A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON APRIL 6, 2026 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: Bowser, Buehler, Day, Hewitt, Shaver and Warren. Commissioner Robertson was absent.

APPROVAL OF MINUTES

Commissioner Day stated that without objection and based on the corrections the minutes for March 16, 2026 are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported she was unable to attend the Airport Board meeting. Commissioner Hewitt commented construction on new hangers is progressing, with runway construction expected to start when the weather warms.

Commissioner Bowser reported she attended the Ordinance Committee meeting on March 18th. The City Manager updated the committee on staff. The City Attorney is on family medical leave and the City Planner is ill. The committee reviewed the appeals process for the apartment variances and the options for retaining an outside attorney. The committee directed the City Manager to contact the apartment developer and discuss the possibility to modify plans to better fit the community. The Planning Commission was discussed and it was asked that the City Manager to confirm the county appointments with the County Commissioners. Commissioner Robertson gave a report on the data center meeting.

Commissioner Bowser reported she attended the Library Board meeting on March 18th. The Library Board accepted the resignation of the Library Director effective March 26th. The Library director job description was reviewed and discussion was held on the process to hire a Library Director.

Commissioner Buehler reported she attended the Central Montana Foundation Board meeting on March 24th. The board awarded grants to Boys and Girls Club, Elks Lewistown Hoppers and Silver Spurs 4-H. The next meeting will be April 28th and the Central Montana Foundation annual meeting is May 26th at the Yogo Inn. The annual Central Montana Foundation scholarship application review is underway.

Commissioner Buehler reported on the audit committee. The committee reviewed the draft audit and the findings. An action plan was created and the City Manager will work on those items. Commissioner Buehler reported there was discussion on how the City funds multiple departments. The next Audit committee meeting will be April 16th at noon.

Commissioner Warren reported the Public Works committee meeting is on Friday.

Commissioner Day reported the Park and Recreation Board met on April 1st. Commissioner Day commented there were guests in attendance who are associated with the Farmers Market. The Farmers Market members requested additional sidewalk at Symmes Park along Ridge lawn St, due to hazardous conditions. The Board expressed interest and explained those types of projects are costly and a large time frame is needed. The Board discussed alternative locations which included Creekside Park. A walkthrough of Creekside Park is planned for the spring. Commissioner Day reported low staffing continues to at the Civic Center. The Trails Coordinator, Recreation Specialist, temporary park maintenance and swimming pool positions are open. There will be an Earth Day celebration on April 22nd at Frank Day Park cleanup. Arbor Day will be April 23rd downtown. There was a report that volunteers are actively working on trial cleanup. The next Park and Recreation meeting will be May 7th at up in the new multipurpose room at Frank Day Park.

CITY MANAGER REPORT

City Manager Phelps reported on the following items:

The City's portion of the audit response has been finalized. The auditors are waiting for a letter from the attorney regarding litigation before finalizing the audit report. One audit finding has been resolved, the City is now properly holding debt reserve funds for the pool bond, which were previously held at the county level contrary to the bond requirements. The City Manager Phelps reported she sent a letter to the County Commissioners and they sent the funds immediately.

City Manager Phelps explained the Montana League of Cities and Towns (MLCT) has contracted with experienced law firms and individual attorneys to provide legal services to municipalities. The City is working with one of those firms at a rate of $160 per hour to review and analyze the Board of Adjustment appeals. City Manager Phelps further explained this is necessary because the City Attorney is out on family medical leave. The firm will determine which appeals have legal merit as defined by the four specific criteria and guide the Board of Adjustments through the appeals process.

City Manager Phelps report we are definitely in the spring or summer transition with softball tournaments at the d'Autroment complex on April 10th and 11th. The Charlie Russell Train season starts in May. The Civic Center winter activities are finishing up. The Little Eagle Basketball program is finishing up. Approximately 160 kids participated, with Lewis and Clark gym being used through the school district agreement to allow more practice time.

The biosolids project is currently in the design phase and will go out to bid soon. The wastewater treatment plant is up and running and waiting for warmer weather to complete the sight restoration. The City Hall concrete was completed using the State and Local Infrastructure Partnership (SLIP); some of the concrete failed over the winter and being replaced under warranty.

Recycle Montana will host e-waste collection on May 2nd, at the fairgrounds from 9 am to 1 pm. ROWL is co-hosting and asked the City to sponsor trucking costs. The City will use discretionary funds. The request was for $250 and no Commission action is necessary required under the purchasing policy.

The zoning code update continues with reviewing the current codes. The actual draft code updates will occur at a later date, once the City Attorney is back in the office.

Commissioner Shaver asked if the hiring of legal counsel was at the City Attorneys suggestion. City Manager Phelps answered no, the City Attorney is currently on FMLA. Commissioner Shaver asked if there is a dollar amount. City Manager Phelps answered the attorney was contracted through the MLCT at a discounted rate of $160.00. It was discussed that annually the City Commission approves a budget and there are line items in the different funds for legal services.

PUBLIC COMMENT – non agenda items

Mr. Mike Byrne stated he lives at the Esplanade and asked if a date had been set for the Board of Adjustments meeting. City Manager Phelps answered a date has not been selected but it must occur before April 24th.

Ms. Tonya Zonfrello expressed her concern about a proposed apartment project and she lives within two hundred feet. Ms. Zonfrello commented that she objects to an outside attorney being given authority to decide which public complaints "have merit" and who qualifies as an "aggrieved party," arguing that the attorney lacks local context and firsthand knowledge. Ms. Zonfrello stated those are her tax dollars and if you saw her sidewalk it looks like a bomb went off, so she has a problem with that. She questioned why the next step is going to court instead of scaling down the project, emphasizing that residents want a smaller, more neighborhood-appropriate development.

Ms. Michelle Raney, 168 Castle Ridge Drive, asked if there was a possibility there will not be a board of adjustment meeting. Commissioner Day answered no, a meeting has to be schedule before April 24th to hear the appeals. City Manager Phelps explained there are aggrieved parties and merit, so the appeals need to be reviewed to determined which ones raise to that level. City Manager Phelps commented a board of adjustment meeting will be scheduled.

Commissioner Day explained the apartment development is a board of adjustment issue and they will be hearing the appeals. The Commission does not have any control of what is happening with this issue right now. The Board of Adjustment meeting will be scheduled and everyone living within 300 feet will be notified and those individuals who have written a letter will also be notified.

Commissioner Shaver stated that when it comes to these appeals one or two great appeals is as good as fifty appeals. Commissioner Shaver continued stating if the attorney says, these five appeals are on tract, then the other forty are not needed, but it is nice they are there. Commissioner Shaver stated the Board of Adjustments missed the target on this one, and he's going to let the process go through as needed. Commissioner Shaver stated the Board of Adjustment decision in the appeal process now and he has read a couple of the appeals that have been sent to him and this is going to get appealed.

Ms. Michelle Raney expressed her frustration that the Board of Adjustments seemed to ignore public input during the previous meeting. Ms. Raney felt none of the community's concerns were considered in the deliberation and that the decision was already predetermined. They are concerned that future meetings will be the same and want assurance that their input will be genuinely heard and taken into account moving forward.

City Manager Phelps explained that's the importance of hiring an attorney to work with the Board of Adjustments through the process. Ms. Raney asked who was going to support the individuals, the whole idea of a Board of Adjustment is to stand up for the community and they did not do that. Commissioner Shaver stated he will support them for whatever they need.

Mr. Mike Byrne explained that he got a letter from an attorney in Helena, who all he does is deal with variances. The attorney stated the variances are never for the convenience of the builder, they are for the area of the community. Mr. Byrne feels the Board of Adjustment did the exact opposite. Mr. Byrne acknowledged the need for housing, emphasizing that any development should be appropriately sized and fit the neighborhood, rather than forcing an oversized project into an unsuitable space.

Mr. Robert Lowery, 301 8th Ave S, explained he owns property on the Truck Bypass and he can see the thirty-unit apartment building and it is an eyesore. Mr. Lowery further commented what will a forty-unit apartment building look like in this backyard. Mr. Lowery stated this is going to be a big change and it is a change he doesn't want and doesn't think the majority of his neighbors want it either. Mr. Lowery commented he lives in a historical community and it isn't being represented the way it should be represented.

Ms. Mary Beth Roy asked that the Commission has no say what the Board of Adjustment decides.

Ther Board of Adjustments was created many years ago. The members of the Board of Adjustment serve three-year terms and are appointed by the City Commission.

Commissioner Shaver explained the decisions are made by the public and the public votes the Commissioners into office. Commissioner Shaver stated he ran unopposed, he can say anything he wants and no one had to vote for me because he ran unopposed. Commissioner Shaver further explained no one's getting involved in local government and the boards we are talking about are necessary but are not easy to fill. Commissioner Shaver stated he is overwhelmed at the number of city boards there are. Commissioner Shaver reported this all starts with the voters and people running for public office; and no one should run unopposed in a local election.

Ms. Jodi Warren asked if the Board of Adjustment is being reassigned and a new board is being appointed. Will the current Board of Adjustments hear the appeals? City Manager Phelps answered the original Board of Adjustments will hear the appeals. The Board of Adjustment won't dissolve until all the Board of Adjustment business is complete.

Commissioner Day explained that Commissioner Bowser and herself are the representatives of Ward I, so you are in our neighborhood. Commissioner Day further explained Commissioner Warren is the Commission at Large and would also welcome any phone calls.

CONSENT AGENDA

Commissioner Buehler made the motion to approve the consent agenda and Commissioner Warren seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from March 13, 2026 to March 31, 2026 for a total of $49,769.25

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

1. Discussion and action on the redevelopment of the old Berg Lumber site

City Manager Phelps explained included in the Commission packets was a presentation done quite some time ago of the cleanup of the Berg Lumber site along with additional information on our redevelopment efforts. City Manager Phelps reported the property was subdivided around 1911. The property consists of approximately 26 acres, and when including streets and roads, the total area is closer to 40 acres. A sawmill was later established on the site, which we now know involved improper disposal of hazardous materials that eventually required cleanup. Following complaints, the Department of Environmental Quality (DEQ) mandated remediation of the site. In 2009, the city acquired the property through a bankruptcy trust, which allowed access to the Brownfields Program. Through this program, the city secured over $600,000 in grants to fund cleanup efforts. These funds were used to remove hazardous materials, concrete, building debris, tires, and sawdust. As of last year, the site received a "no further action" letter from DEQ, indicating that cleanup requirements have been satisfied. In 2015, in partnership with Recharge Our Community, a grant from the Big Sky Trust Fund was obtained to explore redevelopment options for the property. Several potential uses were identified, with housing consistently included as a viable option. The property was first put out for proposals in 2018, but no submissions were received. It was offered again in 2022, resulting in three proposals. At that time, the Commission selected a developer whose proposal was considered the strongest. A conditional offer was made, requiring a development agreement to be completed prior to transferring the property, with a deadline of December 2025. That deadline has now passed without a development agreement or significant progress toward one. The developer did explore funding options, particularly for utilities, which remain the primary challenge to redevelopment of the site. This item is being brought back before the commission tonight to determine how you would like to proceed moving forward. Commissioner Hewitt asked if it could be put out to bid again. City Manager Phelps answered the Commission could ask us to put it out for proposals. City Manager Phelps explained the previous proposal left it up to kind of mixed-use development with housing and housing targeted at kind of that low to moderate income or middle-income housing. Commissioner Buehler asked if it has ever been proposed to just keep the land and turn it into greenspace? City Manager Phelps answered not that she is aware of, but a local farmer wanted to keep it as a hayfield at one point. Commissioner Shaver asked how close the utilities are to the development. City Manager Phelps answered both water and sewer are adjacent to Cheadle Street. Mr. Ross Butcher explained that the Berg property is city-owned and already subdivided into about 100 lots, with nearby access to water and sewer, making it one of the most cost-effective areas for development in Lewistown. While there are some lingering concerns about past sawmill debris, and maybe it's not as bad as people make it out to be. Mr. Butcher stated the property is the least expensive place to develop in Lewistown. Mr. Butcher suggested rather than passively waiting for proposals, he suggested taking a more proactive approach by involving Snowy Mountain Development (SMD), the local economic development organization, to actively market and attract developers. SMD believes the property has strong potential—with scenic views, planned walking trails, and prior community input—and describe it as a "diamond in the rough." Mr. Butcher stated the plan put together by Staley Engineering was a good plan and a big community project. The property has the potential for single family house and maybe some multi-family housing. City Manager Phelps explained that possibly one thing that could be explored is the option for a phased development. There was discussion on the inquiries and the possibility of working with Snowy Mountain Development. Commissioner Buehler commented it would great if SMD was interested to come and present to the Commission if we engaged them in a collaboration. Commissioner Buehler made the motion to engage Snowy Mountain Development to prepare a presentation in collaboration with the City and SMD for the development of the Berg Lumber site and Commissioner Shaver seconded the motion. Commissioner Day commented this motion does not rule out the option to advertise for requests for proposals. City Manager Phelps answered yes, we can still put it out for proposals and if someone walks in tomorrow with an offer it will be presented to the Commission. Ms. Ashley Morris stated she owns a company in Lewistown and is curious if a land exchange could be an option. Ms. Jody Warren asked the Commission if a dog park has been considered for the Berg Lumber site. Commissioner Day answered different organizations and individuals have brought forth suggestions but nothing more than that. 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 in favor of the motion.

2. Goal setting for fiscal year 2027 City Manager Holly Phelps

City Manager Phelps explained that in the Commissions packet are the blank forms to completed by the Commissioners for the 2027 goals. The 2026 Commission goals provided are a running of list of items that have been discussed by previous Commissions and help give direction for budgeting and prioritization of projects. City Manager Phelps reviewed the some of the previous priorities: sewer and water rates, code updates, water issues including chlorination, zoning and annexation, cemetery rates and expansion, streets, contracts (more detail and follow up), light on Casino Creek, public works building, improved recreation access, affordable housing, infrastructure repairs, community development encouragement, adequate departmental staff and equipment, ward boundary updates, more commissioner trainings, more input from various departments, agenda structure improvements, county relationships, resident relationships (internet/Facebook focus), creative staffing approaches, education and training time, leases, City owned property, grants and unconventional funding, growth policy updates, recognizing accomplishments, City department tours and parking. City Manager Phelps reviewed the 2026 goals. It was noted that some of these goals will extend more than one year.

3. Discussion and action updating the City's purchasing policy

City Manager Phelps explained this is the City's purchasing policy that was last updated in 2012. A copy was included in the Commissioner binders. Inflation has grown slightly since then and tonight the proposed changes are just an approximate inflationary increase roughly 40%. There are various levels of purchasing. The general level of purchasing with very little documentation staff has the authority to make purchases up to $1,000 and must be approved by the department head. Smaller purchases between the amounts of $1,000 and $7,500 will require two quotes. Intermediate purchase would be between $7,400 and $20,000 requires a purchase requisition, minimum on two written quotes and approval by the Finance Office and City Manager. If only one vendor is available, justification must be documented. Large purchases exceeding $20,000 must follow a competitive process and obtain approval from the Commission. Any purchase over $75,000 must comply with MCA and the competitive bidding requirements. Professional services must comply with MCA which is qualification-based selection, and City Manager approval. Commissioner Warren asked if the reason for updating is because we are running into issues a lot. City Manager Phelps answered the lower amounts add a lot of the purchasing process, so this will make it a little less cumbersome. Commissioner Buehler made the motion to approve updating the City's purchasing policy with an effective date of 7/1/2026 and Commissioner Bowser 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 in favor of the motion.

CITIZENS' REQUESTS

Ms. Sandy Youngbauer, 49 Dairy Drive, asked for a point of clarification regarding the Board of Adjustments. Ms. Youngbauer commented it was mentioned that one of the members of the Board of Adjustment is not from the area or lives in the City limits. City Manager Phelps answered there was a person in the audience at the Board of Adjustment meeting who was in favor of the development that does not live in the city limits. However, all members of the board of adjustment must live in the City limits. There was a brief discussion of the timeliness of the meeting minutes and the bylaws of the board of adjustment.

Commissioner Buehler asked who all serves on the board of adjustments board. Ryan Dick, Gayle Doney, Patty Turk, Jennifer Thompson and Gary Slagel.

COMMISSIONER'S MINUTE

Commissioner Shaver expressed appreciation for the public attendance and engagement. Commissioner Shaver stated with confidence the Spring Street apartment "will not be built". Commissioner Shaver commented there is a correct way to do things and we need to hold these people up here including himself and everyone else accountable for the way we do things. Commissioner Shaver further stated he is not worried about the appeal of the apartments, because he knows almost for sure it will not be built and has confidence it that.

Commissioner Shaver would like to see Berg lumber off the City's books.

Commissioner Bowser reported that she had a call from a constituent and report they are moving their vehicles every night, their neighbors are not and no one is getting ticketed. It was also reported there is a lot of speeding on Boulevard.

Commissioner Buehler thanked the residents for participating and sharing their concerns. Commissioner Buehler commented the Commission needs to continue to review City processes, including the Board of Adjustment bylaws, and to stay informed on how structures work. It was suggested the City Manager reconnect with the Spring Street apartment developer to discussion concerns and brainstorm positive resolutions. Commissioner Buehler commented she has significant concerns about parking and street congestion in the Spring Street area.

Commissioner Day asked where the planning commission process is at. City Manager Phelps answered she has received confirmation from the County Commissioners who they appointed to the planning commission. We are still waiting on who will be appointed from the conservation district. City Manager Phelps commented the planning commission will have a few organizational items to address and bylaws before that board is up and functional.

Commissioner Day reported that she and Commission Bowser both represent Ward 1, where the Spring Creek apartments are located.

ADJOURNMENT

Chairman Day adjourned the meeting.

Dated this 6th day of April, 2026.

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Loraine Day, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk