

## **LEWISTOWN CITY COUNCIL MEETING**

**DATE November 10, 2020**

The Lewistown City Council met in regular session in the council chambers. Mayor Elmer Littlefield Jr. called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

**ROLL CALL: PRESENT:** Alderperson Sally Clark, Trever Kelley, Doug Lafary, Kendall Miller, Kim Pascal, John Spotloe (ZOOM) and Mayor Elmer Littlefield. Also, Present: City Clerk Cindy Goddard, Treasurer Debbie Brown (ZOOM), Public Works Director Evinn Palmer.

**DECLARATION OF QUORUM** by Mayor Elmer Littlefield Jr.

**CLERKS REPORT/MINUTES:** Cindy Goddard. Nothing to report

Alderperson Miller made a motion to approve the minutes of October 27, 2020, second by Alderperson Clark roll call vote, motion carried all ayes.

**TREASURER'S REPORT:** Debbie Brown. Alderman have treasurer's report for September.

### **PRESENTATION OF BILLS:**

Alderperson Kelley made a motion to approve all bills properly endorsed; Second by Alderperson Clark roll call vote, the motion carried all ayes.

**ATTORNEY'S REPORT:** Attorney Nathan Collins. I received a letter from Kenneth Eathington regarding Fulton County Fair and Racing Association, I delivered a copy to Cindy Goddard, Mayor Littlefield and Chief Werland. Alderperson Sally Clark asked if everyone could have a copy, yes after meeting they can get a copy.

**ENGINEER'S REPORT:** Keith Plavec. Did not attend.

**PUBLIC COMMENTS AND PETITIONS:** None

### **COMMITTEE REPORTS:**

**Finance – Alderperson Clark:** Nothing to report.

**Sewer – Alderperson Spotloe:** Nothing to report.

**Street & Alley – Alderperson Miller:** Nothing at this time

**Police/ESDA – Alderperson Lafary:** Nothing to report.

**Water – Mayor Littlefield:** Grissom resolution is still in process of getting written up by Attorney Collins. The Mayor called a meeting last Tuesday (November 3) but it was boycotted by no one showing up, Alderman or anyone from Fulton County Fair Board. It is a law, has statute that says that the Mayor shall perform all the duties which are prescribed by law, including ordinances, and shall take care that the laws and ordinances are faithfully executed. This morning the public

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works was stopped from putting in meters at the Fulton County Fair Grounds. A letter was received from their attorney. They stated they have a letter they cannot locate that says they get free water. The city cannot find a copy of the letter either. Alderperson Miller, says we are going to be spending a lot of money and hopefully fair board was invited to the meeting on November 3, and they were. We need to sit down with the Fair Board and go over everything. The council agreed that after the homework was done, we should get together to resolve this. Mr. Lafary has been letting the Fair Board know everything per the Mayor. Alderperson Lafary said they do not trust him (the mayor). Alderperson Clark said so far \$300-\$400.00 has already been spent on Attorney fees, plus there will be more. The law is dated 2017 that we charge for the water. Alderperson Miller said as human beings we need to sit down and discuss this, there is a problem we need to work it out. Alderperson Lafary said the Mayor called a meeting when the subject had been tabled at the October 27 city council meeting. He received an agenda the very next morning regarding having a meeting on November 3. Alderperson Lafary said the Mayor had a meeting on his own and passed his own rules. Alderperson Lafary asked Attorney Collins if it was against the law for him to call a meeting when something was tabled. I have no idea, what was exactly tabled. Alderperson Lafary said we need an outside agency to investigate this. Attorney General can decide whether the Mayor can call a meeting when something is tabled. Alderperson Spotloe said the letter only said they were going to start putting meters in today nothing about an agreement. Agreement says we can drive across the property, we don't have an easement said Alderperson Lafary. Was the sheriff there today and what was his recommendation? Chief Werland and Evin Palmer was there. The Mayor tabled at the meeting before and why did you call a meeting, no action was taken? Alderperson Clark said you are costing the city a lot of money. Alderperson Pascal asked what if the law is broken will someone get arrested? The Mayor says I have a legal right. Alderperson Lafary asked if this was from the legal advice of the city attorney and why do we even have a council? Alderperson Miller said if we can just sit down with fairboard and make some kind of decisions. Legally we have the facts. The Mayor said in Attorney Collins memorandum it says we have a legal right. The Mayor said what do they have to hide we just want to put in meters. Alderperson Spotloe said they don't want meters because you will want to charge them for eight meters. Alderperson Clark asked why do they have to have 8 taps, why can't they have just one meter, because taps are on the main. The Mayor asked why do the tax payers have to keep paying for their water. Alderperson Lafary said it will take years to regain all this money that it is costing to put in these meters. How do we know that the fairgrounds does not have a leak asked Mayor Littlefield? The city has fire hydrants in other parts of town that are leaking stated Lafary. Motion by Alderperson Lafary we leave as is, wait to see if the meters we are putting in houses are saving the city, motion not to pursue this any further, it is costing too much money. At this point we are not going back to cause an altercation at the fairgrounds. Alderperson Lafary said we are not violating any law. Alderperson Clark says they are shut off 11 months of the year. No per mayor there is weddings,

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mud drags and other activities that the water is turned on for, not true at all. Lafary again said this council knows nothing according to the Mayor and he has already made a decision. Mayor Littlefield said that Alderperson Lafary has a conflict of interest, he said I am not voting on anything, just voicing my opinion, freedom of speech. Mayor asked if we could have a meeting with the fair board? Alderperson Lafary we are having a meeting right now that is not accomplishing anything. Alderperson Miller said we need to make some kind of deal, gravel for water or something like that. Someone needs to pick up the phone and have a face to face meeting. Not a letter, this is costing a lot of money. Alderperson Clark said we know that they cannot afford 8 meters. The Mayor said we have a right to monitor our water. Alderperson Lafary told the Mayor to quite saying WE when it should be I. Alderperson Lafary wants Attorney General to check into this, it needs to be an unbiased group. Alderperson Clark said the fair board is a group of great people and you (the Mayor) have not tried to get to know them. (Everybody arguing to hard to get everything in minutes.) Mayor asked have you heard of "Easement by Adverse Use." Attorney Collins to look into this terminology. The Mayor said the Alderperson Lafary said "Whoever stopped you from going there?" Lafary said when did I say that, Mayor said I have it on tape. Alderperson Lafary said this is a public meeting. Hopefully get some meetings going. Alderperson Miller said we need to call the fair board president not send a letter (over and over this was said). Why didn't you (Mayor) also go to the fairgrounds also and talk to them ask Alderperson Clark. Alderperson Lafary want to know if they have a say (the council) whether to spend all this money on this. The law says we have to bill, Alderperson Lafary said they do pay a bill. Mayor says not for all water usage. Let's move on.

**Utilities/Publications – Alderperson Kelley:** Nothing to report.

**Buildings & Grounds – Alderperson Kelley:** Nothing to report.

**Tourism – Alderperson Pascal:** Nothing new to report. Alderperson Miller said that Havana is having a Veterans Day service on Wednesday, Lewistown is not, if anyone wants to go there.

**UNFINISHED BUSINESS:**

1. Discuss/Approve an Ordinance Approving and Authorizing the Execution of a TIF Redevelopment Agreement by and Between the City of Lewistown and Herrick Rentals, LLC. – Mayor Littlefield bowed out along with Kim Pascal. Alderperson Clark said for Kendall Miller to take over at this time. This was discussed at the last meeting. Alderperson Clark made motion to approve the Ordinance for the Execution of a TIF Redevelopment Agreement by and between the City of Lewistown and Herrick Rentals, LLC., second by Alderperson Lafary, roll call vote, motion carried all ayes.

**NEW BUSINESS:**

1. NONE

**ADJOURNMENT:**

Aldersperson Miller made a motion to adjourn at 7:08 p.m.; Second by Aldersperson Clark motion carried all ayes.



Cindy Goddard, City Clerk