

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON JULY 20, 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 July 6, 2026, are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Bowser reported the Ordinance Committee did not meet; the City Manager was out of town.

Commissioner Bowser reported that the Library received four applications for the Library Director and three interviews were conducted. The next Library Board meeting will be July 22nd.

Commissioner Shaver reported the Fergus County Health Board meets on July 27th at 5:30 pm.

Commissioner Buehler reported the audit committee met and discussed the receipt of county taxes and how the cash reserves may be needed and used. There was also discussion regarding the new state law and establishing a reserve account for large taxpayers.

Commissioner Warren reported the Public Works Committee did meet and a few applications have been received. The City Manager will work to set up interviews.

Commissioner Day reported there was no Park and Recreation Board meeting in July. Instead of a meeting there was a clean up day at East Fork Reservoir. The next board meeting is on August 5th at the Civic Center.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following items:

The City has received tax payments for February and March. The City Clerk will contact the County Treasurer regarding the remaining payments for fiscal year 2026.

The Springwater Apartments have begun installing construction fencing and staging equipment. Another petition for the injunction and temporary restraining order has been filed. Judge Hayworth of Miles City is working to schedule a hearing.

The upcoming events for the month include the fair parade, American Legion preserved military vehicle convoy on July 31st. Centerfest on August 1st at Creekside and Judith Mountain 10K run on August 1st.

The swimming pool continues to be busy, and the water aerobics classes are well attended. The Civic Center annual maintenance is underway.

The Planning Commission met earlier in the month and approved a small one-lot subdivision just outside the City limits. The board also approved a variance that will be discussed on the agenda this evening.

PUBLIC COMMENT – non-agenda items :

Mr. Tod Stoychoff, 721 W Spring Street, stated he wanted to inform the City Manager that the Springwater Apartments did a little more than stage equipment. Mr. Stoychoff reported they dug footings and leveled off the whole parking lot.

Ms. Michelle Rainey commented it appears the zoning survey was only available for two weeks. Ms. Rainey further commented that many residents were unaware of the survey and could not access the online growth plan. Ms. Rainey requested more public involvement.

CONSENT AGENDA

Commissioner Buehler made the motion to approve the claims that had been paid for June 30, 2026, in the amount of \$69,925.63 and Commissioner Shaver seconded the motion. The motion passed unanimously.

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

1. Discussion and action on approving an amendment to the Honda Shop Railroad lease

City Manager Phelps explained that included in the Commission packet was the current Lewistown Honda Shop lease, a map of the area and the amendment. The lease amendment was handed out this evening. Mr. Kris Birdwell explained he was in attendance on behalf of Ed and Phyllis Evans and the main point of the amendment is the lease agreement could be looked at as a month-to-month lease. The Honda building encroaches on the rails to trails property and would like a longer-term lease given they have a building that encroaches on the railroad property. Commissioner Buehler confirmed the lease is a 15-year lease and that essentially, we are going from month to month to a 15-year lease. Mr. Kris Birdwell answered, yes, with one big catch. Mr. Kris Birdwell stated that in the lease there are three different sections with very clear language, saying if the railroad is to come back and the City needs to get out of the lease it can be done on very short notice. Commissioner Shaver asked why the City cannot sell the land. City Manager Phelps answered it is encumbered property and the City is basically caregivers of

the property. City Manager Phelps stated if the railroad ever chose to come into Central Montana, the City would have to relinquish the property is basically the same condition, which is the reason for all the lease provisions. Commissioner Hewitt made the motion to approve the amendment to the Lewistown Honda Shop Railroad Lease 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 Commissioners: Bowser, Buehler, Day Hewitt and Shaver voting in favor. Commissioner Warren abstained and Commissioner Robertson was absent.

2. Discussion and action on approving Variance V-26-01, a request by Mike Overland for a variance to build a 30 foot by 36-foot garage at their property located at 711 7th Ave N; the variance request is to allow the construction of the garage to be within 10 inches of the northeast property line

City Manager Phelps explained the Planning Commission met on July 16th to review and discuss Variance 26-01. Mr. Mike Overland made an application request for a variance from the minimum side yard setback requirements of the Lewistown Zoning Code to allow construction of a 30-foot by 36-foot detached garage. The proposed garage would be located approximately 10 inches from the northeast property line, rather than meeting the required 3-foot side yard setback for accessory structures. City Manager Phelps stated the property is located at 711 7th Ave N within the R-2 Residential District and the Lewistown Zoning Code 11-4-1 requires accessory structures to maintain a minimum three-foot 3" side yard setback from the property line unless a variance is granted. The applicant proposes a setback of approximately 10 inches which requires a variance from the setback standard. Notices were mailed to 38 properties, and a public hearing was held. One written request was received which was discussed as part of the public hearing and the property owner did not have any objection to the project. Based on the information provided the Planning Commission made the following decision unanimously, to recommend approval of Variance 26-01 with the following conditions: all required building permits shall be obtained prior to construction, and construction shall comply with all applicable Building Code, Fire Code and other City regulations. Commissioner Bowser made the motion to approve Variance V-26-01, a request by Mike Overland for a variance to build a 30 foot by 36-foot garage at their property located at 711 7th Ave N; the variance request is to allow the construction of the garage to be within 10 inches of the northeast property line with the conditions outlined by the Planning Commission 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 voting in favor of the motion.

3. Discussion and action on approving Resolution No 4227, a resolution approving an application request from Breaks Medical for TEDD funds made to the Lewistown Tax Increment Advisory Committee

City Manager Phelps explained that the Targeted Economic Development District (TEDD) received an application for TEDD funds from Breaks Medical Center in the amount of \$250,000. The Breaks Medical Center are currently in the process of constructing a new joint medical facility west of town in front of the new VA clinic next to Town and Country. City Manager Phelps explained that the Medical Clinic will include physical therapy, chiropractic, dermatology, specialty care and walk in orthopedics. The Medical Center's goal is to employ approximately thirty people. City Manager Phelps reported the TEDD board met and the Breaks Medical Center is a large investment, and the property costs are in the vicinity of eight million dollars for the project. The \$250,000 TEDD fund request will be used for site work, utilities and basically access for the expanding business. The Tax Increment Advisory Committee did unanimously approve this request. City Manager Phelps explained TEDD were designed for those areas where infrastructure is deficient. Infrastructure can include water, sewer, curbing, streets, and sidewalks, there is a statutory definition of what can be covered under those districts. Commissioner

Buehler made the motion to approve Resolution No. 4227, a resolution approving an application request from Breaks Medical for TEDD funds made to the Lewistown Tax Increment Advisory Committee and Commissioner Hewitt 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 Commissioners: Bowser, Buehler, Day Hewitt and Warren voting in favor. Commissioner Shaver voted against it and Commissioner Robertson was absent.

4. Discussion and action on approving Resolution No. 4228, a resolution an application request from United Methodist Church for TIF funds made to the Lewistown Tax Increment Advisory Committee

City Manager Phelps explained the United Methodist Church made application to the Tax Increment Advisory Committee for TIF funds in the amount of \$17,288.99. The request is for the installation of solar panels, grinding tree stumps and purchase of a handicap ramp for the property located st 512 W Broadway. Ms. Andrea Payne addressed the Commission explaining that Small Wonder Childcare is in the church and there are 70 to 80 families enrolled. Ms. Payne explained that by putting up the solar panels it would reduce the amount of electricity that Small Wonder contributes toward the bill.

Commissioner Warren asked if the church pays any taxes. City Manager Phelps answered no the church does not pay taxes, but again it is in the TIF district and provides a service to the community, whether it's a church or daycare. There was discussion on how TIF works. Commissioner Buehler made the motion to approve Resolution No. 4228, a resolution an application request from United Methodist Church for TIF funds made to the Lewistown Tax Increment Advisory Committee and Commissioner Hewitt seconded the motion. Commissioner Warren explained his biggest issue with this is the solar because that was the Church's choice and they are getting the savings. Commissioner Warren stated he has no issue with the trees or the handicap ramp. Commissioner Day stated there is a motion on the table, is there any comments from the audience or Commission. There was none, the question was called for, and the City Clerk took a roll call vote with Commissioners: Buehler, Day and Hewitt voted in favor. Commissioners Bowser, Shaver and Warren voted against. Commissioner Robertson was absent. City Clerk Brummond reported the motion fails no majority vote. Commissioner Shaver made the motion to approve Resolution No. 4228, a resolution an application request from United Methodist Church for TIF funds made to the Lewistown Tax Increment Advisory Committee for only fund the tree removal and the handicap ramp in the amount of \$4,204.99 and Commissioner Warren 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 Commissioners: Buehler, Day, Shaver and Warren voting in favor. Commissioners Bowser and Hewitt voted against it and Commissioner Robertson was absent.

5. Discussion and action on approving the 2026-2027 annual plan for the Tax Increment Finance District

City Manager Phelps reported the Lewistown Tax Increment Advisory Committee at the last meeting approved the 2026-2027 annual plan for the TIF district. The annual work plan is based on the allocations or percentages. City Manager Phelps reviewed the annual workplan. The TIF board's budget continues to prioritize private and public investment to generate taxable value. These projects include but are not limited to building facades, infrastructure and other public benefits such as parking and upper story housing. The board will work to expand their knowledge of revolving loan funds and bonding options to be more prepared to take on larger projects moving forward. The advisory board has opted not to allocate any of their funds to the revolving loan fund currently. The investment plan and application are used to determine eligible applicants and projects. Snowy Mountain continues to act as administrator for the board. The fiscal year 2027 TIF Budget percentages remain the same with 1% going to management and other operating expenses, private property investment at 25%. Infrastructure investment at 45%, discretionary investment opportunities at 19%, and a reserve of 10%. Their current budget for TIF is

approximately \$1.6 million. Commissioner Buehler made the motion to approve the 2026-2027 annual plan for the Tax Increment Finance District and Commissioner Shaver 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 voting in favor of the motion.

6. Discussion and action on approving the 2026-2027 annual plan for the Targeted Economic Development District

City Manager Phelps reviewed the annual workplan for the 2026-2027 Lewistown TEDD. City Manager Phelps reported that the TED board's budget continues to prioritize private and public investment to generate taxable value. These projects include but are not limited to improving infrastructure. The investment plan and application are used to determine eligible applicants and projects. Snowy Mountain staff act as administrators for the board. The fiscal year 2027 TED Budget percentages remain the same with 1% going to management and other operating expenses, infrastructure and private property investment at 75%, discretionary investment opportunities at 194, and a reserve of 10%. Their current budget for TEDD is approximately \$570,000. Commissioner Buehler made the motion to approve the 2026-2027 annual plan for the Targeted Economic Development District and Commissioner Hewitt 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 voting in favor of the motion.

CITIZENS' REQUESTS

Ms. Michelle Rainey commented the zoning survey is still online and there is no cutoff date. Ms. Rainey asked why the apartments are being built and the citizens need to know who said go bigger. Ms. Rainey continued stating there are a lot of requests for public input, but when the public gave the input to the Board of Adjustments, they did not listen.

Commissioner Day asked if Ms. Rainey's request was for the Commission to do something more to make the zoning survey more public? Ms. Rainey answered yes. Commissioner Day commented that regarding the Spring water apartment complex is in the court's hand right now and not in the Commission's hands.

There was a brief discussion regarding the building permit for the apartment complex.

Commissioner Warren asked if the injunction had been filed. City Manager Phelps answered that initially a temporary restraining order was filed and the judge denied it. Another temporary restraining order was filed today.

Mr. Dean Allen addressed the Commission explaining he has lived in the City for thirty years and has heard people say they have no input. Mr. Allen stated he has lived on a dirt street for 30 years and every time there is a big rain all the dirt washes down the street. Mr. Dean Allen further stated he has made improvements to his property, and his taxes continue to increase.

Commissioner Day stated she has a comment that is more of a citizen request than a commissioner's minute. Commissioner Day asked for more education on both the TIF and TEDD. Commissioner Day commented that as a citizen her business has received TIF funds that were a huge benefit to them and the community.

COMMISSIONER'S MINUTE

Commissioner Buehler gave the Council on Aging and the Airport a big thank you for coming and informing the citizens of what they do for the community. Commissioner Buehler stated it is very

important to understand the TIF and TEDD, how they were created, their importance and how it benefits the community.

Commissioner Shaver stated he thinks the Commission should make some proclamations for the people that put the events together that happen in the community.

Commissioner Day commented that she is grateful for the public attendance at the meetings. It helps the Commission to look at items differently and gives more viewpoints. Commissioner Day stated she is also thankful for the ordinances, they are necessary for rules and guidelines in the community.

ADJOURNMENT

Chairman Day adjourned the meeting.

Dated this 20th day of July 2026.

Loraine Day, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk