

COMMITTEE OF THE WHOLE

SEPTEMBER 15, 2025

6:00 PM

1. Discussion on the biosolid options for the Lewistown Wastewater Treatment Plant

**NOTICE FOR, AND AGENDA FOR, A MEETING OF THE CITY COMMISSION,
CITY OF LEWISTOWN, SEPTEMBER 15, 2025 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

To participate by phone: dial (253) 215-8782 Meeting ID: 848 627 5925 Passcode: 59457

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES – September 2, 2025

COURTESIES

PROCLAMATIONS

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgement of the claims that have been paid from September 1, 2025 to September 11, 2025 in the amount of \$129,335.17

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

1. Public hearing to obtain comments regarding the City of Lewistown's overall community development needs for economic development, housing and neighborhood revitalization and public facilities, including the needs of low- and moderate-income persons and the possibility of applying for a Montana Community Development Block Grant (CDBG)
2. Public hearing to obtain comments regarding the City of Lewistown seeking Montana CDBG Housing Grant Funds from the Montana Department of Commerce to support the rehabilitation of Ouellette Place, located at 405, 505, 511 St. Joseph Dr Lewistown MT on behalf of Homeword.
3. Discussion and action on approving Resolution No. 4209, a resolution authorizing Homeword to submit an application to Community Development Block Grant (CDBG) on behalf of the City of Lewistown for the rehabilitation of the Ouellette Place Apartments (**Action: approve, disapprove or amend Resolution No. 4209**) City Manager Holly Phelps

4. Discussion and action on approving a bid for the 2025 Street improvement project (**Action: approve, disapprove or amend bid for the 2025 Street Improvement Project**) City Manager Holly Phelps

5. Discussion and action on proposed settlement offer to address wastewater plant violations (**Action: approve, disapprove or amend proposed settlement offer to address wastewater plant violations**) City Manager Holly Phelps

6. Discussion and action on determining how to dispose of biosolids in the future (**Action: approve, disapprove or amend option to dispose of biosolids in the future**) City Manager Holly Phelps

7. Discussion and action on a request to vary the driveway width at the Fergus Federal Credit Union located at 106 E Janeaux (**Action: approve, disapprove or amend request to vary the driveway width at Fergus Federal Credit Union**) City Manager Holly Phelps

8. Discussion and action on approving Resolution No. 4210, a resolution approving an application from Montana Days for additional TIF Funds made to the Lewistown Tax Increment Financing District Board (**Action: approve, disapprove or amend Resolution No. 4210**) 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 – Montana CDBG Housing Grant

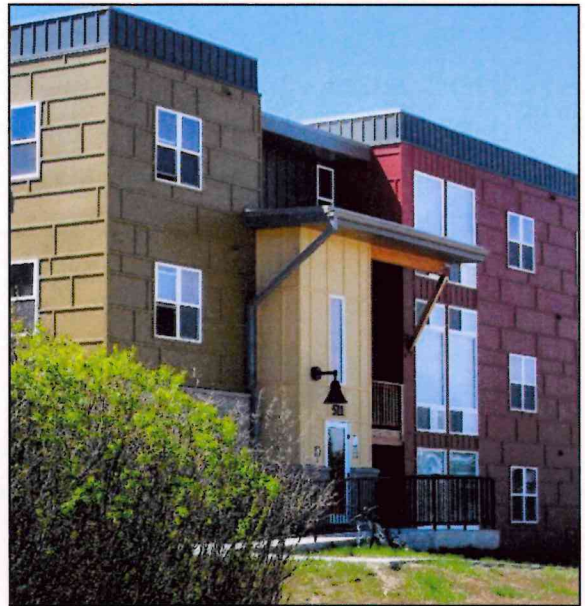
Ouellette Place Apartments Rehabilitation Project Commissioners Handout

Public Hearing Date: Monday, September 15, 2025

Applicant: City of Lewistown (on behalf of Homeward, Inc.)

About Ouellette Place

- **Location:** 405, 505, and 511 St. Joseph Drive, Lewistown, MT
- **Total Homes:** 24 one-, two-, and three-bedroom apartments
- **Current Residents:** 57 individuals, including seniors, people with disabilities, and families with children
- **Affordability:** Homes restricted to households earning up to 60% of Area Median Income (AMI) with project-based Section 8 assistance



Ouellette Place is one of the few multifamily affordable housing communities in Lewistown. It provides stable, quality homes for low-income households who would otherwise struggle to find safe, affordable housing in the local market.

Why Rehabilitation is Needed

Over the last several years, Ouellette Place has faced **increasing building system deficiencies** that put long-term affordability and livability at risk:

- **Failing building envelope** – siding, building wrap and seals around doors and windows are showing signs of deterioration and water intrusion.
- **Life-safety systems** – need to convert the fire sprinkler system to antifreeze to prevent frozen/broken lines and ensure reliable protection.
- **Aging mechanical systems** – domestic hot water heaters, heating and cooling systems, and kitchen appliances are at or past their useful life.
- **Site improvements** – parking lot repair and paving, irrigation system upgrades for improved accessibility and improved water conservation, reduced utility costs, and ease of maintenance.
- **Safety improvements** – installation of video surveillance for resident security.

These upgrades are critical to preserve affordable housing stock, prevent costly emergency repairs, and extend the useful life of the property.

About the CDBG Program

The Community Development Block Grant (CDBG) program provides federal funds administered by the State of Montana to support housing, infrastructure, and community facilities that benefit low- and moderate-income households. These funds are highly competitive and play a vital role in preserving affordable housing in our communities. Deadline to apply, **September 17, 2025.**



Under federal law, eligible applicants are limited to general-purpose local government, i.e. counties, incorporated cities and towns, and consolidated city-county governments.

A general-purpose local government must apply on behalf of special purpose agencies or organizations such as:

- Local economic development corporations;
- Housing Authorities;
- Community Housing Development Organizations (CHDOs); **Homeword is a CHDO*
- Water or sewer districts; and
- Private and nonprofit organizations. **Homeword is a nonprofit organization*

Why the City's Support Matters

- **Application Requirement:** Only units of local government can apply for State CDBG funding. The City of Lewistown would be the applicant on Homeword's behalf.

- **Public Hearing Requirements** (scheduled 9/15/2025):

The **first** public hearing is an opportunity to:

- Gather input on overall community development needs.
- Identify other potential projects that could compete for CDBG funding in Lewistown.
- Ensure that community members have a voice in setting priorities.

The **second** public hearing will:

- Present Ouellette Place's proposed rehabilitation scope.

- Allow community members to review project details and provide feedback.
- Demonstrate community support for the City's application.
- **Community Benefit:** Preserves 24 affordable homes for 57 residents, ensuring long-term affordability in line with Fergus County Growth Policy and Lewistown's housing needs.
- **Local Priorities:** Directly aligns with community goals of protecting affordable housing, supporting vulnerable residents, and maintaining livable neighborhoods.

Our Request

We respectfully request that the City of Lewistown Commission support the submission of a Montana CDBG Housing Grant application on behalf of Homeword.

Community input and support are essential for a successful application to address this urgent need. This investment will ensure consistent heating, reduce energy costs for residents, prevent future system failures, and preserve this critical affordable housing asset for the Lewistown community.

Your support in approving the City's sponsorship and application is vital to securing these funds and addressing this long-standing issue for residents.

Next Steps

1. City of Lewistown holds two required public hearings.
2. Gather public input and document community support.
3. Approve and Sign a **Resolution of Support** authorizing Homeword to submit the CDBG application on behalf of the City.
4. Homeword to Submit the full application by **September 17, 2025**.

Contacts

City of Lewistown (Applicant)

Holly Phelps, City Manager

hphelps@ci.lewistown.mt.us | (406) 535-1760

Homeword, Inc. (Sub Recipient)

General Managing Member of Ouellette Place, LLLP

Erin Ojala, Asset Manager

Erin@homeword.org | (406) 532-4663 x90

RESOLUTION NO. 4209

A RESOLUTION AUTHORIZING HOMEWORD TO
SUBMIT A COMMUNITY DEVELOPMENT BLOCK
GRANT APPLICATION (CDBG) ON BEHALF OF THE
CITY OF LEWISTOWN FOR THE REHABILITATION OF
THE OUELLETTE PLACE APARTMENTS

WHEREAS, the City of Lewistown is applying to the Montana Department of Commerce for financial assistance from the Community Development Block Grant Program (CDBG) to support the rehabilitation of Ouellette Place Apartments, a 24-home affordable housing community serving low- to moderate-income households in Lewistown, Montana;

WHEREAS, the City of Lewistown has the legal jurisdiction and authority to construct, finance, operate, and maintain this existing affordable housing community in partnership with Homeword, Inc., a 501(c)(3) nonprofit Community Housing Development Organization (CHDO);

That the City of Lewistown agrees to comply with all applicable parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited herein, as well as with other applicable federal laws and regulations, and all state laws and regulations and the requirements described in the CDBG Multi-Family Housing Development and Rehabilitation Application Guidelines and those that are described in the CDBG Grant Administration Manual;

That Erin Ojala, Asset Manager for Homeword (sub recipient) is authorized to submit this application to the Montana Department of Commerce, on behalf of the City of Lewistown, to act on its behalf and to provide such additional information as may be required.

PASSED AND APPROVED this 15th day of September, 2025.

Loraine Day, Chairperson
Lewistown City Commission

Attest:

Nikki Brummond
City Financial Officer/Clerk

SPECIFICATIONS

This contract consists of the following work;

1. All Milling and Overlaying shall be compacted in place an average of 2" in thickness of bituminous plant mix surfacing.
2. Milling shall be 4' unless otherwise noted.
3. All Paver patches shall include removal and traffic control. Patches will be compacted in place an average of 3" in thickness of bituminous plant mix surfacing.
4. The asphalt shall be pg 58-28 or pg 64-22 penetration, 5 ½ to 6% oil or asphalt similar to or otherwise approved by the City of Lewistown.
5. All overlay areas shall be sprayed with SS-1 emulsified asphalt tack oil prior to overlaying.
6. Hot mix shall be picked up by the City of Lewistown when the plant is not further than 20 miles from Lewistown. The City of Lewistown will notify the contractor of the approximate tonnage to be picked up.
7. Chip Sealing shall be done using CRS2-P oil and 3/8" grade 4A gravel. Chip Sealing will not occur prior the July 1st of the project year. The contractor must provide the City of Lewistown two weeks' notice before beginning the Chip Sealing.
8. Aggregate gradation shall meet the Department of Transportation's grade B requirements unless otherwise approved by the City of Lewistown.
9. The City of Lewistown will Pre-clean, Post-clean and adjust valves and manholes. The City of Lewistown will take control of all millings removed from this project.
10. The contractor shall be responsible for all traffic control necessary for the project.
11. It shall be understood by the Contractor, that the total quantity called for is approximate and the Contractor will be paid by the actual quantities.

Bid Form

Project Description

Overlays:

Wendell Avenue from Main Street to Mt Pleasant
W. Boulevard St. from 1st Avenue to Wendell Avenue
6th Ave S from Main Street to Janeaux
7th Ave S from Spring to Dead End (alley after Pine)
Janeaux from 6th Ave S to 7th Ave S
Spring St from 6th Ave S to 8th Ave S
Pine St from 6th Ave S to 8th Ave S
Agate from Crystal through Sapphire
9th Ave N from Boulevard to Erie St
E. Washington from Ouellette to N Elm
E. Broadway from Ouellette to N Elm
McKinley from Wendel to cul-de-sac

Patching then Chip Seal:

3rd Avenue N from Boulevard to Idaho Street
4th Avenue N from Boulevard to Truck bypass

Mix pickup:

Pick of approximately 50 tons of hot mix within 20 miles of Lewistown.

Bid Form

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
1	Mobilization	1	LS		

Subtotal \$ _____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	Wendell Avenue from Main Street to Mt Pleasant				
1	Traffic Control	1	LS		
2	2" Milling (along curb and intersections)	2400	SY		
3	Patching & Leveling	50	Tons		
4	2" Overlay	820	Tons		

Subtotal \$ _____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	Boulevard from 1st Avenue to Wendell				
1	Traffic Control	1	LS		
2	2" Milling (at 7 th Ave for patching)	250	SY		
3	Patching	50	Tons		
4	Chip Seal	24,000	SY		

Subtotal \$ _____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	6th Ave S from Main Street to Janeaux				
1	Traffic Control	1	LS		
2	2" Milling (along curb and intersections)	70	SY		
3	Patching	5	Tons		

Bid Form

4	2" Overlay	165	Tons		
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Subtotal \$ _____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	Janeaux 6th Ave S to 7th Ave S				
1	Traffic Control	1	LS		
2	2" Milling (along curb and intersections)	65	SY		
3	Patching	40	Tons		
4	2" Overlay	200	Tons		

Subtotal \$ _____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	7th Ave S from Spring to Dead End at Pine				
1	Traffic Control	1	LS		
2	2" Milling (intersections)	330	SY		
3	Patching	10	Tons		
4	2" Overlay	280	Tons		

Subtotal \$ _____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	Spring from patch near 6th Ave to 8th Ave S				
1	Traffic Control	1	LS		
2	2" Milling (intersections)	100	SY		
3	Patching	20	Tons		
4	2" Overlay	300	Tons		

Subtotal \$ _____

Bid Form

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	Agate from Crystal through Sapphire				
1	Traffic Control	1	LS		
2	2" Milling (intersections)	500	SY		
3	Patching	50	Tons		
4	2" Overlay	910	Tons		

Subtotal \$_____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	9th Avenue N from Boulevard to Erie St				
1	Traffic Control	1	LS		
2	2" Milling (intersections)	2000	SY		
3	Patching and Leveling	50	Tons		
4	2" Overlay	575	Tons		

Subtotal \$_____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	E. Washington from Ouellette to N Elm St				
1	Traffic Control	1	LS		
2	2" Milling (intersections)	10	SY		
3	Patching	5	Tons		
4	2" Overlay	150	Tons		

Subtotal \$_____

Bid Form

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	E. Broadway from Ouellette to N Elm St				
1	Traffic Control	1	LS		
2	2" Milling (intersections)	10	SY		
3	Patching	5	Tons		
4	2" Overlay	150	Tons		

Subtotal \$ _____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	McKinley from Wendel to cul-de-sac				
1	Traffic Control	1	LS		
2	Pulverize and regrade	1900	SY		
4	2" Overlay	215	Tons		

Subtotal \$ _____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	3rd Avenue N from Boulevard to Idaho				
1	Traffic Control	1	LS		
2	Patching	10	Tons		
3	Chip Seal	5000	SY		

Subtotal \$ _____

Bid Form

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
	4th Avenue N from Boulevard to Truck Bypass				
1	Traffic Control	1	LS		
2	Patching	10	Tons		
3	Chip Seal	8000	SY		

Subtotal \$_____

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total price for estimated units
1	Hot Mix pickup (within 20 miles of Lewistown)	50	Tons		

Subtotal \$_____

TOTAL BASE BID PRICE \$_____

TOTAL BASE BID PRICE _____

(Words)

Bid Form

Proposal

The undersigned bidder, having examined the plans, specifications and other proposed contract documents will furnish all manpower and equipment necessary to complete the following project in accordance with the attached plans and specifications for the following amount;

(Price in Words)

Or _____
(Numerical Amount)

On this _____ day of _____, 20____.

Firm Name

By: _____

Title: _____

Address:

Bid Form

Contract

This Agreement is dated as of the ____ day of __ in the year 20, by and between _____ City of Lewistown, hereinafter called "**OWNER**" and _____ hereinafter called **CONTRACTOR**. OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents.

The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

- Asphalt Paving and Milling
- Patching
- Hot Mix Pickup
- Chip Sealing

CONTRACT TIME.

BIDDER agrees that the Work will be substantially complete and ready for final payment in accordance with the General Conditions.

The Work will be substantially complete within 180 days after the date of the Notice to Proceed.

LIQUIDATED DAMAGES:

Subject to the provisions of the General Conditions, the OWNER shall be entitled to liquidated damages in the amount of **TWO HUNDRED DOLLARS (\$200)**, for each working day delay in the completions of the CONTRACT.

CONTRACT PRICE:

Owner shall pay CONTRACTOR upon completion of work. The Owner agrees to pay and the Contractor agrees to accept, in full payment for the performance of this Contract, the Contract amount of

_____ dollars _____ (\$_____) based on the prices stipulated in the proposal, and in accordance with the provisions of the Contract Documents.

PAYMENT PROCEDURES:

Bid Form

CONTRACTOR shall submit Applications for Payment to Lewistown Public Works at 308 4th Avenue S. Lewistown, MT 59457

IN WITNESS WHEREOF, OWNER and CONTRACTOR have made and executed this Contract on the day and year first written above. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR .

This Agreement will be effective on _____, 20 (which is the effective date of the Agreement)

OWNER City of Lewistown

CONTRACTOR _____

BY _____
(CORPORATE SEAL)

BY _____
(CORPORATE SEAL)

Attest _____

Attest _____

Address for giving notices

Address for giving notices

Phone No. _____

Phone No. _____



August 14, 2025

Holly Phelps, City Manager
City of Lewistown
308 4th Ave South
Lewistown, MT 59457

CERTIFIED MAIL # 9489 0090 0027 6327 8358 64

**RE: Proposed Settlement Offer to Address Violations of the Water Quality Act,
Docket No. WQ-25-04 [MPDES Permit No. MT0020044, FID 2946]**

Dear Ms. Phelps,

The Montana Department of Environmental Quality (DEQ) is proposing the enclosed Consent Order as a settlement offer to resolve violations of the Water Quality Act (WQA) by the City of Lewistown at the City of Lewistown Waste Water Treatment Plant.

Please review the enclosed Consent Order. To discuss any proposed changes to the Consent Order, please contact me. If you agree with the Consent Order as written, please sign the Consent Order and return the original signed document within 30 days of receipt of this letter to the address provided below. Alternatively, a signed copy of the signature page may be emailed to Kristen.trapp@mt.gov.

Kristen Trapp
Enforcement Program
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Upon receipt of the signed Consent Order, DEQ will sign the document, and a copy of the executed Consent Order will be returned to you.

If you have any questions, please contact me at the phone number or email address listed below.

Sincerely,

A handwritten signature in cursive script that reads "Kristen Trapp".

Kristen Trapp
Environmental Enforcement Specialist
Enforcement Program
(406) 444-2711; Kristen.trapp@mt.gov

Enclosure

cc via email: Kirsten Bowers, DEQ Legal Unit
Chris Romankiewicz, Section Supervisor, DEQ CTTA

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

IN THE MATTER OF:

VIOLATIONS OF THE MONTANA WATER
QUALITY ACT BY THE CITY OF LEWISTOWN
AT THE CITY OF LEWISTOWN'S
WASTEWATER TREATMENT PLANT, MPDES
PERMIT NO. MT0020044 (FID 2946)

NOTICE OF VIOLATION
AND
CONSENT ORDER

Docket No. WQ-25-04

Notice of Violation

Pursuant to Section 75-5-611, Montana Code Annotated (MCA), the Montana Department of Environmental Quality (DEQ) hereby gives notice to the City of Lewistown (Lewistown) of the following Findings of Fact and Conclusions of Law with respect to a violation of the Montana Water Quality Act (WQA) (Title 75, chapter 5, part 6, MCA), and the Administrative Rules of Montana (ARM) adopted thereunder.

Findings of Fact and Conclusions of Law

Lewistown owns and operates the City of Lewistown Wastewater Treatment Plant (WWTP), which functions as a biological nutrient removal system. The WWTP is located north of Lewistown and is operated as a continuous-discharge facility under MPDES Permit No. MT0020044 (Permit) and continuously discharges treated effluent to Big Spring Creek.

The Permit requires Lewistown “shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of [the P]ermit.” See Section III.E, on page 20, of the Permit. The Permit further requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, Lewistown shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent limit compliance.

As described below, during compliance evaluation inspections (CEI) at the Lewistown WWTP in November 2019, February 2022, and February 2024, DEQ documented facilities and systems components that were not being properly operated or maintained.

The WWTP has three influent screw pumps; one pump that is in continuous operation and two pumps that operate intermittently, depending on flow demand. During the November 11, 2019 CEI, DEQ observed that the southern influent screw pump was inoperable, and the gearbox required maintenance. During the CEIs conducted in February 2022 and February 2024, DEQ documented that the southern influent screw pump was still inoperable, and the following facilities and systems components were also inoperable or out-of-service:

1. February 16, 2022, CEI:
 - a. The southern influent screw pump
 - b. Clarifier scum arms
 - c. Grit removal equipment in the headworks building

2. February 13, 2024, CEI:

- a. Process Logic Control (PLC) functions of the Supervisory Control and Data Acquisition (SCADA) system
- b. Influent step screen
- c. Grit washer
- d. The southern influent screw pump
- e. Influent screw pump grease pumps
- f. Anaerobic tank mixers
- g. Oxidation ditch recirculation pump
- h. Clarifier scum arms
- i. Return activated sludge (RAS) pump
- j. Waste sludge tank diffuser
- k. Aerobic solids digester recirculation pump
- l. Aerobic solids digester blower
- m. Aerobic solids digester level sensors
- n. Aerobic solids digester oxygen and temperature probes
- o. Solids thickener
- p. Solids drying bed
- q. Gorman Rupp bypass pump
- r. Plant backup generator
- s. Lift station backup generator

DEQ notified Lewistown of operations and maintenance violations at the WWTP in violation letters dated April 11, 2022, and March 22, 2024.

Following the February 13, 2024, CEI, Lewistown experienced significant rain and snowmelt events that resulted in a sanitary sewer overflow (SSO) beginning May 9, 2024, and continuing until May 14, 2024. Increased influent flow to the WWTP led to overflows of sewage from the septage receiving station, from the manual bar screen and the headworks building, from the screw pump basin, and from the historic clarifiers on the eastern portion of the WWTP site. Additionally, there was a discharge of an unknown volume of commingled sewage and storm water to Big Spring Creek.

Following the May 2024 SSO and the WWTP overflow events, DEQ conducted an unannounced follow-up inspection in which additional WWTP facilities and system components were identified as inoperable, including the northern influent screw pump, which became inoperable on May 11, 2024, leaving the WWTP with only one of three screw pumps operational during a time of high influent flow.

It is DEQ's understanding that Lewistown has resolved the following operations and maintenance violations that were identified in the March 22, 2024, violation letter:

- a. SCADA system
- b. Influent step screen
- c. Oxidation ditch recirculation pump
- d. RAS pump
- e. Waste sludge tank diffuser
- f. Aerobic solids digester recirculation pump
- g. Aerobic solids digester blower
- h. Aerobic solids level sensor
- i. Solids drying bed
- j. Plant backup generator

Lewistown informed DEQ that funds obtained through the American Rescue Plan Act (ARPA) will assist in the completion of the Lewistown Headworks Improvement Project (Headworks Project), which includes repairing the mechanical bar screen, grit removal system, and rehabbing the influent pump system. Lewistown has contracted Robert Peccia and Associates for engineering services and has accepted Dick Anderson Construction's bid for construction of the Headworks Project. The Headworks Project is set to begin Summer 2025.

Although many of the inoperable facilities and system components have been or will be addressed by the Headworks Project, Lewistown has not informed DEQ when Lewistown will repair or replace the following inoperable components: anaerobic tank mixers, clarifier scum arms, aerobic solids Dissolved Oxygen and temperature sensor, solids thickener, Gorman Rupp bypass pump, and the lift station backup generator.

In addition to the operation and maintenance violations at the WWTP, Lewistown reported 27 effluent limit exceedances on its monthly discharge monitoring reports from April 2023 through May 2025.

Section 75-5-605(1)(b), MCA, states that it is unlawful to violate any provision set forth in a permit or stipulation, including but not limited to limitations and conditions contained in the permit. ARM 17.30.1342(1) states that the permittee shall comply with all conditions of the permit, and any permit noncompliance constitutes a violation of the Water Quality Act (WQA) and is grounds for enforcement action.

Lewistown violated Section 75-5-605(1)(b), MCA, and ARM 17.30.1342(1) by failing to comply with Permit conditions as follows:

1. Lewistown violated Part III.E of the Permit by failing to properly operate and maintain all facilities and systems of treatment and control at the WWTP.
2. Lewistown failed to meet Permit effluent limits 27 times between April 2023 and May 2025 for the following parameters:
 - a. Total suspended solids (TSS): Lewistown exceeded Permit effluent limit for TSS a total of 25 times.
 - b. Five-day Biological Oxygen Demand (BOD₅): Lewistown exceeded Permit effluent limits for BOD₅ one time.
 - c. *E. coli*: Lewistown exceeded Permit effluent limits for *E. coli* one time.

DEQ issued violation letters notifying Lewistown of each of the above-described Permit effluent exceedances.

Corrective Actions

To address the violations described above, DEQ and Lewistown agree that Lewistown shall complete the following corrective actions:

- A. Lewistown shall provide a comprehensive compliance plan and schedule (Plan) that summarizes the project scope and schedule for the Headworks Project and identifies how the following facilities and systems components will be optimized, fixed, or upgraded to achieve compliance with the Permit:
 - a. Southern anaerobic tank mixer
 - b. Clarifier scum arms, including winter operations

- c. Aerobic solids DO and temperature sensor
- d. Solids thickener, including schedule for purchasing and installing a second unit
- e. Gorman Rupp bypass pump
- f. Lift station backup generator. Please be aware that replacement of a generator may require DEQ review and approval, depending on capacity and pump horsepower.

The Plan must also include a date by which Lewistown will achieve and maintain compliance with the Permit.

- B. For modifications requiring review and approval, Lewistown may not start any construction or modifications to the System prior to receiving written approval from DEQ. Any modifications to the System must be conducted in accordance with ARM 17.38.101, *et seq.*, including, but not limited to, the submittal of a design report, plans, specifications, as-built drawings, and written certification for the necessary modifications.
- C. The Plan must be sent no later than 60 days from the effective date of this Consent Order, and must be sent either via email to Kristen.trapp@mt.gov or by regular mail to:

Kristen Trapp
DEQ Enforcement Program
P.O. Box 200901
Helena, MT 59620-0901

- D. DEQ will review the Plan and provide a written response to Lewistown that approves the Plan or identifies any deficiencies in the Plan that must be corrected. If the Plan is found deficient, Lewistown must promptly correct any identified deficiency and resubmit the Plan as above. The approved Plan and schedule will be incorporated by reference into the Consent Order.
- E. Lewistown must demonstrate compliance with Permit effluent limits for 12 consecutive months following the compliance date provided in paragraph A above. Should Lewistown exceed Permit effluent limits during the 12-month period, Lewistown shall submit a summary report within 30 days following the monitoring period the exceedance occurred that provides the following information:
 - a. An explanation for the exceedance, and
 - b. A corrective action plan detailing how Lewistown will address the exceedance.

The summary report should be sent via email to Kristen.trapp@mt.gov.

- F. No deadline required by this Consent Order may be extended unless Lewistown requests an extension in writing before the deadline passes and DEQ determines that Lewistown has shown good cause for a reasonable extension of the deadline. Extension requests shall be submitted in writing via email to Kristen.trapp@mt.gov and must:
 - a. Notify DEQ of any anticipated delay within 10 business days after Lewistown becomes aware of the reason for the delay;
 - b. Demonstrate that the reason and length of the anticipated delay are beyond Lewistown's control;

- c. Demonstrate that Lewistown has taken all reasonable efforts to avoid the anticipated delay; and
- d. Propose a reasonable new deadline.

DEQ may approve or disapprove a request for extension, in whole or in part, and will notify Lewistown of its decision in writing. Modification of an individual deadline will not affect any other deadline under this Consent Order unless expressly authorized in writing by DEQ.

Penalties

DEQ has calculated an administrative penalty in the amount of \$63,050 as shown on the enclosed penalty calculation worksheet. **In the interest of settlement, DEQ will use its discretion as allowed by ARM 17.4.308 and suspend all but \$3,150 of the assessed penalty.**

Lewistown shall pay the reduced penalty of \$3,150 within 60 days from the effective date of this Consent Order. To pay by credit card, debit card, or electronic check, contact the Enforcement Program at 406.444.0379. To pay by check or money order, make payable to the Montana Department of Environmental Quality and send to:

Kristen Trapp
DEQ Enforcement Specialist
P.O. Box 200901
Helena, MT 59602-0901

Lewistown also agrees to pay the following stipulated penalties:

- \$500 for each day that the Plan has not been submitted by the deadline in paragraph C above, or for each day a task from the Plan has not been completed by the approved schedule.
- \$250 for each day that a response is not received in accordance with paragraph E above.
- \$250 for each Permit effluent limit exceedance that does not have a reasonable explanation and corrective action plan.

Within 30 days after receipt of written notice, Lewistown must pay to DEQ the full amount of any stipulated penalty that is due. Stipulated penalties shall be paid as described above.

If DEQ assesses stipulated penalties under this Consent Order and notifies Lewistown of the reason for and amount of the stipulated penalty, and Lewistown refuses to pay the amount assessed, DEQ is entitled to a judgment in district court for the stipulated penalty. In such an action, Lewistown may dispute the occurrence of the violation before the court; however, if the court determines that a violation has occurred, Lewistown may not challenge the amount of the stipulated penalty.

This Consent Order will remain in effect until Lewistown has completed the corrective actions described above and has demonstrated consistent and reliable compliance with Permit effluent limits following system and facility upgrades. Lewistown will receive written notification from DEQ that the requirements of this Consent Order have been satisfied.

Reservation of Rights and Waiver

Each of the signatories to this Consent Order represents that he or she is authorized to enter and to bind the parties represented by him or her to the terms of the Consent Order.

This Consent Order is the entire agreement between DEQ and Lewistown. No amendment, alteration, or addition to this Consent Order will be binding unless reduced to writing and signed by both parties.

Lewistown waives its right to administrative appeal or judicial review of this Consent Order and agrees that this Consent Order is the final and binding resolution of the issues raised.

Any failure by Lewistown to fulfill the requirements of this Consent Order is a violation of the WQA, §75-5-101, MCA *et seq.*, and may result in DEQ seeking additional corrective action including further enforcement action and penalties.

Lewistown waives defenses based on the statute of limitations for the violations described in this Consent Order and may not challenge DEQ's right to seek further administrative enforcement or judicial relief if Lewistown fails to promptly pay stipulated penalties or otherwise comply fully with the terms of this Consent Order.

None of the requirements in this Consent Order relieve Lewistown from its obligation to comply with all applicable statutes, rules, orders, or permits.

Each party will bear its own costs incurred in this action, including attorney fees.

This Consent Order becomes effective upon signature of DEQ and closes upon written notification from DEQ.

IT IS SO ORDERED:

IT IS SO AGREED:

STATE OF MONTANA, DEPARTMENT OF
ENVIRONMENTAL QUALITY

CITY OF LEWISTOWN

CHAD W. ANDERSON
Enforcement Program Manager

Signature

Date

Print Name

Title

Date



BIG SPRING CREEK WATERSHED COUNCIL

City of Lewistown
305 West Watson
Lewistown, MT 59457

Big Spring Creek Watershed Council
PO Box 344
Lewistown, MT 59457
bigspringcreekwatershed@gmail.com

Subject: DRAFT Biosolid recommendations

Date: August 14, 2025

Ms. Phelps & City Commissioners,

We, as the Big Spring Creek Watershed Council, are writing regarding the Lewistown Biosolids Handling Plan (the plan) reviewed at the Committee of the Whole on July 7, 2025.

Thank you for inviting us to that informative meeting. Of the alternatives presented, our group agrees with RPA's recommendation that the city pursue the Screw Press, Land Application Alternative. Composting does not appear to be viable due to strict permitting requirements. Further, cost estimates were based on a reliable wood chip supply (unlikely in Lewistown) and recent information regarding PFAS found in other city's sewage sludge may make future residential compost use, from treated sewage, problematic.

According to the plan, the existing drying beds are barely sufficient to handle the existing load, even under ideal conditions. Considering variable weather conditions and predictions that Lewistown will grow, the ability to handle more biosolids is necessary. We support the Screw Press alternative because the amounts of biosolids that can be treated are predictable in a variety of weather conditions and this alternative allows for future expansion if needed. As mentioned in the plan, we understand that a temporary biosolids storing strategy will likely be necessary due to budget constraints. We applaud the City for starting to address the biosolids issue by hiring Dick Anderson Construction to build berms and improve the storm outlet structure. However, the current action does not address the impermeable barrier included in the plan; when does the City plan to address that deficiency?

Please keep us informed of the City's progress updating the City's biosolids management. We are interested in the City's decision on how to proceed, a timeline for completing the improvements, what improvements are planned for biosolid storage and when a biosolid management plan will be completed.

As always, we invite a representative of the City and/or City Commission to attend our meetings. We meet the second Monday of each month at 3:00 at the Civic Center.

We can be reached at (406) 366-0660 or bigspringcreekwatershed@gmail.com for more information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne Tews".

Anne Tews
Big Spring Creek Watershed Council, Chair

Sent to:

KellyAnne Terry, City Commissioner – At Large; kterry@ci.lewistown.mt.us
Katie Spika, City Commissioner, Ward 1; kspika@ci.lewistown.mt.us
Loraine Day, Chair, City Commissioner, Ward 1; lday@ci.lewistown.mt.us
Ron Hrubes, City Commissioner, Ward 2; rhrubes@ci.lewistown.mt.us
Diana R. C. Hewitt, City Commissioner, Ward 2; dhewitt@ci.lewistown.mt.us
Danielle Buehler, City Commissioner, Ward 3; dbuehler@ci.lewistown.mt.us
Tim Robertson, City Commissioner, Ward 3; trobertson@ci.lewistown.mt.us



VARIANCE APPLICATION No. _____

The applicant listed below is applying for a variance. The City of Lewistown Board of Adjustment may authorize a variance from the requirements of The Lewistown Zoning Regulations when it can be shown that because of special and strict application of the regulation would cause an undue or unnecessary hardship. No variance shall be granted to allow the use or development of property for a purpose not authorized within the district. In granting a variance, the Commission may attach conditions it finds necessary to achieve compliance with the criteria outlined in these regulations.

Fergus County Credit Union
(Fergus Federal Credit Union)

NAME OF APPLICANT: Contact: Erin Knerr DATE: 08/04/2025

MAILING ADDRESS: 106 East Janeaux St. BUSINESS PHONE: 406-535-7478

Lewistown, MT 59457 HOME PHONE: N/A

PROPERTY OWNER (IF OTHER THAN APPLICANT): Same as applicant

MAILING ADDRESS: Same as applicant BUSINESS PHONE: _____

HOME PHONE: _____

PROPERTY LOCATION (ADDRESS): 106 East Janeaux St., Lewistown, MT 59457

LEGAL DESCRIPTION:

LOT # _____ BLOCK # See attached record plat and deeds SUBDIVISION _____

ZONING DISTRICT: C2 Central Business

INTENT OF VARIANCE: To allow a two (2) driveways with a maximum width of 55-feet to serve the proposed drive through expansion. One driveway will connect to Janeaux Street and the second driveway will connect to the public alley along the northwesterly property line. See enclosed site plan for actual location.

TYPE OF STRUCTURE: _____ X _____ EXISTING _____ X _____ PROPOSED

WILL STRUCTURAL ALTERATIONS BE MADE ON EXISTING STRUCTURE?

X YES _____ NO IF "YES", PLEASE ATTACH PLANS

ANY RESTRICTIVE COVENANTS APPLICABLE TO PROPERTY?

_____ YES X NO IF "YES", PLEASE ATTACH COPY

VARIANCE HISTORY OF PROPERTY: None that we are aware of

9-8-6: DRIVEWAY WIDTH LIMITATIONS:

(A) Driveway width, as measured parallel with the edge of the traveled way, shall not exceed twenty feet (20') in residential areas nor thirty feet (30') in commercial or industrial areas, except driveway widths for service stations and trucking businesses may be up to forty feet (40') when approved by the building official, and shall be located in accordance with city specifications for driveways.

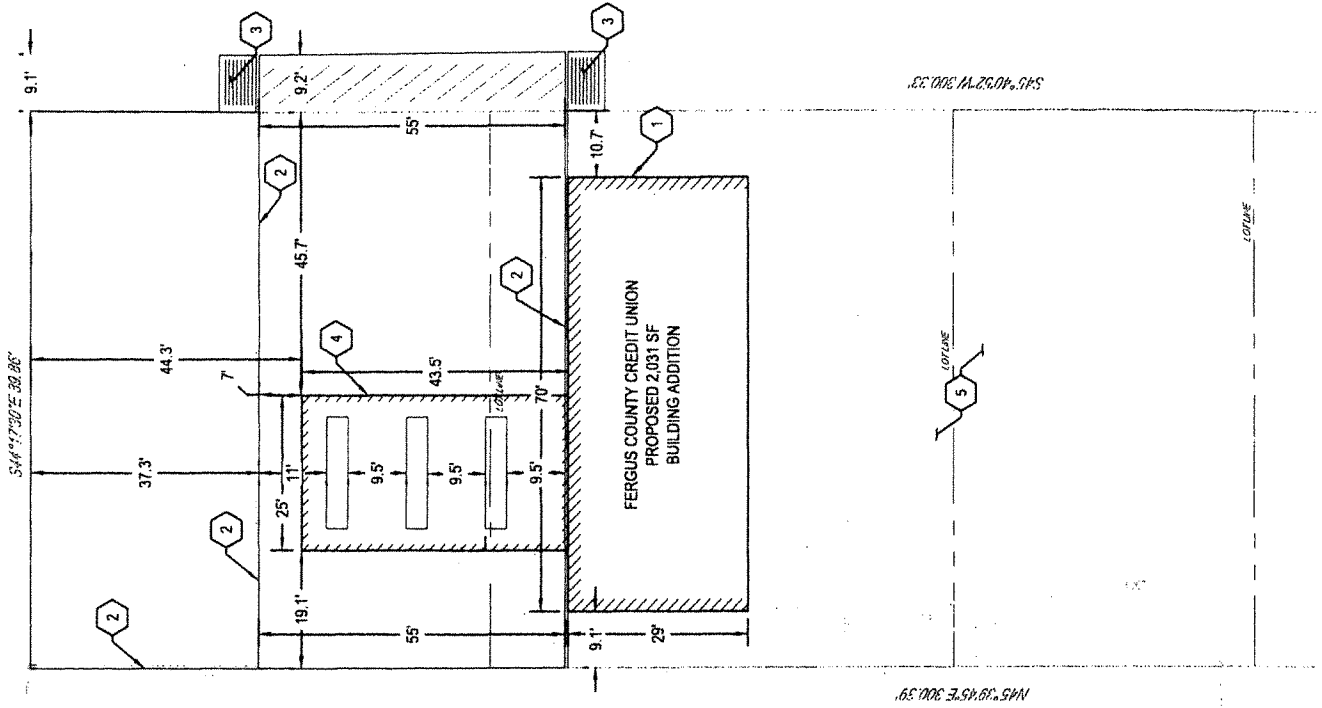
(B) The minimum distance between curb cuts shall be twenty five feet (25').

(C) Frontages of fifty feet (50') or less shall be limited to one driveway. Not more than two (2) driveways shall be provided to any single property tract or business establishment, except where the property frontage exceeds six hundred feet (600') there may be one additional driveway for each additional three hundred feet (300') of frontage. (Ord. 1457, 7-7-1980)

9-8-8: DEVIATION FROM REQUIREMENTS:

Permission to deviate from the requirements and regulations of this chapter shall be granted by the city commission only where unusual conditions or strict adherence to this chapter would cause undue and extreme hardships. (Ord. 1457, 7-7-1980; amd. Ord. 1664, 1-3-2000)

JANE AUX STREET



RESOLUTION NO. 4210

A RESOLUTION APPROVING AN APPLICATION FROM
DOUGLAS & LORAIN DAY FOR TIF FUNDS MADE
TO THE LEWISTOWN TAX INCREMENT FINANCING
DISTRICT BOARD

WHEREAS, the Lewistown City Commission has adopted Ordinance No. 1748 – An Ordinance establishing the Lewistown Urban Renewal Area, creating the Lewistown Urban Renewal District and adopting the Lewistown Urban Renewal District Plan; and

WHEREAS, by Resolution number 3903 the City created an Urban Renewal Agency per 7-15-4232 Montana Codes Annotated (MCA), which was designated as the “Lewistown Improvement District Board” to engage in activities authorized in 7-15-4234 MCA and provide administrative functions; and

WHEREAS, the Commission re-designated the “Lewistown Improvement District Board” as the “Lewistown Tax Increment Financing District Board” by Resolution 3923; and,

WHEREAS, the Commission appointed a Lewistown Tax Increment Financing District Board (hereafter, the “TIF Board”) in order to manage the Lewistown Urban Renewal District created by Ordinance 1748; and,

WHEREAS, the TIF Board oversees the operation of the Lewistown Urban Renewal District, including public purpose activities; promotional activities; façade building conservation and loan programs; and administrative functions; and,

WHEREAS, the TIF Board exercises those powers authorized by law as specified in Resolution 3923; and,

WHEREAS, the TIF Board has developed the Lewistown TIF District (LTD) Program whereby qualified applicants may apply for TIF District Program Funds for assistance in redevelopment or rehabilitation of properties within the Urban Renewal District; and,

WHEREAS, through its LTD Program the TIF Board has received numerous applications for TIF District Program Funds, has reviewed the same and, has recommended approval of several applicants for those funds; and,

WHEREAS, the City Commission has retained final budgetary authority for TIF program activities.

NOW, THEREFORE, BE IT RESOLVED, that the Lewistown City Commission hereby approves the following applications for TIF District Program Funds as recommended by the TIF Board:

1. Loraine and Douglas Day DBA Your Montana Days, LLC, façade improvements which includes sandstone window sill repairs, 225 W. Main St, \$983.50 grant

BE IT FURTHER RESOLVED, that prior to disbursement of any TIF funds, all applicants shall enter into such Development Agreements as established and approved by the TIF Board.

PASSED AND APPROVED this 15th day of September, 2025.

Danielle Buehler, Vice-Chairperson
Lewistown City Commission

Attest:

Nikki Brummond
City Financial Officer/Clerk