

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON OCTOBER 7, 2024 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 of Allegiance.

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 September 3, 2024 and September 16, 2024 are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Buehler reported that the Library Board met on September 26th it was a quick meeting. Regular library business was conducted and the board started the process of reviewing the memorandum of understanding (MOU) between the Library and the City. It is hoped that the Library board will have the updated MOU to the Commission the first part of December. The next Library board meeting is October 17, 2024.

Commissioner Day reported that the Park and Recreation Board met on October 2, 2024. Commissioner Day reported on all the activities on the Trails. The story walk project is in full swing. The Library Director and Park and Recreation Director will determine the placement of the story frames. It is suggested that the frames be 40 to 50 ft apart. The frames are being built by Spika Manufacturing and they will assist with the cement and volunteer labor to assist with the installation. Rachel Comer's, Eagle Scout project has arrived and is ready to be installed. The trails by the trellis at the Frog Ponds will be repaired this fall. The bridge at the Garfield trail is also in need of repair to create better safety for public use and is currently being assessed as to determine extensiveness of the repair. There was a proposal to create a spring volunteer service day to assist with bridge and trail projects partnering with Friends of the Trails (FOT). The Park and Recreation Department will be hosting a Halloween Fun Run, October 26th. This is a fundraiser for the Civic Center youth recreation room improvements. The last storm left evidence of roof and window leaks at the Civic Center. It was determined that repairs are needed for windows, doors and the roof. There was discussion on the vending machines in the civic center and ways to increase revenue for the youth recreation room. The new programs at the Civic Center are Parents

Night out and Glow in the dark dodgeball. The new scoreboards are installed and running. The board discussed the security of the Civic Center as it appears that keys are being duplicated. It was determined that a better security system is needed and that would include the installation of security cameras. Soccer is going and there are 150 kids enrolled. The signups for women's volleyball are currently being organized. There was an update given by Bill Berg regarding the Snack Shack and construction is at a stand still due to sprinkler lines needing to be winterized. The Fergus County Recreation District would like an update of capital improvement project priorities for the Civic Center and the Pool. Mr. Josh Stoychoff continues working to create and implement a tree board.

Commissioner Hewitt reported that the Airport Board met in August and September. Commissioner Hewitt explained that the Airport Board has sent a contract to VACOM for their review. There was a wedding reception at the big hangar in August. The old main hangar was discussed regarding the soundness of the building prior to making improvements. There are new windows and carpet in the terminal building. The board has decided to make some changes to what is being charged for monthly, daily and long-term parking. The airport man lift is not working they and are working on getting it repaired. There was no quorum for the October 2nd meeting so the airport board will meet on October 9th.

Commissioner Terry reported that the Central Montana Foundation met on September 24th. The board approved some permanent endowments for the Fergus High Alumni cross country scholarship and the heart of Montana lake house. There was a grant in the amount of \$4,000 given to the Lewistown Kiwanis for playground at the soccer complex. The Central Montana Medical Center surpassed their funding goal for the cancer center. The next meeting is October 22nd.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The Public Works Department will start their leaf clean up soon. The Public Works department is working on the leaf clean up schedule. When the schedule is complete it will be shared with the newspaper, radio and will be on the City's website. Currently, we plan on starting the schedule at the end of October, but it will depend on the weather.

As we work on finalizing the City's Land Use Plan, the City Manager thanked everyone that has partnered with the City and those that have dedicated countless hours on the plan. Those people include the Montana League of Cities and Towns, State of Montana, our consultants at Cushing Terrell, the interim planning commission, Fergus County Commissioners, City County Planning Board members, City Commissioners and most importantly Planning Director Doug Osterman. There is a link on the City's website for the final land use plan.

The Montana Department of Transportation project along 1st Ave from Main St to the Big Spring Creek Pedestrian Trail. The intent of the project is to upgrade facilities to improve ADA accessibility and compliancy. Possible treatments to remove ADA barriers could include replace of non-compliant ADA curb ramps, installing pedestrian actuated push buttons, eliminating tripping hazards. Current plans are to start construction this fall and complete this work spring of 2025.

For those of you that have not been up to the cemetery lately, it looks very good right now. Staff will start winterizing but things are green and most of the headstones have been placed. The plan is pouring runners and fill graves this fall, if the weather allows.

The painting of the water tank is now complete. The plan is to have the tank back in service later this week. The contractor will be back later this month to do a final walk through of the water improvement project.

PUBLIC COMMENT – non agenda items

There were none.

CONSENT AGENDA

Commissioner Day made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from September 14, 2024 to September 30, 2024 for a total of \$286,962.37

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

1. Public hearing to hear comments on the 2024 Lewistown Land Use Plan

Chairman Terry opened the public hearing to hear comments on the 2024 Lewistown Land Use Plan. Planning Director Doug Osterman stated that the plan has been well vetted and unanimously approved by the interim planning commission and the County Commission. Planning Director Osterman further stated that it was unanimously approved with one abstention from the City County Planning board. All boards recommended the approval by the City Commission. Ms. Nora Bland, Director of Planning with Cushing Terrell, explained that they were hired by the State and the City to help update the 2006 Growth Policy. Ms. Bland reviewed the process of where they have been, purpose of the planning effort, comments from the public, and future land use. Ms. Bland thanked everyone for their participation in this process and shared that it has been a community driven planning effort. Ms. Bland stated that if this is adopted tonight it will be the first plan that is planning under the plan use act that Montana adopted in 2023. Ms. Bland explained some of the motivations for updating the 2006 Growth Policy was some growth pressures from industries, increasing cost of housing and the availability of housing, looking at the planning area that is directly outside the City. Ms. Bland stated that until now there really hasn't been an intentional coordination between the City and County when it comes to land use and subdivision regulations. There was a public participation plan that was put together and approved by the planning commission. There were several participation opportunities the first was the Chokecherry Festival in 2023, then several pop-up events at the grocery stores and a couple focus group meetings. The civic organizations were briefed on the plan along the way and getting input from them. Ms. Bland explained that the land use planning act really focuses on getting housing built sooner and making sure that planning for growth is more proactive then reactive. The main topics of focus from the community were: housing, preserving natural resources, economic development, services, infrastructure and growth management. Ms. Bland explained that the planning commission came up with some guiding principles that were established using the input from the community. The guiding principles provided the foundation of the values and vision of the plan. Ms. Bland explained the processes and streamlining the plan moving forward the goal is to provide a predictable and fair process for development, create a unified vision for growth starting within the City limits before growing outward, increase City/County coordination and plan proactively instead of reactively. Ms. Bland explained the future land use map is a guide for what land could look like, private property rights will always prevail, the purpose is to ensure orderly, sustainable and responsible growth, provide for projected housing and populations increases, foster economic development and guide infrastructure planning. Planning Director Osterman briefly discussed the capacities of the utilities with regard to the future land use map. Mr. Joel Almeida, representative of the group purchasing Berg lumber

site, stated that this plan has been a good guide for them moving forward with the planning and design of Berg Lumber. Mr. Almeida commented that this plan satisfies a lot of the needs that exist today and will exist years to come. Mr. Eric Vanderbeek addressed the Commission with his concerns of noxious weed abatement in the plan. Mr. Vanderbeek stated he can't emphasize enough the importance of controlling noxious weeds and it does not get cheaper over time. Commissioner Terry asked for comments from the audience and Commission. There being none, the public hearing was closed.

2. Discussion and action on Resolution No. 4171, a resolution on approving the 2024 Lewistown Land Use Plan

City Manager Phelps asked the City Attorney Tyler West to address the key points in the law. City Attorney West explained that this resolution does contemplate adopting the 2024 Lewistown plan. This plan falls under the Montana Land Use Planning Act as set forth in Montana Code Annotated Title 76, Chapter 25. City Attorney West stated that he will note that from the discussion presented this evening during the Committee of the Whole he does believe that the plan is within the spirit of the law and act. City Attorney West further stated that importantly this act contemplates public participation and that the City has taken proper steps ensuring the public has been heard. There have been formal public hearings, committees, pop up events where public comment has been documented. City Attorney West commented that this plan does encompass the purpose of the land use planning act, where we focus on housing needs, incorporate economic development, infrastructure progress, and preservation of natural habitat. City Attorney finalized by stating this plan is in the spirit of the law and is appropriate for the City of Lewistown. Commissioner Hrubes made the motion to approve Resolution No. 4171, a resolution adopting the 2024 Lewistown Land Use Plan and authorizing staff to make technical corrections to the proposed plan 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 Clerk took a roll call vote with all being in favor of the motion.

3. Public hearing to hear comments on a conditional use application from the Broadway Apartment Development Venture, to construct 18 apartments at the property located at 204 6th Avenue N, in Lewistown

Chairman Terry opened the public hearing to hear comments on a conditional use application from the Broadway Apartment Development Venture, to construct 18 apartments at the property located at 204 6th Avenue N, in Lewistown. City Manager Phelps explained that this conditional use permit was taken before the City County Planning Board and a public hearing was held. There were 36 adjacent property owners notified. Some of the issues addressed were the parking in the area and the urban deer that may be displaced. City Manager Phelps stated that through the process there was general understanding of what was being asked, which was to allow the use at the site and through other City processes that parking would be addressed. Commissioner Terry asked what the current zoning is in that area. City Manager Phelps answered that it is currently zoned commercial even though it has historically been an apartment building. Therefore, when the use ceased the conditional use had to be reapplied for because apartments are considered a conditional use in commercial districts. This request is specific to this project and does not continue on in perpetuity. Mr. Randy Hafer stated that the project is for 18 apartments and the building was originally an apartment building that had 24 very small apartments. Mr. Hafer commented that they will be combining some of the apartments and will be working with the City for a solution to the parking. Mr. Hafer stated that there is not an opportunity for on site parking and the building didn't have on site parking but there is adequate space on the adjacent streets to provide the required parking. Commissioner Robertson commented that as he looks at the map there is parking directly in front of the building on 6th Ave and several parking spots on West Broadway Street, which is a

narrow street and is wondering if there is the plan with 23 spots and one handicap spot. Mr. Hafer answered that the State passed a law last session that only requires one parking space per unit and there will be a change to the plan because there will not be diagonal parking on West Broadway because of the slope. It is planned to have diagonal on 6th Ave. City Manager Phelps explained that a parking plan is required as part of their submittal process when they get ready to apply for a building permit. Commissioner Terry stated that one of the things the City may want to address is Mr. Vanderbeek's concern with regards to weed mitigation. City Manager Phelps answered that typically a weed abatement plan is part of the subdivision approval process. Commissioner Terry asked for comments from the audience and Commission. There being none, the public hearing was closed.

4. Discussion and action on conditional use application from the Broadway Apartment Development Venture, to construct 18 apartments at the property located at 204 6th Avenue N, in Lewistown

City Manager Phelps stated that the City County Planning Board did recommend City Commission approval of this Conditional Use Permit. There are additional processes that will require a parking plan. Commissioner Terry reminded the Commission and public and that is only changing the use of the property. Commissioner Buehler asked if she was correct in thinking that the use of this building had a conditional use on it to be apartments originally. City Manager Phelps answered yes. Commissioner Hrubes made the motion to approve the conditional use application from the Broadway Apartment Development Venture, to construct 18 apartments at the property located at 204 6th Avenue N, in Lewistown 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 Clerk took a roll call vote with all being in favor of the motion.

5. Public hearing to hear comments on a conditional use application from the Lewistown Art Center to construct one apartment at the property located at 323 W Main Street, in Lewistown.

Chairman Terry opened the public hearing to hear comments on a conditional use application from the Lewistown Art Center to construct one apartment at the property located at 323 W Main Street, in Lewistown. City Manager Phelps stated that the September 19th City County Planning Board meeting this conditional use was presented to the City County Planning Board, which serves as the zoning commission. City Manager Phelps explained that the application was for a single apartment in the structure currently occupied by the Lewistown Art Center. City Manager Phelps explained that this was for the main story and about 32 adjacent property owner letters were mailed out. The board heard a lot of comments from adjacent property owners and denied the application. The board denied this application because it is not consistent with the business district. Ms. Gayle Doney commented that she attended that meeting and historically Lewistown and most towns ground floors do not become residential units. City Manager Phelps added there really wasn't a well develop planned presented so there were questions that could not be answered. Commissioner Terry asked for comments from the audience and Commission. There being none, the public hearing was closed.

6. Discussion and action on approving a conditional use application from the Lewistown Art Center to construct one apartment at the property located at 323 W Main Street, in Lewistown

Commissioner Day made the motion to deny the conditional use application from the Lewistown Art Center to construct one apartment at the property located at 323 W Main Street, in Lewistown and Commissioner Hewitt seconded the motion. Commissioner Hewitt stated that the applicant couldn't answer a lot of the questions and didn't really want to answer the questions. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the Clerk took a roll call vote with all being in favor of the motion.

7. Discussion and action on Resolution No. 4172, a resolution approving an application from Chaney Bowen for TIF Funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that this application was reviewed by the TIF board. The Bowen's own a three-unit apartment building on Water Street just past the bridge. They have owned it for a couple of years and have been reinvesting in the property. The Bowen's application is a grant for the exterior of the apartment unit. Commissioner Robertson stated this is a great use of TIF funds and improve the overall value of the property. Commissioner Day made the motion to approve Resolution No. 4172, a resolution approving an application from Chaney Bowen for TIF Funds made to the Lewistown Tax Increment Financing District Board 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 Clerk took a roll call vote with all being in favor of the motion.

8. Discussion and action on a Resolution No. 4173, a resolution adopting the 2024-2029 Montana Central Region Hazard Mitigation Plan

Mr. Stephen Fanning, Fergus County Disaster and Emergency Services Coordinator, explained that it is a requirement of Federal Emergency Management Agency (FEMA) to approve a plan every five years that identifies major hazards in the area. This is a partnership with the City and County and the surrounding incorporated towns. This process started in 2022 and 50 different issues were identified and by having the plan approved it will help when submitting for grants. Commissioner Hewitt made the motion to approve Resolution No. 4173, a resolution adopting the 2024-2029 Montana Central Region Hazard Mitigation Plan 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 Clerk took a roll call vote with all being in favor of the motion.

9. Discussion and action on awarding the bid for the Lewistown Headworks replacement – 2024 project

City Manager Phelps explained that this is the wastewater project that has been discussed several times that will be funded by ARPA funding. This project will include new screening, headworks and some screw pump retro fitting. The City received three qualified bidders and the bids all came in close to the engineers estimate. The engineers have vetted the bids and are recommending awarding the base bid and the additive alternate, the screw pumps, to Dick Anderson Construction. Commissioner Robertson commented that this is a very good bid, because it is about 10% lower than the next bidder and very close to the engineers estimate. Commissioner Robertson made the motion to approve awarding the bid to Dick Anderson Construction for the Lewistown Headworks replacement – 2024 project and Commissioner Hewitt seconded the motion. Commissioner Buehler asked if there is a time limit to complete the project. City Manager Phelps answered that all ARPA projects must be completed by December 2025. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the Clerk took a roll call vote with all being in favor of the motion.

10. Discussion and action on approving Resolution No. 4174, a resolution stating the intention of the City Commission to amend the 2024-2025 budget of the City of Lewistown

City Manager Phelps explained that this resolution is authorizing the City Clerk to publish notice for a public hearing to amend the 2024-2025 budget. City Manager Phelps further explained that there were a few oversights during the budget process. Commissioner Terry asked when the City will receive the ARPA funding. City Manager Phelps answered that the City already has the direct allocation of ARPA funding and the competitive ARPA funding will be drawn down as the project moves forward. Commissioner Day made the motion to approve Resolution No. 4174, a resolution stating the intention of

the City Commission to amend the 2024-2025 budget of the City of Lewistown 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 Clerk took a roll call vote with all being in favor of the motion.

Commissioner Terry asked the City Manager to explain the different items that were handed out to the Commission this evening. City Manager Phelps stated the first is a copy of the 2023 audit findings. The second item is the DEQ letter. City Manager Phelps commented that she met with some DEQ staff members. The staff members did offer to attend a future Commission meeting to answer any questions the Commissioners may have. City Manager Phelps stated that she and the City Attorney would like to schedule an ordinance committee meeting. Commissioner Terry asked the other Commissioners to review the documents and then it can be discussed at the next meeting and answer any questions.

CITIZENS' REQUEST

There were none.

COMMISSIONER'S MINUTE

Commissioner Robertson thanked the City Manager for the DEQ information. City Manager Phelps explained that she feels DEQ is happy with the response and what has been done at the facility.

Commissioner Robertson thanked the City Manager and City Planning for all the work that was done on the 2024 Land Use plan. The meetings were run very efficiently. Commissioner Robertson also thanked the City Attorney for reviewing the plan.

Commissioner Hewitt asked if the City Manager was aware of the fence in her neighborhood. City Manager Phelps commented that she will visit with the City Attorney regarding the fence.

Commissioner Hrubes asked if the City owns Hansen Creek Reservoir. City Manager Phelps answered the City owns the land it is on and operate the dam. Commissioner Hrubes stated that the thistles out there are atrocious. City Manager Phelps commented that she will look and see what can be done.

Commissioner Buehler thanked everyone for all their hard work on the land use plan.

Commissioner Terry thanked everyone for all their work this evening. Commissioner Terry reminded the Commission that the City Manager review will be held during the Committee of the Whole.

ADJOURNMENT

Chairman Terry adjourned the meeting.

Dated this 7th day of October, 2024

KellyAnne Terry, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk