

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON NOVEMBER 3, 2025 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Day called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

APPROVAL OF MINUTES

Commissioner Day stated that without objection and based on the corrections the minutes for October 20, 2025 are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Buehler reported that the Library Board will meet on November 19th.

Commissioner Hrubes reported that he was unable to attend the Fergus County Health Board meeting. City Manager Phelps reported that she was in attendance and it was a fairly light agenda. The one item on the agenda was a septic system variance. The variance was to allow a smaller tank than typical and was approved by the board. The sanitarian has recently taken her exam.

Commissioner Day reported the Park and Recreation Board will meet on Wednesday, November 5th at 7 p.m. at the Civic Center.

Commissioner Day explained that Commissioner Terry is not here this evening but did provide a report for the Central Montana Foundation meeting. There were some grants awarded at the recent CMF meeting. One was in the amount of \$4,855 to the Friends of the Library for the Dolly Parton Imagination Library project. \$5,000 was given to the Lewistown City Parks and Recreation for the tree replacement project at D'Autremont complex. The last grant was given to SMDC in the amount of \$1,600 for transportation expenses for rural students to attend an interactive space industry event at Fergus County Performing Arts Center. Friendship Lodge #37 established two permanent endowments one for scholarships and the other for building operating expenses.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following items;

The City Offices will be closed in remembrance of Veterans Day. Many of the City's departments can't be closed. Public Works will have people on call during the holidays.

The City has seen a recent uptick in spam and phishing attempts, so if you get weird emails, don't open them. Feel free to reach out to the City Manager or forward the email on and we can make sure these are getting reported to the IT company.

It is getting to be that time of year again, where we ask if the Commission would like to host a Holiday Open House again this year. Please let the City Manager know what your thoughts are.

Snow ordinance will go into effect on November 20th. City staff are finalizing flyers and handouts that will go out to the properties effected by the recent ordinance change. Thanks to the radio and newspaper for the coverage on the issue. We will continue to discuss this upcoming change.

The City was recently asked to install barricades near 2nd and Broadway. The State of Montana does the inspection on the bridges in town and noted structural issues with this bridge. The last inspections show deterioration beneath the curbline that required the additional restrictions on the sidewalk and parking area. We will continue to work with DOT and the county on this issue. Fergus County is responsible for all bridges.

If you did not see the update from the County Clerk and Recorder on our election returns. All wards have had about 25% of the ballots returned so far. Residents have until 8 pm on Tuesday, November 4th to get their ballots to the courthouse.

PUBLIC COMMENT – non agenda items

There were none.

CONSENT AGENDA

Commissioner Buehler 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 October 16, 2025 to October 31, 2025 in the amount of \$140,797.29

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

1. Discussion and action on approving an amendment to agreement with Jill Flament regarding the Remainder Tract 1 of Leininger No. 3 Minor Subdivision

City Manager Phelps explained that in the packet is a letter from Mr. Kris Birdwell regarding the ask. The ask is to amend a previous agreement that was entered into in 2015 that basically delays the annexation of the lot. The original agreement and the amendment were provided to the Commission. City Manager Phelps reported the original agreement was really contingent on the ownership of the property staying with the Flament's and their heirs. It was not expanding the use of the water and not further developing the property. City Manager Phelps stated the request to the City Commission is to continue the same agreement with a potential new buyer. Mr. Kris Birdwell stated his view of the

amended agreement is essentially just an assignment for all intent purposes that just continues this restriction for any potential annexation to this property. City Attorney Tyler West explained he reviewed the letter the City Planner provided to the prospective buyers and agrees with the planner's approach. The City spent a lot of time and effort implementing the 2024 Lewistown Plan. City Attorney West stated the 2024 Lewistown Plan will be the baseline for the City in moving forward with similar issues. The Montana Land Use Planning Act is in effect and the City is required to follow it. City Attorney West stated it is his understanding the property being discussed would be considered one of the lowest priorities for development under the 2024 Lewistown Plan. City Attorney West further stated the concern is the salability of the property and there are some concerns as to what sort of precedent might this create and if other developers want to take the same approach. City Planner Doug Osterman stated that from his perspective it's really important to think about the fact there's several parcels involved in the Flament property. City Planner Osterman further stated that approximately 67 acres is outside the City's service area, which means the City at this point in time and over the next 20 years has zero interest in annexing that property. Mr. Kris Birdwell gave a little history of how the agreement came about. Mr. Kris Birdwell stated the City asked Doug and Jill Flament for an easement because the City needed to get water up from the airport area over to Castle Butte Road. Doug and Jill Flament gave the City an easement and as a result the City asked them if they would like to get City water. Doug and Jill Flament answered yes, they would like to have City water and shortly after they were informed that they would be annexed and litigation ensued. The agreement is the result of settling and that as long as Flament's and heirs own the property the City will not annex the lot being discussed. Commissioner Buehler asked for clarification if we are talking about 5 or 6 lots. Mr. Kris Birdwell answered there are five smaller lots and one large lot. Commissioner Buehler asked if all 5 of the smaller lots were annexed into the City. City Manager Phelps answered two of the lots adjacent to the road are annexed. City Planner Osterman stated the three smaller lots and the big lot are outside the service area growth boundary that was established in the recent land use plan. City Planner Osterman explained that it would actually be illegal for Lewistown to annex those parcels. Commissioner Buehler stated she wants to confirm that we are referring to the 67-acre lot that is currently not annexed and the City currently has no ambition to annex nor could we legally annex it and the Commission is being asked to create an amendment to the agreement that says the City will not annex the large lot for 20 years. Commissioner Robertson stated that any property within a certain distance of the City could for some reason be annexed, is that a fair statement. Mr. Kris Birdwell answered yes. Commissioner Robertson further stated to put a cloud on this property or bound on this property that it will not be annexed for a period of 20 years seems like going beyond what the rest of the residents adjacent to the City have, they don't have that kind of protection. Commissioner Robertson understands why the current agreement is in place. Commissioner Spika stated she understands the reason for the request and the agreement is clear, but the Commission is not responsible for the financial benefit. Commissioner Spika further stated there doesn't seem to be a great reason to make an exception for them and doesn't seem fair to the rest of the people around them. Further discussion followed. City Attorney West stated that fact is, right now, in 2025 there is new legislation on how cities are to develop and the City has a plan that's been approved by the Commission. Commissioner Hewitt stated she was here when this all started and when it all transpired. Commissioner Hewitt reported she voted no on the annexation because no one was very clear on what was going where. Commissioner Spika made the motion to disapprove an amendment to agreement with Jill Flament regarding the Remainder Tract 1 of Leininger No. 3 Minor Subdivision and Commissioner Hewitt seconded the motion. Commissioner Spika stated she does not see this as being a benefit to the City or the community. Commissioner Day asked for comments from the audience and Commission. There being none, the City Clerk took a roll call vote and those Commissioners in favor were: Buehler, Day, Hewitt, Robertson and Spika. Commissioner Hrubes voted against and Commissioner Terry was absent.

2. Discussion and action on approving Resolution No. 4211, a resolution approving an application from Lewistown Downtown Association for TIF funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained at previous meetings was the grant application for the downtown master plan that is being put together for the Lewistown Downtown Association by Snowy Mountain Development (SMDC). SMDC is assisting in applying for the grant and made a request to the Tax Increment Finance Board for a grant up to \$20,000 to be utilized for the master plan. The Tax Increment Finance Board did approve the request. Commissioner Robertson commented the grant does require a local match and these funds will go toward the local match. Commissioner Robertson made the motion to approve Resolution No. 4211, a resolution approving an application from Lewistown Downtown Association for TIF funds made to the Lewistown Tax Increment Financing District Board and Commissioner Buehler seconded the motion. Commissioner Day 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 of the motion.

3. Discussion and action on approving Resolution No. 4212, a resolution approving an application from Broadway Building, LLC for TIF funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained the Makers on Broadway presented a grant application for up to \$20,000 for window replacement, masonry report and façade painting of their building located at 519 W Broadway. The project is pretty extensive. Commissioner Day asked if their construction company would be doing the work. Commissioner Robertson answered no, it does look like it but they did provide estimates from other contractors that are actually doing the work. Commissioner Buehler made the motion to approve Resolution No. 4212, a resolution approving an application from Broadway Building, LLC for TIF funds made to the Lewistown Tax Increment Financing District Board and Commissioner Spika seconded the motion. Commissioner Day 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 of the motion.

4. Discussion and action on second reading Ordinance No. 1774, an ordinance amending Ordinance No 1733, codified as Lewistown City Code section 7-2-1, adopting the 2021 International Fire Code, and authorizing the City Attorney to codify the same

City Manager Phelps stated this is the second reading of this ordinance and is adopting the same Fire Code as the State of Montana. City Manager Phelps further stated the City must adopt the same Fire Code and is allowed to be more restrictive but not less restrictive. No significant changes from the existing code with the exception of the updates. Commissioner Spika made the motion to approve the second reading Ordinance No. 1774, an ordinance amending Ordinance No 1733, codified as Lewistown City Code section 7-2-1, adopting the 2021 International Fire Code, and authorizing the City Attorney to codify the same and Commissioner Buehler seconded the motion. Commissioner Day 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 of the motion.

5. Discussion on establishing a procedure for Civil Infraction and discussion on which ordinances it should apply to – City Manager Holly Phelps

City Manager Phelps commented this is something that has been discussed in the past. The City Attorney will explain more about what a civil infraction is, and the benefits of it. Then the Commission can give some direction to what codes may apply. City Attorney West explained the authority for a civil infraction

comes from MCA 7-1-4150 which basically allows a city to enact an ordinance that would designate certain acts as a civil infraction. City Attorney West explained the City would benefit from this process because it takes you out of the criminal code. The way the City code is currently written and put it into what's called our general penalties which states if you violate an ordinance, it's a misdemeanor. City Attorney West stated that with a civil infraction it takes away the right to a jury trial. City Attorney West explained he is not trying to take away someone's right to a jury, but some things don't need to be tried in front of a jury. City Attorney West further explained that a civil infraction opens up the remedies for the court because it puts it in the civic world. City Attorney West stated he would like to write there what's called a public nuisance that could be applied to things like chronic dogs at large, issues with trash or parking. Further discussion followed. These items would still go through City Court with Judge Mantooth. Commissioner Buehler asked if some information could be provided if other cities our size do this. City Attorney West answered he did not check into that but work on getting that information. Commissioner Day commented that it is her understanding the big win - win out of this is eliminating the need for juries. City Attorney West answered yes. Commissioner Day asked if the ordinance would need to be rewritten. City Attorney West answered he would prefer that each code state civil infraction, there would be amendments and it is important to figure out which codes would be affected by this. This would also save police officers time as far as court appearances and paperwork. Commissioner Robertson asked if the next step is bringing back a list of here's what we'd like to apply it to. City Attorney West answered the next step would be a draft of an ordinance, so you can see what the actual layout of the civil infraction and how it would read in the code book. City Attorney West explained he thought it would make sense to put it in Title 1, Chapter 3 under a new Section 4, so right now general penalties are 1-3.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Hewitt apologized for not bringing all of her annexation stuff because it probably would have helped. Commissioner Hewitt stated she was the only one on the Commission at that time.

Commissioner Day asked if the new Commissioners could be invited to the open house. The City Manager evaluation will be on Monday, December 1st at 3 pm location to be determined.

ADJOURNMENT

Chairman Day adjourned the meeting.

Dated this 3rd day of November, 2025.

Loraine Day, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk