**A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON NOVEMBER 4, 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 October 21, 2024 are approved.

## COURTESIES

There were none.

## PROCLAMATIONS

There were none.

## BOARD AND COMMISSION REPORTS

Commissioner Spika reported the Snowy Mountain Development board meeting is November 21st.

Commissioner Buehler reported the next Library Board meeting will be November 21st.

Commissioner Day stated that she does not have a board report however, wanted to remind everyone to go and look at the story walk project near the frog ponds. Commissioner Day commented that it is very cool and a great addition to the community. Commissioner Terry asked who installed the posts. City Manager Phelps answered that Casino Creek Concrete donated concrete and some labor, city staff, and volunteers. Commissioner Day reported that the Park and Recreation Board will meet on November 6th.

Commissioner Hrubes reported the Lewistown-Fergus County Health Board met last Monday in a relatively brief meeting. They went over all the services that had been handed out from the county health department and some of the information that Family Planning has done. Commissioner Hrubes stated even though we do not have a district sanitarian, it appears that we're not really falling behind because we are using contract sanitarians. Commissioner Hrubes further stated that general information was presented and there were a lot of animal bites, including one from a skunk.

Commissioner Hewitt reported that the Airport Board will meet on November 6th at 3 pm.

Commissioner Terry reported that the Central Montana Foundation met on October 22nd. The main item of discussion was the donation made by Mr. Asbjornson to help finish up the cancer center funding. Commissioner Terry further reported that Mr. Asbjornson has distributed some money to Winifred in general and has run that through the Central Montana Foundation, which really helps the foundation overall. Commissioner Terry stated that there were two grant requests. One was for technology for a daycare in Geyser. Commissioner Terry stated that the big grant request was for Lewistown Eagles Manor in the amount of $4,850, to do improvements to the interior of their lobby. There was a request from the Lewistown Parks and Recreation and more information was requested. The next meeting is November 26th

**CITY MANAGER REPORT**

There was none.

**PUBLIC COMMENT** – non agenda items

Mr. Mike Byrne, with the Sign Shop, addressed the Commission stated that he sent out an email to the Commission, expressing concerns regarding the sign ordinance. Mr. Byrne stated that he gets lots of requests to fix up the original sign by refurbishing, or rebranding not necessarily to change anything. Mr. Byrne further commented on the signs that don't change in size, there's really not much to decide except how big is the sign if it is below 32 square feet that fee is $20 above 32 square feet, the fee is $100 and required to go through the review process. The review process has taken some time, because it is dependent on the design review meeting. Mr. Byrne stated that sign ordinance has caused a lot of complication, a lot of issues that are unnecessary, especially with the in-kind signs. It used to be a one-day process and now the time line is unknown. Mr. Byrne explained that he went ahead and put a sign up and then he was contacted by the Planning Director Doug Osterman and told him it had caused some problems so he would need to pay a fine. Mr. Byrne stated that a simple language change would be all would take to address the issue. Commissioner Terry explained that the process to change an ordinance is that two readings of the ordinance and once approved it goes into effect thirty days after the second reading.

**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 October 18, 2024 to October 31, 2024 for a total of $40,448.18

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

1. Discussion and action on Resolution No. 4176, a resolution approving an application from Rayce Townsend for additional TIF funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that a few years ago Mr. Rayce Townsend applied for a TIF grant for the property he owns at 420 1st Ave S. At that time Mr. Townsend was demolishing the existing structure in preparation for the new building. City Manager Phelps reported that at that time the TIF board granted him $10,000 which was the maximum grant available at that time. City Manager Phelps commented that now the TIF grants are up to $20,000. City Manager Phelps stated that Mr. Townsend has submitted another TIF grant in the amount of $10,000 to help offset some of the construction costs of the new building and those costs included windows and new siding. The proposed use is a maintenance shop for himself and then there will be a small retail space providing firearm service and general mechanical maintenance of firearms. Commissioner Terry stated that Mr. Townsend has already received a $10,000 grant from the TIF board and he is now asking for an additional $10,000 and it has been approved by the TIF board. Commissioner Terry asked for comments from the audience and Commission. Commissioner Robertson stated that this is a good improvement within the district, with new siding, windows and building, which is a good taxable structure and this project fits TIF district perfectly. Commissioner Robertson explained that currently the maximum request is $20,000, however this is a soft maximum he would call it and the

Commission can always determine that there's a project worthy of much greater than that, but that's the maximum funding for the TIF board. City Manager Phelps agreed stating that some public projects with a huge public benefit have exceeded the $20,000 funding. Commissioner Spika made the motion to approve Resolution No. 4176, a resolution approving an application from Rayce Townsend for additional TIF funds made to the Lewistown Tax Increment Financing District Board and Commissioner Hewitt seconded the motion. Commissioner Terry asked for comments from the audience and the 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.

2. Discussion and action on Resolution No. 4177, a resolution approving an application from Chaney Bowen for additional TIF funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that this request is a great example of that public private partnership, where originally these people came to the TIF board with a request for funding to do siding. However, it makes more sense to do windows prior to siding. City Manager Phelps explained the funding request is for the purchase and installation of the windows. This request will maximize the $20,000 grant and it does clearly meet the one-to-one match. This application was approved by the TIF board. Commissioner Robertson stated that this is a residential triplex, so different than a resident but considered a commercial building. Commissioner Day made the motion to approve Resolution No. 4177, a resolution approving an application from Chaney Bowen for additional 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 the 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. Public hearing to hear comments on Resolution No. 4178, a resolution amending the 2024-2025 budget of the City of Lewistown

Chairman Terry opened the public hearing to hear comments on Resolution No. 4178, a resolution amending the 2024-2025 budget of the City of Lewistown. City Manager Phelps stated that in front of the Commission is a budget amendment and attached is the one sheeter that shows how the budget amendment affected those funds. City Manager Phelps further stated that the City cannot spend funds that are not appropriated. City Manager Phelps explained that the auditors came in after the budget was approved and closed out the City's books for fiscal year 2024 and as a result there were some items that needed to be addressed. City Manager Phelps commented that when putting together the budget the multipurpose building for the pool was not accounted for. The multipurpose building project is a partnership with the Lewistown Ice Skating Association, Lewistown Swim Team, Friends of the Pool, Fergus County Recreation District and the City of Lewistown and after consulting with the City's auditors and the County consulting with their auditors it was determined that it would be best to account for it in the City's budget. The recreation district funds are hold at Fergus County and the recreation district board has already committed up to $150,000 in revenue for the project. City Manager Phelps commented that she feels this is a fairly realistic budget for materials and to get started on construction. The revenue and expense were added to the general fund. City Manager Phelps explained that the process is that City will pay the expenses, the building will be put on the City's depreciation schedule and it will be covered by the City's insurance. City Manager Phelps explained that as part of the year end closing the auditors booked $198,924 of the guaranteed ARPA funds in fund 2292 to cover the associated expenditures in the sewer fund. This is all part of the wastewater treatment plant project. City Manager Phelps further explained that as a result of the audit entry the fund had negative cash and the City can't expend cash we don't have. City Manager Phelps explained that the third amendment item is fund 2372 permissive mill levy. The City has a mill levy allocation and the City can only appropriate the mill levy amount. This amendment shows that the City may have a remaining balance of $1,834.79 at the end of the fiscal year. The last section of the budget amendment refers to the wastewater treatment project. City Manager Phelps explained that in October the Commission approved a wastewater improvement project and unfortunately was not accounted for during the budget process. The City will receive $2,083,796 in competitive ARPA grant funds for the wastewater project. Commissioner Terry asked who wrote the grant for the project. City Manager Phelps answered that the engineers, Robert Peccia and Associates wrote a competitive grant for both water and sewer funds. City Manager Phelps stated that in fiscal year 2021 the Commission at that time determined that the direct ARPA allocation would be used for the wastewater project. The balance of the direct ARPA allocation will also offset the cost of the project. City Manager Phelps explained that the difference of the construction project of $2,580,622 and the ARPA competitive funds is $496,826 which will be covered by the sewer revenues. City Manager Phelps briefly explained the effect of this amendment on the sewer fund and that projected ending cash for the sewer fund is over $900,000. Commissioner Robertson asked if the grant request was underestimated and we should have asked for more to be able to cover the cost of the project. City Manager Phelps answered that the City maxed out the available grant funds for the City of Lewistown between the water and sewer projects. Commissioner Robertson asked if taking the shortfall from the reserves was concerning. City Manager Phelps answered no, prior to the rate increase there were no reserves and as part of the rate setting was to set aside about $200,000 annually for capital improvements. Commissioner Terry commented that the sewer rate increases went into effect in January of 2023, so now the sewer fund actually has reserves, which it did not have prior to 2023. There was follow up discussion on the budget amendment items. Chairman Terry asked for comments from the audience and Commission. There being none, the public hearing was closed.

4. Discussion and action on approving Resolution No. 4178, a resolution amending the 2024-2025 budget of the City of Lewistown

Commissioner Terry stated the City usually does budget amendments, so this is nothing new. It was just a little surprising when it was presented to the Commission. City Manager Phelps answered that anytime there is grant funding a budget amendment may be required. Commissioner Robertson made the motion to approve Resolution No. 4178, a resolution amending the 2024-2025 budget of the City of Lewistown and Commissioner Hewitt seconded the motion. Commissioner Terry asked for comments from the audience and the 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 and action on approving Resolution No. 4179 a resolution of intent proposing the closure of the City Clerk's office including Public Works on December 24 for years 2024, 2025 and 2026

Commissioner Terry asked for some background on this time and why the request for three years. City Manager Phelps explained that Montana Code Annotated outlines the hours for the City Clerk's office and only by public hearing, resolution and Commission approval can the City Clerk's office be closed. City Manager Phelps explained that this resolution is asking to close at noon on Christmas eve for the next three years and the way the years fall we don't always to need to as because the days fall on the weekend. City Manager Phelps further explained that previous Commissions thought it was a lot of work to come back every year and ask so that is why the request is for three years. City Manager Phelps stated that if approved the employees will have the option to use a vacation time or work. If all employees in a department chose to take vacation, then the office may close, if an employee chooses not to take vacation time that employee with work the normal hours keeping the department open. Commissioner Terry reported that she feels three years is good. Commissioner Spika made the motion to approve Resolution No. 4179 a resolution of intent proposing the closure of the City Clerk's office including Public Works on December 24 for years 2024, 2025 and 2026 and Commissioner Buehler seconded the motion. City Manager Phelps stated that if this is approved there will be a public hearing and resolution on the next agenda. Commissioner Terry asked for comments from the audience and the 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.

6. Discussion and action on reappointing Gary Slagel to an additional 3-year term on the Lewistown Board of Adjustments

City Manager Phelps stated that Mr. Gary Slagel is a standing member and his first term was in 2012. City Manager Phelps commented that she thinks Mr. Slagel would prefer that his term be less than a year, but has agreed to serve another term until the planning commission is appointed. City Manager Phelps explained the board of adjustments will be dissolved once a planning commission is appointed. Commissioner Buehler made the motion to approve reappointed Gary Slagel to an additional 3-year term on the Lewistown Board of Adjustments and Commissioner Hrubes seconded the motion. Commissioner Terry asked if Mr. Slagel was interested in serving on the planning commission. City Manager Phelps answered that he did not submit an application yet, but we are still accepting applications. Commissioner Terry asked for comments from the audience and the 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.

7. Discussion and action on reappointing Donna Strouf to the Historic Resources Commission for an additional 2-year term

Commissioner Terry stated that this is a great board and have a great group of individuals serving on the board. City Manager Phelps explained that the terms for this board are two years. City Manager Phelps stated that this is Ms. Strouf's third term, is a very active and great member and also serves on the museum board. Commissioner Day made the motion to reappoint Donna Strouf to the Historic Resources Commission for an additional 2-year term and Commissioner Hrubes seconded the motion. Commissioner Hrubes asked if he could get a list of all the Commissions and boards. City Manager Phelps answered that she can do that. Commissioner Terry asked for comments from the audience and the 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.

**CITIZENS' REQUESTS**

There were none.

**COMMISSIONER'S MINUTE**

City Manager Phelps reported that Montana Department of Environmental Quality will be at the next committee of the whole on November 18th. They will be participating virtually. City Manager Phelps stated that the Big Spring Creek Watershed was at a previous meeting requesting information and at this time she thinks that they all have the requested information. City Manager Phelps will notify members of the Big Spring Creek Watershed.

Commissioner Buehler asked if there have been any dates set for follow up conversations with the School District regarding the traffic. Commissioner Terry reported that she had two citizens in ward III express their concern with regard to the traffic in the area. City Manager Phelps commented that she has also been asked about the plan for activities and events at the Lewis and Clark gym.

Commissioner Day asked what is happening with regard to ordinances since the last committee meeting. City Manager Phelps answered that currently the City is advertising that angle parking on 3rd Ave N will be discussed at the November 18th Commission meeting. City Manager Phelps stated that the other ordinances are being reviewed by the City Attorney and will be emailed to the committee members prior to the next ordinance committee meeting. Commissioner Terry reported to the other Commissioners that the ordinance committee met and the following was discussed angle parking, dogs at large, parking in general, campers and RVs that need to be moved. Commissioner Terry explained that City Attorney West proposed that some of these items can be looked at as a public nuisance or safety issue. Timelines were discussed and the possibility of amending the timelines.

Commissioner Hewitt asked about the fence in her neighborhood. City Manager Phelps answered that she is not sure where we are in the process, but does know that the City Attorney was going to check on the status.

Commissioner Robertson explained that he was on a member on the design review board and the first thing the board did was review the sign ordinance. Commissioner Robertson stated this was an extensive process and there was very little opposition. Commissioner Robertson commented that at the time he was a businessman, with a background in design. The design review board was very careful in that ordinance. Commissioner Robertson pointed out that the City does not dictate design in terms of graphic design and in-kind signs are reviewed from the beginning because a lot of the signs were out of compliance from the get go. Commissioner Robertson stated that in the interest of fairness to all businesses having the same signs basically within the code and all reviewed for compliance, which is the importance of the ordnance. Commissioner Robertson does not feel the committee should take the time to review it, it is a fresh ordinance that has worked well over the years and this is the first time it has been complained about. Commissioner Robertson stated that the design review board has had at least four signs that were reviewed after they signs were already put up which is against City Code. This is a repeat violation of where we go put up the sign and then ask for forgiveness, not permission. Commissioner Terry commented that maybe the timeline needs to be reviewed. There was a brief discussion on the timeline for signs.

**ADJOURNMENT**

Chairman Terry adjourned the meeting.

Dated this 4th day of November, 2024.

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KellyAnne Terry, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk