

A VIRTUAL COMMISSION MEETING WAS HELD ON MAY 18, 2020 THOSE IN ATTENDANCE PARTICIPATED BY ZOOM OR TELECONFERENCE AND STARTED AT 7 PM.

CALL TO ORDER

Chairman Doney called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman Doney asked everyone to stand and join in the pledge of allegiance.

ROLL CALL

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

Also, in attendance was City Manager Holly Phelps, Finance Officer/City Clerk Nikki Brummond, City Attorney Monte Boettger, Library Director Dani Buehler and JR Killham. Mr. Charlie Dennison from the News Argus was in attendance by telephone. Mr. Robert Pfund was in attendance vis zoon. Citizen Richard Battrick participated by phone. Citizens Luke Brandon and Kevin Myhre participated by zoom.

Chairman Doney stated that because of the Governor's various Emergency Orders implemented to deal with the COVID-19 crisis, and the need to protect members of the public, City Commission members and City Staff from the spread of the Corona Virus, the normal and regular means of conducting our meetings in person are being temporarily modified.

Chairman Doney stated that the format for tonight's meeting has been adopted pursuant to the Letter of Advice from the Montana Attorney General's Guidelines for Conduction Local Public Meetings During COVID-19 Emergency, signed on March 27, 2020. A copy of the MT AG's Letter of Advice has been provided to the Commission and is also available on the City's website.

Chairman Doney explained that pursuant to the AG Guidelines, the City has provided notice by (News Argus, Radio, City website, posting) that tonight's regularly scheduled meeting would be held by audio/video means. The City is using a platform known as Zoom Video whereby Commission members, staff and the public may see and hear each other. If individuals do not have devices with cameras, they can still utilize the audio option, or they can call 978-990-5000 access code 125500, where they will be able to listen to the discussions and also be heard. Many of you have sight and sound access, but at a minimum anyone having access to a laptop, telephone or cell phone has sound access to tonight's meeting with the ability to not only listen but participate verbally as well.

Chairman Doney stated that in following the AG's Guidance, we are also limiting the scope of tonight's meeting to a very few agenda items that are necessary to be acted upon in order to continue to operate the City.

Chairman Doney explained that this is a new procedure for all of us. There will be technology challenges and glitches which we will have to work through, so please bear with us. In order to ensure that everyone can participate to the fullest extent possible, we will ask you to mute your own microphone on your device or phone. At such time where you need to speak, or have a question, then take your phone/device off mute to do so. Doing this will minimize the background noise that will have the potential to affect everyone who is attempting to participate tonight. Chairman Doney explained that a roll call vote will be taken for each item that requires action on behalf of the Commission. The City Clerk will call each Commission by name to cast their vote which will be either yeah or nay. City Manager Phelps explained that if the meeting were to get hacked, she would end the meeting immediately and would then resume the meeting in ten minutes. The meeting access codes are listed at the top of the agenda.

APPROVAL OF MINUTES

Chairman Doney stated that without objection and based on the corrections the May 4, 2020 minutes are approved.

BOARD AND COMMISSION REPORTS

Commissioner Loomis reported that the Park and Recreation Board met last Wednesday at the Civic Center and he participated by telephone. Ms. Nadine Robertson was in attendance at the meeting and she was there as a representative of the Labyrinth garden. Ms. Robertson asked the Park and Recreation Board to help pay for a sign to direct citizens to the Labyrinth garden. Commissioner Loomis reported that the board did approve to help with the signage expense. Mr. Bill Berg reported on the County Recreation District Board meeting and they approved the proposed improvements to the women's locker rooms at the Civic Center in an amount not to exceed \$50,000. Commissioner Loomis reported the improvements include new lockers, permanent benches, more private showers and some other items. The ice-skating rink is closed for the season and looking to put some pickle ball courts in for summer season. Commissioner Loomis reported that Mr. Robert Snyder asked the Park and Recreation Board if he could hold his annual revival in one of the City parks. The board did not act on this item due to the unknown situation with COVID-19. Recreation Director Jim Daniels reported on the maintenance issues that have been addressed and some of the requirements that will be put in place in order to be able to open the Civic Center. The lighting in the Civic Center gym continues to fade in and out and they are going to look at replacing some lights. Commissioner Loomis reported that the Farmer's Market this year will be limited to food only and won't be required to be prepackaged.

Commissioner Byerly reported that the Central Montana Health District Board met a couple of times last week. The enforcement of guidelines during the pandemic have fallen on the health district staff and they received a lot of complaints of citizens not following the rules. Commissioner Byerly explained that the Sheriff's department were not going to enforce the guidelines from the pandemic. A resolution was passed by both the County Commissioners and CMHD board outlining the health district will focus on education and working with entities to safely reopen the community and will not be enforcement. City Manager Holly Phelps explained that she does have a copy of the resolution and has talked with the City Attorney and at this time does not think it is necessary to adopt a similar resolution. City Manager Phelps also commented that the Police Department has been willing to assist the health district.

Commissioner Oldenburg reported that she attended the Central Montana Foundation (CMF) met virtually to consider area requests for the COVID-19 relief fund. Commissioner Oldenburg reported that the Fergus County DES received \$2,000, Lewistown Art Center received \$3,000 and Garfield County Senior Center received \$1,000. Commissioner Oldenburg commented that there are additional funds available in the COVID-19 Relief Fund for qualified entities.

Commissioner Hewitt reported that she attended the Airport Board meeting on May 6th. Commissioner Hewitt reported that another one of the lots along the frontage road will be leased, there will be a septic system, some of the lot will be paved and they Airport Board is still working on a lease. Commissioner Hewitt reported that the Airport Board did get a base station radio and two emergency band radios. Commissioner Hewitt reported that Airport did get some funding from the CARES act for to help with the COVID-19 situation.

Commissioner Doney reported that the Library Board will be meeting this Thursday.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

Northwestern Energy has several projects planned in and around Lewistown. These projects include tree trimming around their powerlines, changing out streetlights and the installation of underground power.

The Library continues to offer curbside pickup. The Library Director is continuing to work with the Library Board the Health District and other libraries around the state to come up with a reopening plan.

Last week, Recreation Director Jim Daniels met with the sanitarian to discuss a plan for the Civic Center reopening. This plan will include additional cleaning and disinfection, as well as, limiting the number of people in the various areas. Several projects have been done at the Civic Center during their recent closure. These improvements included painting, cleaning, basic repairs, replace lighting and they are planning on painting additional coats of sealer on the gym floor. The plan is to have the Civic Center open by June 1st.

The Park and Recreation District approved funding for some work to be done to the women's locker room at the Civic Center. This item was recommendation by the Park and Recreation Board as one of their priorities.

In the past couple of weeks, the Lewistown Police Department has made a couple of large drug busts in Lewistown. The most recent was done in partnership with the Eastern Montana Drug Taskforce.

This week it will be all hands-on deck at the Cemetery to prepare for the Memorial Day holiday. Staff from several departments will be up at the cemetery to mow and trim. There have also been a few improvements done this spring. The improvements include new rules, signage and the installation of bollards at a few of the corners.

An update on the construction progress at Creekside. The construction on the pavilion is underway. The playground is complete and the art piece has been delivered and will be installed soon. Landscaping will be done as weather allows and some of it will be done with the help of volunteers. The City continues to receive requests for events to be held in our parks and on other City property. The City is asking the organizers to show how they are complying with the Governor's directives which would include social distancing, hygiene and limiting the size of groups.

Mr. Jim Daniels will be retiring from the Lewistown Public Schools as the Athletic Director. Mr. Daniels will remain an employee with the City of Lewistown as the Park and Recreation Director.

PUBLIC COMMENT – non agenda items

There were none.

CONSENT AGENDA

Commissioner Turk made the motion to approve the consent agenda and Commissioner Oldenburg seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from May 1, 2020 to May 14, 2020 for a total of \$127,786.28.

REGULAR AGENDA – Resolutions, Ordinance & Other Action Items:

1. Discussion and action on appointing someone to serve a three-year term on the City of Lewistown Police Commission

City Manager Phelps explained that Police Chief Jenness asked Ms. Donna Byerly is she would like to serve another term on the Police Commission. Ms. Donna Byerly informed Police Chief Jenness that she had decided to step down after serving faithfully for over 20 years as a Police Commissioner. City Manager Phelps read the following statement on behalf of Police Chief Jenness. Ms. Byerly served faithfully for over 20 years as a Police Commissioner and the Lewistown Police Department is forever

grateful to her for so many years of service. Ms. Byerly could always be counted on throughout the years to remain involved in our hiring process, many officer's who have come through and many who still remain, can be attributed to Ms. Byerly's insight throughout the hiring process. Ms. Byerly always provided the Police Department with a sound voice, and the Police Chief always knew that he could count on her advice when determining who to hire for a patrolman. Ms. Byerly will be missed; however, we wish her the best in any future volunteer endeavors. City Manager Phelps commented the Police Chief Jenness has worked to find someone to fill the vacancy. Ms. Nycole Larowe is interested in serving on the Police Commission. Ms. Larowe graduated from high school in Belgrade MT and attended University of Montana where she received a bachelor's degree in sociology and an emphasis in criminology. Ms. Larowe also has a minor in psychology and a master's degree in counselor education. Ms. Larowe is currently the school counselors for the younger students in the Lewistown School District and does coach high school girls' basketball. Ms. Larowe moved to Lewistown in 2016 with her husband Clint Larowe and they have a 2-year-old daughter. Police Chief Jenness stated in his letter of recommendation that Ms. Larowe is invested in this community and serves the youth our community in many different ways. Commissioner Byerly made the motion to approve the appointment of Ms. Nycole Larowe to serve a three-year term on the City of Lewistown Police Commission and Commissioner Oldenburg seconded the motion. Commissioner Doney asked if Ms. Larowe lived within the City limits. City Manger Phelps answered yes. Commissioner Doney asked for comments or questions from the Commission and audience. There being none, the question was called for and the motion passed unanimously.

2. Discussion and action on awarding the 2020 Street Improvement bid

City Manager Phelps explained that the City received two bids for the 2020 Street Improvement project. This is the same basic project that was reviewed at a previous Commissioner meeting. City Manager Phelps explained that the first bid received was from Century Construction for a total amount of \$859,457.50 and the second bid is from MT Paving LLC for a total amount of \$994,415. Public Works Director JR Killham has reviewed the bids and double-checked numbers. Public Works Director Killham commented that it was great that the City received two competitive bids. City Manager Phelps stated that it is the recommendation of City staff that the bid be awarded to Century Construction. Commissioner Turk made the motion to award the 2020 Street improvement bid to Century Construction in the amount of \$859,457.50 and Commissioner Loomis seconded the motion. Commissioner Doney asked for comments or questions from the Commission and audience. There being none, the question was called for and the motion passed unanimously.

3. Discussion and action on submitting a 2020 Renewable Resource Grant and Loan Program (RRGL) application for the Lewistown Ditch Rehabilitation Project and authorizing the City Manager to sign the agreement

City Manager Phelps explained that the City has been looking at submitting a renewable resource grant and loan application for several years. City Manager Phelps explained that City was successful in getting a planning grant to help fund the application process. The grant would be to line a portion of the Lewistown Ditch and there are a couple of different options that can be explored to determine the best benefit for the City. City Manager Phelps explain that the first location is where the ditch comes off of Big Spring Creek just north of Garfield Elementary School and would go through the area of Riverdale to Highway 191 North. If the City were to move forward with that option the City's match would be 25% of the project costs. City Manager Phelps explained that the second option would be to line a portion of the ditch that is closer to the City's Joyland lift station which is closer to the sewer plant. City Manager Phelps explained that this portion is problematic because the City receives a lot of ground water into lift

station that the sewer plant has to treat. The second option is shorter and less expensive the City is applying for a total grant/loan in the amount of \$125,000 regardless of which project the City chooses. City Manager Phelps explained that the grant award wouldn't be until next year and the project is a couple of years out. Commissioner Loomis asked if the owners of the ditch would be helping financially with this project or involved in the discussions. City Manager Phelps explained that yes, the City has talked with them, the ditch is owned by a ditch company and they have partnered with the City of this project but have not offered any financial resources. Further discussion followed. Commissioner Byerly stated that he thinks this is a great project and the City should have a conversation with the representative of the ditch. Commissioner Doney asked if the City had a recommendation. City Manager Phelps explained that we move forward with submitting a grant with the location specified as the Joyland area, which is the one that has the biggest impact on the sewer plant. Commissioner Loomis made the motion to approve submitting a 2020 Renewable Resource Grant and Loan Program (RRGL) application for the Lewistown Ditch Rehabilitation Project and authorizing the City Manager to sign the agreement and the work to be done in the area of Joyland lift station and Commissioner Oldenburg seconded the motion. Commissioner Doney asked for comments or questions from the Commission and audience. There being none, the question was called for and the motion passed unanimously.

4. Discussion and action on submitting a 2020 Renewable Resource Grant and Loan Program (RRGL) application for the Lewistown Water Improvement Project and authorizing the City Manager to sign the agreement

City Manager Phelps explained that this is a second application that would be submitted to the same grant program for the Lewistown Water System Improvement project which would include all of the work done under the PER as discussed. The work could be telemetry upgrades, tank improvements and other lines. The grants are due June 1st and if awarded then we would move to design and construction. City Manager Phelps explained that this letter does commit \$1.5 million of local funds for a match against the total project. Commissioner Byerly made the motion to approve submitting a 2020 Renewable Resource Grant and Loan Program (RRGL) application for the Lewistown Water Improvement Project and authorizing the City Manager to sign the agreement and Commissioner Turk seconded the motion. Commissioner Doney asked for comments or questions from the Commission and audience. There being none, the question was called for and the motion passed unanimously.

CITIZENS' REQUESTS

Mr. Luke Brandon asked if the chicken ordinance had been discussed or where it was at with the Commission. Mr. Brandon asked if the Commission would consider the possibility of bees. Commissioner Turk commented that she thinks the beehive question is a safety issue. Commissioner Doney would be willing to look at the ordinance regarding bees. City Manager Phelps explained that the City Commission did receive the signed petitions for the chickens, however the City was in the middle of changes to the Cemetery ordinance and then the COVID-19 situation hit.

COMMISSIONER'S MINUTE

Commissioner Hewitt expressed her concerns regarding the trees that are going into downtown. City Manager Phelps explained that the trees have been discussed over the last three years prior to making the decision. Commissioner Turk reported that there is more information at the MDOT.

Commissioner Doney asked when the City Commission would be able to meet publicly. City Manager Phelps answered that at this time we can not meet in crowds larger than 10 and will be working with the

Health District regarding social distancing. City Manager Phelps commented that she hopes we will be back in person at the first meeting in June.

ADJOURNMENT

Chairman Doney adjourned the meeting.

Dated this 18th day of May 2020.

Gayle Doney, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk