

COMMITTEE OF THE WHOLE

FEBRUARY 5, 2024

6:00 PM

1. Discussion on land use plan, upcoming engagement dates and planning commission

**NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION,
CITY OF LEWISTOWN, FEBRUARY 5, 2024 AT 7:00 P.M. AT THE CENTRAL MONTANA
COMMUNITY CENTER LOCATED AT 307 W WATSON**

To participate virtually the options are as follows:

To join by zoom: <https://zoom.us/j/8486275925?pwd=dTVGbndDK253ZUJLMjRuZXU5QVpMdz09>

Meeting ID: 848 627 5925 Passcode: 59457

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES –January 16, 2024

COURTESIES

PROCLAMATIONS

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgment of the claims that have been paid from January 12, 2024 to January 31, 2024 for a total of \$216,375.53

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

1. Discussion and action on approving a business license for Service All Heating and Air (**Action: approve, disapprove or amend approving a business license for Service All Heating and Air**) City Manager Holly Phelps
2. Discussion and action on authorizing the City Manager to submit an application for the Montana Community Reinvestment planning grant program and if approved allowing the City Manager to sign the agreement (**Action: approve, disapprove or amend authorizing the City Manager to submit and sign the agreement**) City Manager Holly Phelps
3. Discussion and action on allowing City staff to submit the annual Certified Local Government Grant Application to the Montana State Historic Preservation Office and the authorization to enter into a grant agreement once the grant is approved (**Action: approve, disapprove or amend submitting grant application and authorization to enter into the agreement if approved**) City Manager Holly Phelps
4. Discussion on upcoming Local Government Review. City Manager Holly Phelps

CITIZENS' REQUESTS

COMMISSIONER'S MINUTE

ADJOURNMENT

* All citizens are invited to make comment on any agenda item prior to action being taken by the Commission

City of Lewistown
305 W. Watson
Lewistown, MT 59457
535-1760

11732

Business License Application

Business Name Service All Heating and Air

Street Address 92 Llama Lane Phone 380-1777

City Moore State mt Zip Code 59464

Brief Description/Nature of Business HVAC

Is This a Recognized Non-Profit Organization? Yes ☐ No ☒ # of Employees

Owners Name and Address David and Danielle Stoker 92 Llama Lane

City Moore State mt Zip Code 59464 Phone # (406) 380-1777

Planning & Building Dept:

Legal Description: Lot Blk Subdivision Lot Sz (sq ft)

Estimated Square Footage Occupant Load Zoning District

Is The Building Currently Under Construction or Remodeling? Yes ☐ No ☐

Remodeling or New Construction Within The Last 12 Months? Yes ☐ No ☐

Is Building in The City Limits? Yes ☐ No ☐

Fire Dept:

Primary Emergency Contact Name & #

Secondary Emergency Contact Name & #

Are There Any Special Hazards Associated With Your Business That We Should Be Aware Of? Yes ☐ No ☐ If So, What Are They?

Do You Have Any Hazardous Materials On The Premises? Yes ☐ No ☐ If So, Do

You Have Materials Safety Data Sheets For Them? Yes ☐ No ☐

Are There Any Fire Extinguishers Located On The Premises? Yes ☐ No ☐ #

Are There Smoke Detectors On The Premises? Yes ☐ No ☐ #

Are There Any Locked Or Blocked Exits During Business Hours? Yes ☐ No ☐

f Applicant Signature Danielle Stoker

City Use Only

Business License Fee: 600
\$55.00

Business Classification Received By Date

Sent to:

BUILDING DEPT
FIRE DEPT
HEALTH DEPT
ZONING DEPT
CITY MANAGER

Received From:

BUILDING DEPT
FIRE DEPT
HEALTH DEPT
ZONING DEPT
CITY MANAGER

INTRODUCTION

In 2023, the Montana Legislature passed the Montana Community Reinvestment Plan Act, HB 819, with the purpose “to begin to address housing needs and offer a regional, community-based solution to creating affordable, attainable workforce housing infrastructure in the state.” Section 22 of HB 819 appropriated \$1 million to the Department of Commerce to “provide planning grants to local governments and tribal governments for planning and zoning reforms to increase housing supply” and “cover administrative costs of the grant program.” The Montana Department of Commerce (“Commerce”) Community MT Division (“CMT”) will administer the Montana Community Reinvestment Plan Act (“MCR”) Planning Grant Program in accordance with these Guidelines. The Department anticipates providing at least \$1,000,000 in planning grants to eligible applicants during the current biennium (State Fiscal Years 2024 and 2025).

ELIGIBLE PLANNING PROJECTS AND COSTS

Eligible applicants may use MCR planning grant funds “for planning and zoning reforms to increase housing supply.” Eligible uses include the creation or update of plans, assessments, or studies in any of the areas listed below that contribute to an increase in local housing and with a special emphasis on increasing attainable, affordable workforce housing infrastructure in Montana.

Funding recipients generally may use MCR planning grant funds to pay for the following activities to increase local housing supply:

- ☐ Growth policies, growth policy updates, and Land Use Plans (as required by the Montana Subdivision and Platting Act and the Montana Land Use Planning Act) related to increasing attainable workforce housing;
- ☐ Zoning regulations and zoning regulation updates related to increasing attainable workforce housing;
- ☐ Subdivision regulations and subdivision regulation updates related to increasing attainable workforce housing;
- ☐ Conducting housing needs assessments;
- ☐ Housing condition surveys;
- ☐ Housing affordability and market feasibility studies;
- ☐ Inventories of opportunities for infill and redevelopment of land to increase attainable workforce housing;
- ☐ Development of local or regional housing assistance programs;
- ☐ Fair housing plans;

- ❑ Adaptive re-use or redevelopment plans that would result in an increase in attainable workforce housing or the improvement in the condition of existing workforce housing;
- ❑ Preliminary architectural reports (“PAR”) for new or renovated attainable workforce housing;
- ❑ Site-specific development plans for new attainable workforce housing; and
- ❑ Downtown/neighborhood revitalization or master plans that would result in an increase in attainable workforce housing or the improvement in the condition of existing workforce housing.

AWARD AMOUNTS & REQUIRED MATCH

MCR planning grants are available in amounts **up to \$30,000**. Applicants must provide a minimum financial match of 20% of the amount of the total cost of the proposed planning activity. Up to 50% of the required match can be met by “in-kind” contributions, such as regular salaried staff time or other services provided by applicants. Matching funds must be firmly committed by the time grant funds are released.

PROJECT DESCRIPTION

1. **Problem:** In 500 words or less, describe the local attainable, affordable workforce housing supply problem that the proposed planning activity will address. Include relevant statistics and examples where applicable.

Lewistown is updating its 2006 Growth Policy to address contemporary service and facility needs and land use issues. A consultant has been retained with funds from the Montana Department of Commerce to assist the city with public outreach, inventory of existing conditions, preparation of a Future Land Use Map, and growth policies. Products of the update are rolling in at the time of this application. The city hired a city planner to coordinate the growth policy update and prepare a land use plan to supplement growth policies under the provisions of the Montana Land Use Planning Act. Lewistown’s strategy is to identify the local attainable, workforce housing needs of the city and its planning area by updating the growth policies and land use plan for the city. The last comprehensive land use plan was completed in 1971 via a grant from the Montana Department of Planning and Community Development. The most recent Growth Policy was completed in 2006.

2. **Solution:** In 500 words or less, describe how the proposed planning activity will increase the housing supply and/or increase the availability of local attainable, affordable workforce housing.

Lewistown is developing a Land Use Plan and Map, Subdivision Regulations, and Zoning Regulations and Map concurrently with updating its Growth Policy. The project is being based on inventory, analysis, and synthesis of existing conditions and population, housing, and economic projections. The project is fully funded, except for document production, printing, and distribution. A major manufacturing company has chosen Lewistown as its USA headquarters. In the ensuing years, significant population growth and housing needs are anticipated. As well, the

military has chosen Lewistown as one of two hubs for work force housing to update the missile facilities of Central Montana; 2,000 to 3,000 people are expected at each hub.

3. **Next Steps:** In 250 words or less, describe the next steps the community will take following the conclusion of the planning activity to increase housing supply and/or increase the availability of local attainable, affordable workforce housing (e.g., additional grant funds sought and sources, implementation, project construction, etc.).

Lewistown is finishing the inventory phase of the land use plan and growth policies which will be published in a report. Lewistown is in the second phase of public outreach and participation. The results of a community survey have been published and are being used to develop growth policies, including the development of a Future Land Use Map. Several more public participation elements will be conducted over the next six months. A Planning Commission is being formed to oversee the development of the land use plan and growth policies, and public meetings and hearings are scheduled for review and approval of them. Digital Twinning will be an integral strategy to visually communicate planning scenarios. Adoption of the plan and policies is scheduled for July 2024.

4. **Community Support:** In 100 words or less, indicate the community's support for the planning project. Attach any copies of letters expressing community support for the proposed planning project at the end of the application.

The planning effort is a top priority of the Lewistown City Commission. A community survey conducted in 2023 indicates not only support, but also significant desire of residents to address service and facility needs, environmental and natural resource protection and conservation, and historical preservation of the community now and in the future. Residents want a plan; the local newspaper has featured articles of the planning effort multiple times including as front page, top fold headlines.

5. **Need for Financial Assistance:**

While funding to support the Lewistown Planning Department and consultants to develop the plan is adequate, the funding available for document production, printing, and distribution falls short of need.

6. **Capacity:** In 100 words or less, describe the fiscal capacity of the applicant to meet the grant conditions required by the Department including, but not limited to, managing the planning project, and utilizing generally accepted accounting principles.

The Department of Commerce is providing significant funding and support for Lewistown's efforts to update its growth policies and develop a land use plan that meets the requirements of the Montana Land Use Planning Act. Lewistown has the capacity to do the planning work with the support of the state and within its budget, but document production needs additional funding as proposed by this grant application.



Montana Secretary of State, Christi Jacobsen

Elections and Voter Services

2024 Local Government Review Information

Frequently Asked Questions

Q. What is the Local Government Review election?

A. Established as part of the 1972 Constitution, the Local Government Review election is to be held by each city and county government every 10 years. If your city or county government has held a Local Government Review election any time after the 2014 general election until now, you should consult with your county attorney regarding your responsibility.

Q. Where can I find the laws on the Local Government Review election?

A. The applicable laws, 7-3-171 through 7-3-193, MCA, are found [here](#).

Q. Does the Local Government Review election apply only to city governments?

A. No, local government have been defined to include **both** city and county governments.

Q. Is it a requirement that the governing body call for a local government review?

A. Yes. As required under [7-3-173\(2\)](#), MCA, "The governing body shall call for an election on the question of conducting a local government review and establishing a study commission, as required by Article XI, section 9(2), of the Montana constitution, within 1 year after the 10-year period referred to in subsection (1)(c)."

Q. Who pays the cost of putting the local government review question on the ballot?

A. According to [13-1-302](#), MCA, each jurisdiction shall pay their proportionate cost. The county will invoice the municipality for their proportionate cost, which cannot include the services of the election administrator or capital expenditures. The proportionate costs shall be only those **additional costs** incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.

For uniformity purposes, those costs should be;

- any extra ballot costs,
- any extra equipment programming costs,
- any extra advertising costs, and;
- any other additional costs incurred because the municipal ballot issue appears on the primary ballot **and** the municipal local government review candidates appear on the general election ballot, if applicable.

Q. What exactly will voters be asked to decide at the June 4th Primary election?

A. The ballot language is to be substantially as follows, under Section 7-3-175, MCA:

Vote for one:

☐ **FOR** the review of the government of (insert name of local government) and the establishment and funding, not to exceed (insert dollar or mill amount), of a local government study commission consisting of (insert number of members) members to examine the government of (insert name of local government) and submit recommendations on the government.

☐ **AGAINST** the review of the government of (insert name of local government) and the establishment and funding, not to exceed (insert dollar or mill amount), of a local government study commission consisting of (insert number of members) members to examine the government of (insert name of local government) and submit recommendations on the government.

Q. What happens if a voter is eligible to vote in the county election and in the city election?

A. Since the local government review election is for cities and counties, an elector who lives within the city limits will be presented with the question of whether to hold a local government review election twice (once for the county of residence and once for the city of residence.)

Q. Do we have to report the results to the Secretary of State's office?

A. Even though you do not provide the canvass for other local election results to the Secretary of State, according to Section 7-3-174(4), MCA, the election administrator shall report the results of the local government review ballot question and the results of the election of commissioner members (if applicable) to the Secretary of State within 15 days of the official canvass. The report of results will have to be filed 15 days after the primary election canvass, and 15 days after the general election canvass (if applicable).

Q. How many commission positions will be open after the Primary, if the voters choose to have a commission?

A. Under Section 7-3-177, MCA, the study commission must be an odd number of not less than three members determined by resolution.

Q. When will candidate filing open and close?

A. If a majority of voters voting on the question at the primary election vote in favor of the study commission, candidate filing will open on the date that the primary election results are certified (the primary canvass), and will close **August 12, 85 days before the general election.**

Q. Where are the candidate filing forms?

A. Declaration for nomination forms can be found on the Secretary of State's website.

- Q. **Is this a partisan election? Will there be a Primary? Are filing fees required? Can election officials of the local government be candidates for the study commission?**
- A. According to Section 7-3-176, MCA, the election is a nonpartisan election, there will be no primary election, and there are no filing fees. Also, candidates are not permitted to be elected officials of the local government.
- Q. **Does a person have to live within the jurisdiction being studied to be a candidate?**
- A. Yes, candidates for study commission positions must be electors of the local government for which the study commission has been established. Candidates may not be elected officials of the local government.

2024 Local Government Review Calendar

DATE	ACTION	MCA SECTION
March 11, 2024	Deadline for governing bodies to call for local government review	<u>7-3-174(1)</u> <u>13-1-405(2)</u>
June 4, 2024	Primary election citizens vote on whether or not they want to conduct local government review	<u>7-3-173(2)</u>
No later than June 18, 2024	Results canvassed and returned as provided in Title 13; beginning of study commission candidate filing (assuming vote is in favor of study commission)	<u>7-3-174(1)</u>
July 3, 2024	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the date that the results become official)	<u>7-3-174(4)</u>
August 12, 2024	Last day for local government review commission candidates to file declaration of nomination by 5:00 p.m. (assuming vote is in favor of study commission) **No filing fee **Nonpartisan declaration **No primary	<u>7-3-176(2)</u> <u>13-1-403</u>
November 5, 2024	Election for study commissioners	<u>7-3-176</u>
No later than November 19, 2024	Results to be canvassed and returned as provided in Title 13	<u>7-3-174(1)</u>
December 4, 2024	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the official canvass)	<u>7-3-174(4)</u>

SAMPLE NOTICE

NOTICE OF LOCAL GOVERNMENT REVIEW ELECTION

At the June 4th primary election, voters in the cities/towns of _____ and _____ County will be asked whether or not they wish to have their form of local government reviewed.

The local government review was initiated by Article XI, Section 9 of the 1972 Constitution and the first review was conducted in 1974. Required every ten years, the local government review election asks voters to decide if they want to elect study commissions to review their city and county governments.

If a majority of the electors vote in favor of having a study commission to examine the form of local government, the study commission members will be elected at the November 5, 2024 general election.

Interested individuals can file after the primary election as a candidate for the study commission with the County Election Administrator. There is no filing fee, and the race is nonpartisan. Candidates must be electors of the local government for which the study commission has been established and cannot be elected officials of the local government. Filing for the positions of study commission members will open after the primary election results are certified and close at 5:00 p.m. on August 12, 2024.

The purpose of the study commission is to study the existing form and powers of the local government and compare them with other forms available under the laws of the state. The study commission members must write a report detailing their recommendations for changes to the local government.

The final report of the study commission is presented to the voters of the local government for approval or rejection. The report must be presented to the registered electors for a vote no later than the 2026 general election (November 3, 2026).

For more information on this election, please contact your county election administrator. A complete list of county office information can be found [here](#).

2024-2026 Montana Local Government Review

Sample Budget

	Small Community Population ~1,000	Medium Community Population ~ 10,000	Large Community Population ~ 30,000+
Training	\$3,000	\$4,000	\$5,000
Consulting	\$1,000	\$3,000	\$5,000
Resource Materials	\$500	\$1,000	\$3,000
Survey	\$500	\$2,000	\$5,000
Community Engagement	\$1,500	\$3,000	\$5,000
Advertising/Notices	\$500	\$2,000	\$3,000
Support Staff	\$6,000 (\$20/hr x 300 hrs)	\$6,000 (\$20/hr x 300 hrs)	\$10,000 (\$20/hr x 500 hrs)
Election Expenses*	\$3,000	\$8,000	\$15,000
Publication (reports, summary, etc.)	\$500	\$1,000	\$3,000
Miscellaneous	\$500	\$1,000	\$3,000
Total:	\$17,000	\$31,000	\$57,000

**Check with the local election administrator for accurate estimated cost*

This sample 2024-2026 Montana Local Government Review budget is for educational purposes only. Each jurisdiction should estimate costs based on local needs and develop a budget that reflects the expectations of the Local Government Review in that municipality or county.



Local Government Center