a manner as the Airport Board shall prescribe.

F. To make rules and regulations for its own government and to conduct its proceedings as set forth in Articles Four (4) and Five (5) of these bylaws, not inconsistent with Articles Four (4) and Five (5), nor in violation of the laws of the State of Montana. Such rules and regulations when adopted, and any amendments to or repeal thereof shall be entered at large upon the minutes of the board, and at all times open to public inspection. A copy of rules and regulations so adopted and approved by the Chairman of the Board of Fergus County Commissioners, and the City Commissioners of the City of Lewistown, Montana shall be filed with the County Clerk and Recorder of Fergus County, Montana, and with the City Clerk of the City of Lewistown, Montana, and no change therein or amendment thereto shall be effective until such change or amendment has been likewise approved and filed.

G. Regular audits shall be conducted in accordance with the accepted government practices.

H. The Airport Board shall keep a record of its proceedings, which shall at all times during regular office hours be open to the inspection of the Board of County Commissioners of the County of Fergus, Montana, and the City Commissioners of the City of Lewistown, Montana, or any city or county official designated by any or either body, the state examiner, or any of his deputies, and the public generally.

I. On or before the 31st day of July of each year while the Airport Board continues to function, it shall make an annual report in writing of its proceedings and particularly of its expenditures, to the City Commission of the City of Lewistown, Montana, and to the Board of County Commissioners of Fergus County, covering the entire period preceding the date of the first such report and thereafter for the period intervening between each report; provided that special reports may be called for at any time by the City Commission of the City of Lewistown, Montana, and the Board of County Commissioners of the County of Fergus, State of Montana.

ARTICLE III
Composition, Appointment, and Removal of Airport Board Members

3.01 Number and Terms

A. The Airport Board shall consist of five (5) members, residents of Fergus County, as follows: a member of the City Commission of the City of Lewistown, Montana; a member of the Board of Commissioners of Fergus County, Montana; a person selected from the City of Lewistown by the City Commission; a person selected from Fergus County by the County Commission.

The fifth member of the Airport Board shall be selected by a majority vote of the members of the Airport Board from a slate consisting of two or more nominees submitted by the local Central Montana Hangar of Montana Pilots Association. That person accepted must be an active pilot. If none of the nominees submitted by the Pilots Association are selected to serve, the Pilots Association shall submit a new list of two or more nominees to the Airport Board for consideration. This process shall continue as necessary until the "at large" member is selected.

The term of office shall be for four (4) years for each board member, including the "at-large" member. All terms shall begin on January 1st and shall expire on the 31st day of December at the end of the appointed term.

B. Qualifications of the Airport Board Members: Board Members shall be appointed on the basis of qualifications including but not limited to the following:

1. Each member shall qualify by taking and subscribing to the constitutional oath of office in duplicate, one copy of which shall be filed with the County Clerk and Recorder of Fergus County, and one copy of which shall be filed with the City Clerk of the City of Lewistown. Within ten days of the notice of their appointment, the members of the Airport Board shall file their oath of office.

C. Removal of an Airport Board Member: With a recommendation from the Airport Board, either the Fergus County Commission or the Lewistown City

Commission may remove upon majority vote, with or without cause, any of their respective Airport Board appointees. The Airport Board may remove, upon majority vote, with or without cause, the Pilots Association Member appointed by the Airport Board.

D. Vacancies in the membership of the board for any reason shall be filled by the authority that appointed the member whose office becomes vacant, pursuant to the same provisions pertaining to the appointment of the original members. Any person appointed to fill a vacancy on the Airport Board shall hold said vacancy until December 31st of that year. Commencing on January 1st of the following year, the newly appointed member's term of office shall then begin.

E. If any Board Member, without reasonable excuse, misses any two (2) consecutive Board meetings; such shall be cause for the remaining Board to recommend removal. Whether or not any particular absence is reasonable shall be determined in the sole discretion of the Board.

ARTICLE IV

Meetings

4.01

A. Regular Meetings: The Airport Board may provide for the time and place within the State of Montana for holding of regular and special meetings; provided that the regular meetings of the board shall not be less than once every month. Advance notice of all meetings, regular and special, shall be given in accordance with all applicable laws, regulations, and policies.

B. Special Meetings: Special Meetings of the Airport Board may be called by or at the request of the Chairperson or any two (2) Board Members. The person or persons calling a Special Meeting may fix any place within Fergus County, Montana, as the place for holding any such meetings. Reasonable notice shall be given to all Board Members of any Special Meetings.

C. Manner of Action: The act of not less than a majority of the Airport Board Members present at any regular or special meeting of the Board at which a quorum is present, shall be the act of the Airport Board.

D. Quorum: a majority of the Airport Board members shall constitute a

quorum for the purposes of conducting and transacting business of the Airport Board and exercising its powers for all purposes at any regular or special meetings of the Airport Board. Actions may be taken by the Airport Board upon a vote of not less than a majority of the Board members present.

E. Parliamentary Procedure: All meetings shall be conducted in accordance with parliamentary procedures as per current Roberts Rules of Order.

ARTICLE V

Officers and Employees

5.01 Officers:

A. **Chairperson and Vice Chairperson**: Airport Board Members must elect from their numbers, a Chairperson and a Vice Chairperson. The elections will be resolved by majority vote, on an annual basis and conducted at the first meeting in January. The Treasurer of the County of Fergus, Montana shall be the sole custodian of the "Airport Funds".

5.02 Employees and consultants:

The Airport Board may employ an Airport Manager, Secretary, Administrative Assistant, Technical Experts, and such other officers, agents, and employees, permanent and temporary, as required and as allowed by its budget and shall determine their qualifications, duties and compensation, subject to Fergus County Commissioner's approval. The Airport Board may delegate to one or more of its agents or employees such powers or duties as it considers proper. Any employee shall become a Fergus County employee and shall be subject to the current Fergus County rules, regulations, benefits and Personnel Policy.

ARTICLE VI

AIRPORT FUND

6.01

The "Airport Fund" shall contain all funds received by the Airport Board arising out of tax levies and appropriations made for its use by the County of Fergus, and the City of Lewistown, Montana, and in addition shall contain all funds derived from the operation of the airport, rental revenues from all airport properties, and all funds contributed or loaned by the United States or

the State of Montana. The Clerk and Recorder of the County of Fergus, Montana, shall pay monies there from only upon claims approved in writing by two of the Airport Board members and entered into the minutes of the Airport Board.

ARTICLE VII

Standards of Conduct

7.01

The Airport Board members appointed shall be governed by the County of Fergus code of Ethics and Montana State Law relating to conduct of public business.

ARTICLE VIII

Committees

8.01

A. Committees: The Airport Board may review and or create committees, for the purpose of making recommendations to the Board. The Airport Manager shall be an active member of all committees.

ARTICLE IX

Amendments

9.01

The Bylaws may be altered, amended or repealed, and new Bylaws may be recommended by the Airport Board, to the Fergus County Commission and the City of Lewistown Commission, for creation and approval.

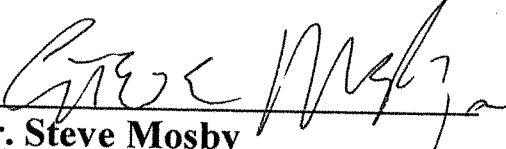
ARTICLE X

Offices

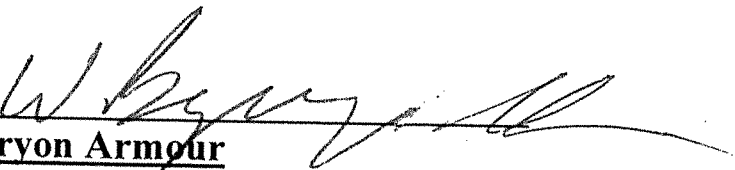
10.01

The Airport Board may have such other offices, as the Airport Board may designate or as the business of the Board may require from time to time.

Passed and Approved by the Airport Board, on the 4th day of January, 2023, and forwarded to the Fergus County Commission and Lewistown City Commission for approval.


Dr. Steve Mosby
Airport Board Chairman

Attest:


Bryon Armour
Airport Manager

1/13/23