

**A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION
ON AUGUST 3, 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, and Shaver. Commissioners Robertson and Warren attended virtually.

APPROVAL OF MINUTES

Commissioner Day stated that without objection and based on the corrections the minutes for July 20, 2026, are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Bowser reported the Library Board met and offered the Library Director position to Drew Kettering, and he accepted the position. The Library Board discussed the Library Directors salary and reviewed the Library budget. Commissioner Bowser commented the Library budget will be presented to the Commission as part of the budget process.

Commissioner Bowser reported the next ordinance committee meeting is August 19th.

Commissioner Shaver reported the Health Board meeting schedule for July 27th was cancelled because there was not a quorum. The Health Board meeting was rescheduled for August 10th.

Commissioner Hewitt reported the Airport Board will be meeting on August 5th.

Commissioner Day reported that the Park and Recreation Board will meet on August 5th.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following items:

The City has received tax payments through April but are still waiting for May and June payments.

A City representative resigned from the City County Planning Commission after the July meeting. The vacancy will be advertised in the newspaper and on social media and applications will be presented to the Commission for appointments.

Upcoming community activities include Cowboy Poetry and the Downtown Association's Hot Summer Days.

The Parks and Recreation Department is transitioning from summer to fall programs. Flag football participation has reached a record level. Those games are held at Symmes Park. Water aerobics have been popular, additional sessions and new classes are being offered at the pool to close out the season.

DEQ completed its first review of the biosolids project and returned approximately eight questions. The engineers will address the questions and resubmit the report.

The zoning code survey closed after remaining open through July. Consultants will use the responses in the zoning-code update.

Upcoming committee meetings are Public Works on August 14th at 9 am, Ordinance on August 19th at 11 am and Audit on August 20th at 12 pm.

The City recently hired a Public Works Director and Library Director. The new firefighter started today. Open positions are police officers, a recreation specialist and dispatcher.

PUBLIC COMMENT – non agenda items :

County Commissioner Jennifer Saunders invited the City Commission to participate in the Soapbox Derby being held during Hot Summer Days.

Mr. John Carlson asked about the "courtesies" on the agenda. Commissioner Day explained courtesies are to recognize citizens, employees, retirements or special announcements. Mr. John Carlson asked when the Commission is getting their meeting packets. Commissioner Day answered the packets are available Friday afternoon before the meeting on Monday. Public packets are available online by the end of Friday or in hard copy at the City office.

Mr. Dean Allen criticized the recent street improvements and questioned why Century gets every bid for street work. Mr. Allen expressed his frustration with the City leadership and the Springwater apartment development. Mr. Allen stated the board and City Manager work for the citizens and they are not. Mr. Allen stated he feels the City is getting worse instead of better. Mr. Allen expressed his concern regarding public safety and law enforcement.

Mr. Joe Bridgeford commented the quality of the City has decreased in his opinion and feels the City could do better.

Mr. Douglass Day urged citizens to remain civil, respect differing views, support the City officials and bring forward constructive solutions. Mr. Douglass Day stated he lives on West Water Street and is not happy about the apartment complex, but also doesn't believe in government telling us, a private citizen, what we can do with our own property.

Ms. Michele Raney addressed the Commission stating she is opposed to the Springwater apartment project size and density. Ms. Raney asked why City staff encouraged the developer to increase the project size. Ms. Raney expressed her concerns about parking, traffic, safety, property values and rent.

Ms. Tonya Zonfrello addressed the Commission expressing her opposition to the Springwater apartment project and explained how it would negatively affect parking, traffic safety, neighborhood character and property values. Ms. Zonfrello stated she is frustrated that residents' earlier objections had not changed the project.

Mr. Jason Carlson cited free-speech protections and objected to limiting or interrupting public comments. Chairman Day explained the Commission must follow applicable laws and has the option to limit public comment during the meeting.

CONSENT AGENDA

Commissioner Bowser made the motion to approve the consent agenda and Commissioner Buehler seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid for June 30, 2026, in the amount of \$207,035.19 and acknowledgment of the claims that have been paid from July 1, 2026, to July 30, 2026, in the amount of \$85,735.99

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

1. Discussion and action on how to proceed with variance appeal (Case DV-14-2026-33)

City Manager Phelps explained that at 5 pm the Commission did have a special meeting to discuss litigative strategy with their attorney. The Commission also received a letter from the Springwater Apartments that was discussed. Commission Buehler stated that due to advice of legal counsel, due to the cost of litigation and potential damages to taxpayers. Due to the updates to state code beginning October 1st, 2026, and the information that we've received at a recent court decision and the reality of our unlikely success in court Commissioner Buehler made the motion to dismiss the variance appeal (Case DV-14-2026-33) and Commissioner Hewitt seconded the motion. Commissioner Day explained that due to the attorney client privilege the Commission is unable to discussion or answer questions. Commissioner Day asked the City Clerk to take a roll call vote. City Clerk Nikki Brummond took a roll call vote with all being in favor of the motion.

2. Discussion and action on how to proceed with City Court

City Manager Phelps explained the Commission has discussed the concerns regarding City court and the stance of the Justice of the Peace. The Justice of the Peace does not wish to continue providing City court services after December 2026, going into the new year. City Manager Phelps reported she has received an email from the Judge stating that after this year he will not provide City court services. City Manager Phelps explained this information gives some options, and it is important to explore those options with regard to budgetary concerns and to make sure that we have a legal presence in place so that there is no disruption. Commissioner Buehler asked if there is currently an agreement with Fergus County in place for City court. City Manager Phelps answered yes. Commissioner Buehler asked how long the agreement was in place for. City Clerk Brummond answered the agreement has been in place for five years and is to continue until either party has given notice. City Manager Phelps explained she has visited with the County Commissioners on numerous occasions and feels the joint court has worked well for the citizens and feels it is a good use of space and efficient use of our financial resources. Fergus County Commissioner Jennifer Saunders explained there are a couple of things she would like the City to consider and are necessary for the County Commissioners to know how to proceed. Fergus County Commissioner Jennifer Saunders asked if the City is going to bring a declaratory judgement action, which is the next step if you don't choose to just drop this and hire a separate City Judge. Fergus County Commissioner Jennifer Saunders stated they would like to know the timeline, because it would be best to have this settled by the first of the year. County Commissioner Jennifer Saunders asked if the City withdraws from the MOU what we may be looking at for facilities or would we need to work out an agreement to share facilities. City Manager Phelps stated there are two options: pursue a declaratory judgment, which basically questions the validity of the agreement and asks a judge to make a determination if the agreement is valid. The other option is to separate and pursue what that looks like. The workload is 2/3 City and 1/3 County. There was a brief discussion on a breach of contract, and he is an elected official. Commissioner Robertson made the motion to request a declaratory judgement action questioning the validity of the City County agreement 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 being in favor of the motion.

3. Discussion and action on approving the assignment of the Honda Shop Railroad lease to Three Brothers Holdings LLC

City Manager Phelps explained that the Honda Shop is being sold to Three Brothers LLC. Three Brothers LLC are requesting the Honda Shop railroad lease be assigned to them. City Manager Phelps stated this would be to assume the existing lease that the Commission recently amended. Commissioner Shaver made the motion to approve the assignment of the Honda Shop Railroad lease to Three Brothers Holdings LLC 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, Robertson and Shaver being in favor of the motion. Commissioner Warren recused.

4. Discussion and action on approving and authorizing the City Manager to sign the Agreement for Pro Housing 2 grant award

City Manager Phelps explained that the Montana League of Cities and Towns (MLCT) applied for a federal pro housing grant. MLCT has worked with all the communities that are planning under the Montana Land Use Planning Act (MLUPA) to utilize these funds to make the community's regulations compliant with the new MLUPA requirements. The City has declared that we would like to utilize the \$156,508 in funds to update the City's zoning and subdivision regulations and to work on some map revisions to support those documents. Commissioner Bowser made the motion to approve and authorize the City Manager to sign the Agreement for Pro Housing 2 grant award 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 being in favor of the motion.

CITIZENS' REQUESTS

Ms. Raney confirmed that the City has dropped out of the lawsuit for the Springwater apartments. City Manager Phelps answered yes.

COMMISSIONER'S MINUTE

Commissioner Schaefer apologized to the public for what seems to be a mess at Springwater Apartment development. Commissioner Shaver stated the City Manager should not be blamed and emphasized that elected officials are responsible for addressing the matter. Commissioner Shaver discussed the authority of the Board of Adjustment and the effect of state legislation on local decisions, including parking requirements and noxious-weed regulations. He encouraged commissioners and citizens to communicate these concerns to state legislators. Commissioner Shaver encouraged greater public participation in local elections and invited residents to contact him with concerns or suggestions for improving City government.

ADJOURNMENT

Chairman Day adjourned the meeting.

Dated this 3rd day of August 2026.

Loraine Day, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk