

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON JULY 15, 2024 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Terry was unable to attend in person and Vice Chairman Day was absent. The remaining Commissioners asked Commissioner Buehler to run the meeting.

Commissioner Buehler called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Buehler asked everyone to stand and say the Pledge of Allegiance.

ROLL CALL

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

APPROVAL OF MINUTES

Commissioner Buehler stated that without objection and based on corrections the July 1, 2024 minutes are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt attended the Airport Board meeting by phone and didn't get the minutes to be able to report on the meeting.

Commissioner Terry reported that she did not attend the Central Montana Foundation meeting in June. There will be a meeting in July.

Commissioner Buehler reported that the Library board meeting has been moved to Tuesday, July 30th at the library.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

Staff are continuing to mow at the cemetery. There have been seasonal employees assisting in the cemetery to get things caught up. The water department is working on the irrigation and there are still a

couple of repairs to make before the irrigation system can be turned on. One of the tractors is being worked on also.

There are several events in the downtown planned for the weekend. Then we jump right into Fair week with many events planned. The Fair parade will be held downtown Thursday, July 25th at 11 am.

The City is currently accepting applications for 2 street workers and the Public Works Director. Interested individuals can call the City Office, check the City's website or Job Service for more information. Last week we hired 2 new city employees, this included staff at the City Office and a dispatcher.

As a reminder there will be a budget work session on Monday, July 29, 2024 at 5:30 pm. This meeting will be to go over the entire preliminary budget.

There is also an opening on the TIF/TEDD board. The application for City boards can be found on the City's website under the "I want to" tab. Interested individuals can also stop by Snowy Mountain Development to find out more information on this position.

The swimming pool has been very busy during this hot weather. The Civic Center will be running their Little Eagle Flag Football the first couple of weeks in August. This will be the last summer program run by the Civic Center.

PUBLIC COMMENT – non agenda items

Darrell Lemmon, 194 Castle Ridge Dr, addressed the Commission stating they would be interested in purchasing the building that sits on the corner of their property if the opportunity arose.

CONSENT AGENDA

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Hrubes seconded the motion. The motion passed unanimously. The consent agenda was acknowledgement of the claims that have been paid from June 26, 2024 through June 30, 2024 for a total of \$1,058,394.54

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

1. Discussion and action on approving the request by Rentovator, LLC to amend zoning of property located on Rosewood Street near Fountain Terrace Drive, South High Street and East Water Street from Residential Manufactured Home to Residential Multiple-Family

City Manager Phelps explained that this item was on the last agenda and included in the Commissioner's packet were the schematics provided by the developer and the staff report from the planner. City Manager Phelps explained that the draft minutes from the zoning commission, which is the city county planning board, were also included in the packets. City Manager Phelps briefly explained the zoning amendment process that all adjacent property owners within a 300-foot radius were notified and a public hearing was held on the zoning amendment request. There are two opportunities for adjacent property owners and citizens to participate and hear public comment. There is a twelve-point test or twelve criteria that are evaluated as part of the process. City Manager Phelps stated that Commissioner Hewitt is the representative for the City County Planning Board. The City County Planning Board serving as the Zoning Commission held a public hearing and received comments from adjacent property owners with regard to potential impacts and have provided written comment. City Manager Phelps stated that the

zoning commission did approve the zoning amendment and recommended approval by the City Commission. Commissioner Terry stated that for the record the reason this item is back on the agenda is because a decision was not made at the prior meeting. There was not an adequate amount of affirmative or dissenting votes for the item. There was discussion on the utilities and curb and gutter in the area being discussed. Commissioner Terry made the motion to approve the request by Rentovator, LLC to amend zoning of property located on Rosewood Street near Fountain Terrace Drive, South High Street and East Water Street from Residential Manufactured Home to Residential Multiple-Family and Commissioner Spika seconded the motion. Mr. Perry Howell, 210 S High St, addressed the Commission regarding his concerns that a lot of work has not been done in the area and concerned with how deep the property will need to be dug down and flattened in order to move forward. Mr. Howell stated he understands that Lewistown needs to grow and more housing is necessary but would like to see a thoughtful process done prior to constructing the building. Mr. Tim Hahn expressed his concern with drainage on the City streets and the upkeep of the alleys. Mr. Hahn stated that if this goes through, he feels everyone will suffer. Commissioner Terry stated that this action item only changes the zoning from manufactured homes to more dwelling opportunities and not saying yes or no to the development. City Manager Phelps answered yes that the decision before the Commission is to change the zoning from RMO to R3, which is multifamily and *would* allow 24 units to be built. Mr. John Baker, Renovator, briefly discussed all the work that he has already done for the development. Mr. Tyler Wilson commented that this development will bring revenue to the community. Mr. Wilson stated that he has been in some of the development meetings and they want to make the town better and make people happy. The improvements are needed. *Commissioner Hrubes read excerpts from the TD&H engineering report. Commissioner Hrubes read the following the main geotechnical concern for the site is the moderately expansive shale beneath the planned footing depth for the planned construction. The project is proposed to include daylight underground parking facility with a depth up to twelve feet below ground level on the upslope side of the building. The foundation is proposed to bare on weathered shale which is moderately expansive especially when disturbed. The swell pressures measured during the molded laboratory testing are adequate to lift conventional light weigh construction, which resolve in significant distresses to the interior finishes of the structure. Detailed recommendations and preparations for the foundation options are provided in the report. Commissioner Hrubes finalized by stating the report does explain how to make this work, but it does sound very expensive. (the italicized section was added per a request from Commissioner Hrubes)* Mr. John Bakker talked briefly about building on the site. Commissioner Spika stated that she wanted to reclarify that the Commission is not being asked to approve Rentovator's plans, only being asked to approve an amendment to rezone the area. The zoning request is to allow more housing and the best way for the Commission to make a decision is to look at the 12-point checklist, which the zoning Commission did provide a recommendation to the Commission to change the zoning. Commissioner Robertson agreed with the statement made by Commissioner Spika and does have empathy for the residents that have undeveloped back yards. Commissioner Robertson commented that looking at the neighborhood it was an old neighborhood that was never fully developed from a curb, gutter, and asphalt standpoint. Commissioner Robertson explained that a lot of the concerns he has heard has to do with the water and the best way to address the water issues is curb, gutter and asphalt. Commissioner Robertson would encourage the residents in the neighborhood to work together to get together and see what could be done to get curb, gutter and asphalt in the neighborhood. Commissioner Terry called for the question. Commissioner Buehler 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 Commissioners: Buehler, Hewitt, Robertson, Spika and Terry being in favor of the motion. Commissioner Hrubes voted against and Commissioner Day was absent.

2. Discussion and action on awarding the bid to Viking Painting LLC for the 2024 Lewistown Water System Improvement Project – Phase 2 – Schedule 2 to paint the million-gallon water tank and authorize the City Manager Phelps to sign the contract

City Manager Phelps explained that as part of Phase 2 Schedule 2 of the water project, which are some identified ARPA projects was to paint the million-gallon water tank. City Manager Phelps explained that this item was put out to bid earlier in May and all the bids came in over budget. City Manager Phelps stated that she worked with the engineers to rebid schedule 1 and 3 and only one bid was received for each. City Manager Phelps explained what is being proposed is to sand blast both the inside and outside of the above ground water tank, fix any rust issues, paint both the inside and outside of the tank. City Manager Phelps stated that the Commission is only being asked to approve the painting of the tank and if approved they will be able to start as early as August 1st. Commissioner Robertson made the motion to approve awarding the bid to Viking Painting LLC for the 2024 Lewistown Water System Improvement Project – Phase 2 – Schedule 2 to paint the million-gallon water tank and authorize the City Manager Phelps to sign the contract and Commissioner Hrubes seconded the motion. Commissioner Buehler 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 setting the boulevard maintenance assessment for fiscal year 2024-2025

City Manager Phelps explained that this item was discussed briefly during the committee of the whole. This is the boulevard district which is boulevards in the center of the street on boulevard and 7th Ave N. The properties that are adjacent to the boulevards are assessed per linear foot of street frontage. City Manager Phelps commented that it has always been the plan to study these boulevards and what needs to be done in the future to address infrastructure such as lighting and storm drainage. The State is currently doing a traffic study of that area. City Manager Phelps commented that the boulevards add charm to the neighborhoods and utilize for snow storage. City Manager Phelps stated that she is recommending the assessment rate remain the same at 75 cents per linear foot. Commissioner Robertson made the motion to approve the boulevard maintenance assessment for fiscal year 2024-2025 at 75 cents per linear foot of street frontage and Commissioner Hewitt seconded the motion. Commissioner Buehler 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 setting the street maintenance assessment for fiscal year 2024-2025

City Manager Phelps explained that this item was discussed briefly during the committee of the whole. City Manager Phelps reported that residential street maintenance is capped at 15,000 square feet and the average city lot is 4,500 square feet. City Manager Phelps stated that the City does have some additional funding for street improvements from gas taxes funding, entitlement share and some one time funding from last fiscal year. There is a fair amount of reserves and we are not recommending an increase in the assessment and the current rate is 3.5 cent per square foot. Commissioner Hewitt made the motion to approve setting the street maintenance assessment for fiscal year 2024-2025 at 3.5 cents per square foot and Commissioner Robertson seconded the motion. Commissioner Robertson commented that if generally all costs are going up it would seem that a nominal increase should be done, but does understand that there are some excess funds from the previous year. Commissioner Buehler 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. 1st reading of Ordinance No. 1772. An Ordinance amending City of Lewistown code 5-15-1 as it pertains to distances between churches and schools and establishments with a liquor license within the City Limits.

City Manager Phelps explained that this ordinance has been discussed a couple of times and the final “whereas” would read the City of Lewistown City Commissioners find that it is in the best interests of the City of Lewistown that at least 300 feet separate schools from establishments with any level of liquor license in commercial zones. City Manager Phelps commented that one of the questions is the 300 foot separation from any establishment with a full liquor license or just selling beer and wine. City Manager Phelps stated that establishments are only allowed in the commercial zones. City Manager Phelps further stated that the City does not determine the definition of a school. Commissioner Hrubes asked Commissioner Terry if the discussion on this topic was focused on beer and wine license and not full liquor. Commissioner Terry answered that was the discussion but the state law reads that alcohol is alcohol. Commissioner Terry stated that all the City is supplanting the 300 feet from churches. Commissioner Spika does like this version better and feels the distance is arbitrary and pointless. Commissioner Spika stated it would be simpler to keep it for all alcohol. Commissioner Hrubes stated that a bar will not function if all they can sell is beer and wine and they have to sell hard liquor and have casino machines to survive. Commissioner Hrubes stated he is adamant about keeping the wording as beer and wine. Commissioner Terry made the motion to approve the first reading on Ordinance No. 1772, an ordinance amending City of Lewistown code 5-15-1 as it pertains to distances between churches and schools and establishments with a liquor license within the City Limits and Commissioner Spika seconded the motion. Mr. Koch addressed the Commission stating that he recalls at a previous meeting the City Attorney cautioned the Commission about setting a precedent. Mr. Koch stated he is just curious where the City Attorney’s opinion is at and cautions the Commission that this is setting precedent. Commissioner Buehler explained that this ordinance is due to the vote done by the Commission to supplant state law and now being put into City Code and the precedent you are referring to may already have been set. Commissioner Buehler 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 Commissioners: Buehler, Robertson, Spika and Terry being in favor of the motion. Commissioners: Hewitt and Hrubes voted against and Commissioner Day was absent. Commissioner Hrubes stated that because of the word liquor he has to vote no.

CITIZENS’ REQUESTS

There were none.

COMMISSIONER’S MINUTE

Commissioner Robertson reported that he has received complaints from constituents that the City Cemetery appears to be neglected in its care. Commissioner Robertson stated it there may be a disconnect in the priority of the caretaker and department on getting it done. Commissioner Robertson would like the City Manager to reestablish resources or priorities to get the cemetery cleaned up.

Commissioner Robertson commented that he has had a request from the ROWL group for the City to look at their building and to look at the surfaces around the building. There are drainage issues and would be great if the City could help in some way, *perhaps by paving that area as part of the current street paving program. (correction by Commissioner Robertson)*

Commissioner Hewitt asked when the wastewater treatment plant repairs will be started. City Manager Phelps answered that we have been repairing several things. City Manager Phelps explained that what is

currently being down is working with DEQ and our engineer primarily to rectify the issues identified in the violation. Those issues were directly related to storm drainage issues.

Commissioner Terry agreed with Commissioner Robertson's comments regarding the cemetery. Commissioner Terry asked where the bids are for the FWP Trails grant. City Manager Phelps answered we are currently soliciting bids.

Commissioner Robertson asked what can be done for the weeds in the cemetery. City Manager Phelps answered that a requirement of the Cemetery caretaker is to be a certified weed sprayer. City Manager Phelps further commented that in the past the County weed department has helped with spraying.

Commissioner Buehler stated that she is very appreciative of the City's water. She was in Fort Benton over the weekend and there were three main breaks and the town went without water. Commissioner Buehler stated that she would still like to invite the Big Spring Water Council to a committee of the whole to discuss their concerns.

ADJOURNMENT

Commissioner Buehler adjourned the meeting.

Dated this 15th day of July, 2024.

Danielle Buehler, Acting Commission Chairman

ATTEST:

Nikki Brummond, City Clerk