

THE LEWISTOWN CITY COMMISSION HELD A VIRTUAL COMMISSION MEETING ON MARCH 15, 2021 THOSE IN ATTENDANCE PARTICIPATED BY ZOOM OR TELECONFERENCE. THE VIRTUAL MEETING STARTED AT 7 PM.

CALL TO ORDER

Chairman Turk called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

APPROVAL OF MINUTES

Chairman Turk stated that without objection and based on the corrections the February 16, 2021 and March 1, 2021 minutes are approved.

COURTESIES

There were none,

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that the Library Board met March 11th and they will be meeting weekly while working on filling the Library Director position.

Commissioner Dunnington reported that the Zoning Commission will be meeting March 18th at 5:30 pm.

Commissioner Hewitt reported that she attended the Airport Board meeting on April 3rd. Commissioner Hewitt explained that Ballyhoo has been talking to the Airport about the ability to place a coffee kiosk on the large parking lot. Commissioner Hewitt further explained that the Airport Board has not made a decision but did tell them the kiosk would have to be hooked up to water and sewer. Commissioner Hewitt stated that Mr. Leroy Musick came to the Airport Board regarding a small museum for World War II, which an area has already been designated. Commissioner Hewitt further stated that he asked about a installing a mausoleum for World War II vets.

Commissioner Loomis reported that the Park and Recreation Board met on March 10th. Mr. Robert Snyder has put in a request for a revival from July 4th to July 9th and it was approved by the board. Commissioner Loomis stated that the board has settled on names for the parks throughout the City. The intramural volleyball is finishing up and they are starting the Little Eagle Basketball program for kids Kindergarten through 4th grade. Kinklar Construction submitted a bid for the remodel of the women's restrooms at the Civic Center. The swimming pool is planning on opening without any COVID restrictions. The Trail Kiosks will be updated the new information and the new trail maps. The ice rink is

done for the season. The grand opening for Creekside is June 22nd and the Trails and Ales event is going to be held this year during Chokecherry Festival.

Commissioner Oldenburg reported that the Central Montana Foundation met on February 23, 2021. A hospital board member was in attendance and reported that they are examining the possibility of adding a cancer treatment center to Central Montana Medical Center. A Central Montana Foundation Community Service Scholarship will be expanded to provide \$1,500 to a graduate who has provided outstanding levels of service to this area while in high school. Grants were awarded to Cub Scout Pack 360 in the amount of \$677.89 for pinewood derby expenses and the Lewistown Area Chamber of Commerce receive \$2,500 for the 4th of July Fireworks. The Central Montana Annual Meeting will be held in person and open to the public on May 25th at the Elks.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The Commission will hold their first work session on March 29th at 5:30 pm. These works sessions are sometimes held on the fifth Monday of a month. This is an opportunity for some extra training or work on a particular item for the City Commission. There will not be any action taken it is just an opportunity for additional training for the City Commission.

The Building Department has been notified by the State of Montana that they had recently adopted the 2018 international Energy Conservation Code, as amended by ARM 24.301.161. As a certified local government, we must adopt the same code that the State of Montana does within 90 days. Per our ordinance 4.4.1 these are done by order of the Public Works Director.

The recent warm weather has allowed Public Works to begin spring cleaning. The Street Department has both street sweepers out and working on cleaning up the gravel from the winter.

The Civic Center is busy with spring activities. They are holding the Little Eagle Basketball program; the soccer association is ready for spring soccer and signups for baseball and softball have started. They are also gearing up for the pool season.

The Chamber of Commerce will be hosting the Green Feet festival again this year. The event will take place on March 18th between 4 and 8 pm. and will take place at the intersection on Main and 2nd Avenue. The event will include food, music, and a scavenger hunt.

Included with the Commission information is some guidelines for participating in virtual meetings. The City Manager recommended the City follow these guidelines while conducting virtual meetings.

- 1) Upon entering the meeting individual will identify themselves.
- 2) All other electronic devices should be silenced during the meeting. This includes televisions, cell phones, etc.
- 3) Participants should maintain video and audio access throughout the meeting.
- 4) In order to speak please raise your hand and you will be recognized.
- 5) Attendees should not speak a second time until all who wish to do so have initially spoken. Again, if you raise your hand, you will be recognized.
- 6) Out of respect for all attendees please participate in an uninterrupted environment without family, pets or other distractions.
- 7) Please mute yourself if you are not speaking

Recently the Federal Government passed the American Rescue Plan, which is the most recent COVID relief bill. There was a lot amount of money included in the legislation for State and Local governments. The League of Cities and Towns is working with communities across the State on how these funds can be used.

PUBLIC COMMENT – non agenda items

Mr. Beriault commented that he does not believe in COVID, don't believe in masks and certainly don't believe in the mandate of masks. Mr. Beriault stated he does value individual liberty more than he values the promise of public safety.

Mr. Robert Snyder addressed the Commission stating that he wanted to call up Mr. John Carlson on his strong view of the mandatory mask mandate for public meetings. Mr. John Carlson addressed the Commission commented that he wanted to publicly commend the Public Works Department for the work and clean up that is done on the corner of 4th and Boulevard where he lives. Mr. Carlson stated that he appreciates the improvements made in trying to keep the drains open, the streets swept and the weeds sprayed on the boulevards. Mr. John Carlson stated he would encourage the Commissioners to take an attitude of responsibility that the citizens are held accountable for using their own common sense instead of a heavy-handed policy that this is the only way with regards to masks.

Mr. Robert Snyder addressed the Commission stating we are coming out of a year of COVID restrictions, which include business closing, school sports spectators' limits and the masks are a symbol of every area where the government is harassing the public and restricting us. Mr. Snyder stated that the mask is a symbol of over reach and harassment and would like to go back to normal and let people be responsible for their own health.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Loomis seconded the motion to approve the consent agenda. The consent agenda was the acknowledgement of the claims that have been paid from February 12, 2021 to February 23, 2021 for a total of \$145,316.06, the acknowledgement of the claims that have been paid from February 24, 2021 to February 28, 2021 for a total of \$2,824.71 and the acknowledgement of the claims that have been paid from March 1, 2021 to March 10, 2021 for a total of \$107,178.12.

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

1. Discussion and action on allowing City staff to move forward with updating City Code pertaining to Title 6 Chapters 2 and 3 of the Lewistown City Code which refers to small animals and fowl

City Manager Phelps explained that at the last meeting all of the information that the City has received regarding chickens was reviewed and there was a history of the chicken over the last several years. The City staff have been looking over that ordinance and there are some areas that need to be updated but there is no intention to change the intent of the code at this time. Mr. Josh Wright asked why the intent of the code can not be changed. City Manager Phelps explained that basically what the Commission will be looking at regarding this item on the agenda. City Manager Phelps briefly reviewed that the history of chickens went over the process and in December of 2019 the Commission decided against allowing chickens inside the City limits and at this time the Commission has not requested amending that section of the code. Mr. Josh Wright stated that he has requested a couple of times that the Commission look at the code again. City Manager Phelps answered that is why the item is on the agenda and they do have all

of your information. Commissioner Loomis stated that he would like to move forward with this time. Commissioner Turk asked if that is what the Commission should do regarding this item. City Manager Phelps answered that yes, she would like the Commission to give some direction if the Commission would like to move forward with possibly amending the section of the code to allow chickens or allow it to remain the same. Mr. Robert Snyder suggested having a chicken committee, have a chicken permit and figure out how it can be done to allow chickens in the City. Further discussion followed. Commissioner Oldenburg made the motion to retain City Code Title 6 Chapters 2 and 3 and leave it as is and prohibit fowl within the City limits and Commissioner Loomis seconded the motion. Commissioner Day talked with the Central Montana Health District and reported that a change to this ordinance would be a huge responsibility for them, within the sanitation department. Commissioner Day stated that she thinks the Commission needs to know what type of responsibility it would be putting on the health district. Commissioner Turk stated that the chicken ordinance has been discussed over the years and these comments are not hearsay and we have maintained the ordinance before. Mr. Josh Wright stated that the chicken discussions were four years ago, pre pandemic and it is very important to know where your food comes from and he doesn't think the health district would have anything to do with regulations regarding chickens. City Clerk Nikki Brummond stated the motion as follows: the motion is to retain City Code Title 6 Chapters 2 and 3 as is and to prohibit chickens in the City limits. City Clerk Brummond did a role call vote: Commissioners Day and Dunnington voted against, Commissioners Doney, Hewitt, Loomis, Oldenburg and Turk voted in favor. City Clerk Brummond stated that the motion passes with a majority vote.

2. Discussion and action on moving forward with advertising for proposals for a contract City Attorney to include prosecution duties

City Manager Phelps explained that the City's purchasing policy states that for contracts for service like this the City must solicit proposals. City Manager Phelps stated that tonight she is asking approval from the Commission to move forward with soliciting proposals for a contract City Attorney and this would include both prosecution and civil duties. Commissioner Hewitt made the motion to move forward with advertising for proposals for a contract City Attorney to include prosecution and civil duties and Commissioner Doney 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. Public hearing to hear comments on Resolution No. 4046, a resolution amending the 2019-2020 budget of the City of Lewistown

Chairman Turk opened the public hearing to hear comments on Resolution No. 4046, a resolution amending the 2019-2020 budget of the City of Lewistown. City Manager Phelps explained that this is a budget amendment to clean up any budgetary changes that happened in fiscal year 2019-2020. City Manager Phelps reviewed some of the accounts that would be budgeted. Chairman Turk asked for comments from the audience and Commission. There being none, the public hearing was closed.

4. Discussion and action on approving Resolution No.4046, a resolution amending the 2019-2020 budget of the City of Lewistown

City Manager Phelps explained that she is now asking for approval of the Resolution No. 4046. Commissioner Dunnington made the motion to approve Resolution No.4046, a resolution amending the 2019-2020 budget of the City of Lewistown and Commissioner Day 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 Resolution No. 4047, a resolution approving an application from Mike & Susan Lamphier, DBA VINO N Brews for TIF Funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that at the February 2021 Tax Increment Financing (TIF) Board Meeting VINO N Brews did make application to the board. The TIF board did approve up to \$10,000 to VINO N Brews to help partially fund the proposed improvements. City Manager Phelps reviewed some of the improvements, an elevator, windows, doors, masonry, brick and plumbing. City Manager Phelps stated that this is a one-to-one match grant and the owners are investing well over the necessary match on the project. Commissioner Turk asked where this property is located. City Manager Phelps answered that it is the old Glacier Tavern located at 123 W Main. Commissioner Loomis made the motion to approve Resolution No. 4047, a resolution approving an application from Mike & Susan Lamphier, DBA VINO N Brews for TIF Funds made to the Lewistown Tax Increment Financing District Board and Commissioner Doney 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 a two 30-minute parking spots in front of the Library on 7th Ave

City Manager Phelps explained in the Commissioner packets is an aerial view of the parking area in front of the Library. The parking area being discussed is 55 feet. City Manager Phelps stated that what is being proposed tonight is the installation of two thirty-minute parking spots. City Manager Phelps explained that in accordance to City Code restricted parking must be approved by the City Commission. City Manager Phelps stated that if it is approved tonight, she will work with Public Works to install the necessary signage. City Manager Phelps commented that these spots are required to be 22 feet in length to comply with City Code. Commissioner Doney made the motion to approve the two 30-minute parking spots in front of the Library on 7th Ave and Commissioner Oldenburg seconded the motion. Ms. Mary Frieze commented that she feels this will be a good idea to keep the traffic moving and not allowing cars to park for long periods of time. Mr. Richard Battrick asked if he heard correctly that we are getting a new Library Director. City Manager Phelps answered yes, the Library Board has accepted Ms. Dani Buehler's letter of resignation. Commissioner Turk 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 approving an underground electric powerline easement between the City of Lewistown and Northwestern Energy and authorizing the City Manager to sign the agreement

City Manager Phelps explained that included in the Commission packets is the proposal from Northwestern Energy. City Manager Phelps further explained what is being proposed is an underground electric powerline located at Symmes Park between the skate park and the baseball field. City Manager Phelps stated that the line will be the full width of the park from Ridgelawn Ave to Prospect Ave. Representatives from Northwestern Energy, Public Works, and the Recreation department have met at the location and discussed the proposal. Commissioner Doney made the motion approve the underground electric powerline easement between the City of Lewistown and Northwestern Energy and authorizing the City Manager to sign the agreement and Commissioner Loomis 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.

8. Discussion and action on how City Commission meetings will be conducted moving forward in 2021

City Manager Phelps explained that at the end of January the Commission discussed how the City Commission meetings would be held and decided to keep the plan of first meeting of the month in person

and the second meeting of the month virtual. City Manager Phelps further explained that this is the last meeting of March and would like to hear the Commission's thoughts on moving forward. City Manager Phelps reviewed the changes to the proposed plan, to still comply with the Governors directive, recommend face coverings, while entering and during the Commission meetings, while following social distancing. The City Commission will continue to make meetings accessible by phone and zoom. The Commissioner packets will be available on the City's website and there will be signage on the doors stating that masks and social distancing will be recommended. City Manager Phelps stated that the chairs will be placed six feet apart and ask them not to be moved. The zoom information will be posted on the agenda and the City's website for each meeting. Commissioner Doney made the motion to move forward with the proposal to make masks recommended not mandated and Commissioner Oldenburg seconded the motion. Commissioner Oldenburg commented that she feels strongly that we need to get on with City business and that it is done best in person. Commissioner Oldenburg agrees with continue with zoom as an option and those who wish to wear a mask. 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 asked how the K9 Shark was doing. City Manager Phelps answered that Shark is back to full duty.

Commissioner Loomis asked about the parking signage on Janeaux. City Manager Phelps answered that the Chief of Police and the Public Works Director are working on the issue.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 15th day of March, 2021.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk