A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON JANUARY 21, 2025 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Terry called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Buehler, Day, Hewitt, Hrubes, Robertson, Spika and Terry.

APPROVAL OF MINUTES

Commissioner Terry stated that without objection and based on the corrections the minutes for January 6, 2025 are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Buehler reported that the Library Board met on January 16th. It was a regular business meeting. The Library is working with the State library to receive more hot spots that can be checked. The Friends of the Library Chili Bowl is Friday January 24th at the Trade Center. It is always a good time. The memorandum of understanding is in the final stages of review and the Library Board will be scheduling a meeting with the City Manager to review prior to bringing it before the Commission for approval. The next Library Board meeting is scheduled for February 20th at 1:30 pm in the library upstairs meeting room.

Commissioner Day reported that the Park and Recreation Board met on Wednesday, January 8th. The Civic Center is looking at moving to hand dryers only in the restrooms due to a lot of plumbing issues. The weight room flooring needs to be replaced and it was discussed that for safety issues it would be best to upgrade to rubber flooring. The board requested the Director to look at pricing for the hand dryers and weight room flooring. The board will look at the possibility of adding those expenses to the capital improvement list for the Civic Center as part of the recreation district funding. The City's representative on the Fergus County Recreation District board is Luke Brandon. The Central Montana Jaycees donated life size video arcade games. The Glow in the Dark Dodgeball has been a big hit and will be offered on a regular basis. The adult prom will be hosted this spring by Farm in the Dell.

Commissioner Hewitt reported that the Airport Board met on January 8th. All the snow equipment is up and running and all snow will be removed even on weekends. The big hangar passed all inspections. Mr. Joe Stapleton is renting a portion of the Rimby Hangar for up to one year as he is a mechanic that works on helicopters. The next Airport Board meeting will be on Wednesday, February 12th.

Commissioner Hewitt reported that the Zoning Commission met on January 16th. There was election of officers and Ryan Dick is the Chairman and Brandon Cowen is the Vice Chairman. There was a public hearing for the conditional use permit for Rayce Townsend. Mr. Townsend is going to demolish a building and put in a modular and it will be a residential/office building. The hours will be Monday through Friday, by appointment and there will be two parking spaces.

Commissioner Terry reported that the Central Montana Foundation will meet on Tuesday, January 28th.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The City of Lewistown has been busy with snow removal. The weekend of January 11th we had staff out all weekend and prior to the snow storm they had coordinated with a contractor to haul snow. For the weekend of January 10 to 12th the street department worked over 60 hours and responded to roughly 20 calls. We are fully staffed in the street department and have been using our larger equipment to plow streets and then we have partnered with additional contractors to get their business licenses. The contractors and staff continue to work long hours to get the roads plowed and address the requests as they are coming in.

The Central Montana Perch Derby canceled last weekend due to the snow and cold temperatures. The Winter Fair was also postponed one week and will now be held January 24 – 26th.

The City has had issues in the water system maintaining the proper disinfection level. The staff has worked with the Engineer, DEQ and the manufacturer of the chlorine analyzer and now feel that the system is consistently maintaining the required chlorine residual.

As you know the legislature is now is session and there are several bills we are tracking. We are now in the midst of the 2025 Legislative Session and there have already been over 4,000 bills drafted. There are many bills that the Montana League Cities and Towns and other groups are following. This year the Legislature has an updated process to testify and now requires you to create an account with them before you can provide public comment or testimony. If you would like to see what bills the League is tracking or sign up for email blasts visit the Montana League of Cities and Towns website and click on the Legislative Resources.

Commissioner Terry asked if the chlorine analyzer equipment was under warranty. City Manager Phelps answered that yes it was all under warranty. The manufacturers and engineers worked very hard on the issue. The City notified DEQ and they were kind and aware of the situation. City Manager Phelps explained that it had gone on for several months that the analyzer was not staying in calibration. So, it didn't mean the chlorine levels were off, it was reading over or under and not consistent. By replacing all of the analyzers it will be more reliable reporting.

Commissioner Buehler commented that the biggest compliant she heard was that they didn't know of the schedule for plowing. Commissioner Buehler suggested that the City think about how to best communicate with the citizens. City Manager Phelps agreed and a process should be outlined how and where to move vehicles so they aren't inhibiting snow removal. Commissioner Terry commented that having the contractors haul the snow is a huge help. Commissioner Robertson reported that he did call and talk to the City Manager, and understood after an explanation that there is a plan, and a plan is being followed. Commissioner Robertson stated that there was more snow than we are used to and more snow than maybe the City crews can handle. Commissioner Robertson further stated that he feels this is an opportunity to take a look at the plan and affirm that it's the plan that the City wants to use if we have another storm like this one. Commissioner Robertson commented that maybe the City needs to see if there is anything that we can learn from this experience.

PUBLIC COMMENT – non agenda items

There were none.

CONSENT AGENDA

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Hrubes seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from January 1, 2025 to January 17, 2025 for a total of $223,536.56

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

1. Discussion and action on approving the buy/sell agreement from Fiddleback Ridge, LLC for the purchase of the Berg Lumber property and authorizing the City Manager to sign the agreement

City Manager Phelps stated that there are a couple of properties owners participating in the meeting virtually and the real estate agent, Amber Litzinger is in the audience. City Manager Phelps explained that the investors of Homestead Ventures did some restructuring and it is now Fiddleback Ridge, LLC. City Manager Phelps commented that herself and Planning Director Osterman have been working with Fiddleback Ridge, LLC for several months and we asked for a new buy/sell with the new LLC. This is the same offer with a close date before the end of the fiscal year. Mr. Joel Almeda explained that they did a restructure to create clarity between the factory in Great Falls and the development project in Lewistown. Commissioner Day asked if the proposal is still the same. City Manager Phelps answered that it is still the same proposal. Commissioner Buehler asked if the proposal will come back to the Commission once it is more defined. City Manager Phelps answered that they will still need to go through the same process with subdivision and layout. Commissioner Terry asked if the property was going to be annexed. City Manager Phelps answered that once we have a buy/sell in place, the property will be annexed and the plan would be to zone it at that time. The conditions on the buy/sell are the same. Commissioner Buehler asked the City Manager to remind them of those conditions. City Manager Phelps listed the conditions as continuing to work with them on water and sewer infrastructure, transportation, roads and finalizing the site plan. City Manager Phelps stated that the annexation, the development agreement and subdivision will come back before the Commission for approval. Commissioner Robertson stated that as far as the buy/sell goes, he does not see that it stipulates a requirement to develop. City Manager Phelps answered correct. Commissioner Robertson asked what is holding the developers' feet to the fire to actually do the development after they own the property and there is nothing in writing. Ms. Amber Litzinger answered that in the buy/sell it does say the seller agrees to work with the buyer to provide all needed infrastructure to develop property, including but not limited to water rights, security and basic infrastructure. City Manager Phelps stated that we have purposely set timelines that allow us to amend this tonight so that Ms. Litzinger can rework that offer and then move forward if that's what's necessary. Commissioner Terry asked what the City Attorney's thoughts are. City Attorney Tyler West agreed with the City Manager stating that parties could enter into the buy/sell agreement and include an addendum talking about having this approved plan the way the Commission is comfortable with and have it approved and completed prior to closing. City Attorney West further stated that an addendum to the buy/sell agreement, have it executed by the parties to allow the timelines that are already incorporated in the agreement to start and work through so that we can get it to closing as desired by all parties. City Attorney West stated that the addendum would be to amend the lines regarding the contingencies. Commissioner Robertson made the motion to approve the presented buy/sell agreement with the changes either in the form of a counter or amendment to this buy/sell agreement to clarify the intent of the parties related to the current additional provision section and to have a development agreement and plan in place prior to closing and authorizing the City Manager to sign the agreement and Commissioner Day seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the City Clerk took a roll call vote with Commissioners Buehler, Day, Hewitt, Robertson, Spika and Terry in favor and Commissioner Hrubes voted against.

2. Presentation by the Snowy Mountain Development Corporation (SMDC) regarding the Tax Increment Finance District and the Tax Economic Development District

Ms. Abby Byerly with Snowy Mountain Development, addressed the Commission explaining that she administers the TIF, which is the Urban Renewal District in the downtown and administers the TEDD which is the Tax Economic Development District located up in the area of the airport. Ms. Byerly reported that these districts are under attack again in this legislative session. Ms. Byerly went on to explain that there is a statewide working group and all of these districts across the state work together with the league, as well as our local advisory board and have decided that we'd want to do just some education and outreach. Ms. Byerly commented that she thinks a lot of the attack on the tool comes from misunderstanding and or not understanding what the tool does and what it can be used for. Commissioner Robertson explained that "the tool" is the TIF. Lewistown has an urban renewal district and a targeted economic development district. Ms. Byerly explained what some of the funding has done in Lewistown. There's been a lot of blight remediation, some housing development downtown, some serious infrastructure improvements, sidewalks. Ms. Byerly stated it is a tool and doesn't happen without public private partnership, so it requires a lot of private investment. Ms. Byerly stated it is not a new tax or different tax, that tax would still be paid. The tax would not be set aside for development if the TIF did not exist. Commissioner Day asked what Ms. Byerly means by being under attack. Ms. Byerly explained some of the things the legislature is looking at is all districts having an advisory board, which in Lewistown's case we are ahead of the game. They are wanting to redefine blight, which could pull out portions that would no longer be able to access the funding, the other one is not being able to access the increment. Ms. Byerly explained increment as when a TIF is created a base year is established then as the tax base grows from development that increment is captured and can be reinvested and utilized in the district. Ms. Byerly briefly discussed the process of creating districts and that it is a very public process.

3. Discussion and action on approving the administrative agreement with Snowy Mountain Development Corporation for the management of the Lewistown Urban Renewal District also referred to as the Tax Increment Financing District

City Manager Phelps explained that this item and the next item on the agenda are much the same. This administrative agreement is the same agreement we have had with Snowy Mountain Development Corporation with the exception that there are two separate agreements one for each district. City Manager Phelps stated that there is a small increase in cost. City Manager Phelps further stated they do a good job as allies and advocates. Commissioner Hrubes made the motion to approve the administrative agreement with Snowy Mountain Development Corporation for the management of the Lewistown Urban Renewal District also referred to as the Tax Increment Financing District and Commissioner Spika seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the City Clerk took a roll call vote with all being in favor.

4. Discussion and action on approving the administrative agreement with Snowy Mountain Development Corporation for the management of the Lewistown Targeted Economic Development District

Commissioner Terry stated that this is the same agreement except it is for the TEDD and the administration fees are a little less. Commissioner Spika made the motion to approve the administrative agreement with Snowy Mountain Development Corporation for the management of the Lewistown Targeted Economic Development District and Commissioner Day seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the City Clerk took a roll call vote with all being in favor.

5. Discussion and action on Resolution No. 4188, a resolution approving an application from Brandon Overland for TIF funds made to the Lewistown Tax Increment Financing District Board

Commissioner Terry asked if this individual has received money for this project in the past. City Manager Phelps answered that he owns several properties in the district and this is the first he has requested funding for this property. City Manager Phelps stated that this is the apartments located on 1st and Main. City Manager Phelps explained that the request is for $20,000 for electrical and utility upgrades and some exterior façade work. City Manager Phelps also commented that this is only a small portion of the bigger project. Commissioner Day made the motion to approve Resolution No. 4188, a resolution approving an application from Brandon Overland for TIF funds made to the Lewistown Tax Increment Financing District Board and Commissioner Spika seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the City Clerk took a roll call vote with all being in favor.

6. Public hearing to hear comments on a conditional use permit application from Rayce Townsend to locate a modular home with an accessory office at 420 1st Ave S

Chairman Terry opened the public hearing to hear comments on a conditional use permit application from Rayce Townsend to locate a modular home with an accessory office at 420 1st Ave S. City Manager Phelps explained that Mr. Townsend is finishing up the construction of the previous project he did in the area, which was a shop/office. Mr. Townsend is now proposing to locate a modular home on the property next to it and it would require demolition of the existing building. Mr. Rayce Townsend addressed the Commission stating he appreciated being here, will answer any questions and stated it is an improvement in the community. Planning Director Doug Osterman reported that the zoning commission unanimously approved the conditional use permit and recommends approval by the City Commission. The zoning commission approve the conditional use permit with the following conditions: 20-foot front yard setback, planting of 4 ornamental trees, off street parking is required on site, lot coverage shall not exceed 75% and extent of the residential use and length of time such use is permitted coincides with the ownership of the property at the time of this permit. Chairman Terry asked for comments from the audience and Commission. There being none, the public hearing was closed.

7. Discussion and action on approving the conditional use permit application from Rayce Townsend to locate a modular home with an accessory office at 420 1st Ave S

Commissioner Robertson made the motion to approve with conditions as approved by the zoning commission t the conditional use permit application from Rayce Townsend to locate a modular home with an accessory office at 420 1st Ave S and Commissioner Hrubes seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the City Clerk took a roll call vote with all being in favor.

8. Discussion and action on approving the purchase of pool covers for the Lewistown Pool

City Manager Phelps explained that included in the Commissioner's packet is a purchase requisition to purchase pool covers for the Lewistown City pool. The Friends of the Pool have been working with the Recreation Department to replace the pool covers. The request is for gear assisted pool covers and are willing to work with us on the purchasing policy to get this accomplished. City Manager Phelps stated that the Friends of the Pool is paying the whole amount. Commissioner Day made the motion to approve the purchase of pool covers for the Lewistown Pool and Commissioner Buehler seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the City Clerk took a roll call vote with all being in favor.

CITIZEN'S REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Buehler expressed her appreciation on the snow removal efforts.

Commissioner Hrubes stated he was impressed with the effort made by the public works department to turn someone's water off.

Commissioner Robertson expressed his appreciation for all the snow removal efforts, the employees that worked overtime and would like to take the opportunity to look at the plan and make it public.

ADJOURNMENT

Chairman Terry adjourned the meeting.

Dated this 21st day of January, 2025.

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KellyAnne Terry, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk