

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON AUGUST 7, 2023 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Terry called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman Terry asked everyone to stand and say the Pledge to the Flag.

ROLL CALL

Present were Commissioners: Day, Doney, Hewitt, Hrubes, Scotten, Spika and Terry.

APPROVAL OF MINUTES

There were none.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that the Library Board will be meeting on the third Thursday in August.

Commissioner Day reported that the Park and Recreation Board met on August 2nd. There was a lot of discussion regarding the recent maintenance, staffing and reevaluating fees. The next meeting will be September 6, 2023. Commissioner Day stated that the pool boiler is needing some maintenance and the last day of the pool will be August 20th. The waterslide stairs will need to be repaired soon. The swim-a-thon was very successful and will look at the swim lessons registrations and fees for next season.

Commissioner Hrubes reported that he attended the health board meeting on July 24th. The next meeting will be in October. Commissioner Hrubes commented that he was able to meet the new sanitarian in training and feels he will be a great asset to the community.

Commissioner Hewitt reported that the Airport Board was to meet on August 2nd, however, there was not a quorum. Robert Peccia & Associates were there as they are the new engineers for the Airport Board. There was some discussion and no decisions were made. The next meeting will be September 6th.

Commissioner Scotten reported that the August 17th Snowy Mountain Development Corporation (SMDC) meeting was rescheduled for October 19th. Commissioner Scotten reported that Shelter Solutions intends on having an informational booth at the Chokecherry Festival. The next meeting is scheduled for August 22nd at Saint Episcopal Church.

Commissioner Terry reported that the Central Montana Foundation did not meet in July.

CITY MANAGER REPORT

City Manager Phelps reported on the following issues:

The World War II heritage celebration will be held on August 19th at 2 pm. at the Airport in the big hangar. The Airport, Historic Preservation Commission and SMDC have all been working together to have a wonderful celebration. City Manager Phelps stated that there will only ever be one heritage city in the state and it will forever be the City of Lewistown. This is a great honor and something that we should celebrate.

The City Manager and Attorney has been working on the institutional controls, which are like deed restrictions to provide to DEQ to get a no further action for the property. The City will need to pay back the \$91,005 loan for the clean up of Berg Lumber this September. The City Manager is continuing to work with a developer on housing.

The planner is still planning to be here in September.

The auditors are here, it is a new opportunity for us to close out our year and work with them to have all the necessary information to submit the annual financial report right away.

PUBLIC COMMENT – non agenda items

Mr. Richard Battrick asked about the stop lights on Main Street and wondering why the crossing walks are not working. City Manager Phelps answered that she will visit with the highway department.

CONSENT AGENDA

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Hrubes seconded the motion. The motion approved unanimously. The consent agenda was the acknowledgment of the claims that have been paid from June 30, 2023 to June 30, 2023 for a total of \$395,644.16 and claims that have been paid from July 14, 2023 to July 31, 2023 for a total of \$57,523.39

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Public hearing to hear comments on the intention of the City Commission to take action on the petition of Huschka/Lamphier to abandon/discontinue entire alley in Block 1 of Spring Street addition in the City of Lewistown

Chairman Terry opened the public hearing to hear comments on the intention of the City Commission to take action on the petition of Huschka/Lamphier to abandon/discontinue entire alley in Block 1 of Spring Street addition in the City of Lewistown. Commissioner Terry asked for comments from the audience and Commission. There being none, the public hearing was closed.

2. Discussion and action on approving Resolution No. 4129, a resolution discontinuing the entire alley of Block 1 of Spring Street addition in the City of Lewistown

City Manager Phelps explained that as part of this abandonment the City will have an easement through the property in perpetuity. This is allowed by State laws it but it is outlined in the resolution. Commissioner Spika made the motion to approve Resolution No. 4129, a resolution discontinuing the entire alley of Block 1 of Spring Street addition in the City of Lewistown and Commissioner Doney seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and a roll call vote was taken by the clerk and the motion passed unanimously.

3. Public hearing to hear comments on the intention of the City Commission to take action on the petition Raleigh and Mariah Heitzman to abandon/discontinue 11th Avenue from Water Street to the alley in the City of Lewistown

Chairman Terry opened the public hearing to hear comments on the intention of the City Commission to take action on the petition Raleigh and Mariah Heitzman to abandon/discontinue 11th Avenue from Water Street to the alley in the City of Lewistown. Commissioner Terry explained that this is a lot located between the two properties. Commissioner Terry asked for comments from the audience and Commission. There being none, the public hearing was closed.

4. Discussion and action on approving Resolution No. 4130, a resolution abandoning/discontinuing 11th Avenue from Water Street to the alley in the City of Lewistown

City Manager Phelps stated that this property will have the same easement in perpetuity outlined in the resolution in accordance with state law. Commissioner Hrubes made the motion to approve Resolution No. 4130, a resolution abandoning/discontinuing 11th Avenue from Water Street to the alley in the City of Lewistown and Commissioner Scotten seconded the motion. Commissioner Day stated that she will be recusing herself from the motion as this is her next-door neighbor. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and the Clerk took a roll call vote. Commissioners voting in favor were: Doney, Hewitt, Hrubes, Scotten, Spika and Terry. Commissioner Day recused herself.

5. Public hearing to hear comments on Resolution No. 4131, a resolution approving the fiscal year 2024 work plan and budget for Tourism Business Improvement District #1

Chairman Terry opened the public hearing to hear comments on Resolution No. 4131, a resolution approving the fiscal year 2024 work plan and budget for Tourism Business Improvement District #1. Commissioner Terry explained that this is an assessment that the hoteliers assess per night per room. This is done by the Tourism Business Improvement District. Commissioner Hrubes commented that it is a great help to bring people and events to the community. Commissioner Terry asked for comments from the audience and Commission. There being none, the public hearing was closed.

6. Discussion and action on approving Resolution No. 4131, a resolution approving the fiscal year 2024 work plan and budget for Tourism Business Improvement District #1

Commissioner Terry stated that she serves on this board and the TBID does not have a very large budget. The City of Lewistown has recently taken on the administration of the district. Commissioner Terry explained that SMDC was administering the district, but were asking for an increase in fees for that service and the board voted to have the City administer the district. Commissioner Terry reported that the assessments collected are to marketing the town and help sponsor events. City Manager Phelps stated they do a lot with a little bit of money. Commissioner Spika asked if the reserves are a carry over each year. Commissioner Terry answered that yes, in accordance with State code a reserve must be maintained. Commissioner Doney made the motion to approve Resolution No. 4131, a resolution approving the fiscal year 2024 work plan and budget for Tourism Business Improvement District #1 and Commissioner Spika seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and a roll call vote was taken by the clerk and the motion passed unanimously.

7. Discussion and action on approving Resolution No. 4132, a resolution approving an assessment to defray the cost of the work plan and budget for Tourism Business Improvement District #1 for fiscal year 2024

City Manager Phelps explained that ten years ago the hoteliers came together and decided to establish the TBID District and decided to assess a \$1 a night per occupied room. The Commission just renewed the district for an additional ten years. The district is made up of hotels consisting of 6 or more rooms. It is a great benefit for the community and they do a great job promoting the community. Commissioner Hrubes asked if it was different that the State bed tax. Commissioner Terry answered it is different and is collected and spent in the community. Commissioner Day made the motion to approve Resolution No. 4132, a resolution approving an assessment to defray the cost of the work plan and budget for Tourism Business Improvement District #1 for fiscal year 2024 and Commissioner Hewitt seconded the motion. Commissioner Terry asked for comments from the audience and Commission. There being none, the question was called for and a roll call vote was taken by the clerk and the motion passed unanimously.

8. Discussion and action on setting fines for parking violations

City Manager Phelps explained that City staff and the committee continue to work on the parking ordinance. City Manager Phelps reviewed the parking survey. City Manager Phelps commented that there are some areas of the ordinance that need to be addressed in order to enforce the parking. City Manager Phelps stated that one area is the fines and the second one is how to deal with those not paying their fines and the third is the appeal process. City Manager Phelps stated that she does not want to be stuck determining the district and timeline because a district and timeline are already in place. Commissioner Terry explained that it is proposed as \$25 first offense, \$50 second offense within one year of first offense and \$100 third offense within one year of second offense. Commissioner Hewitt expressed her concern with it being a year from the ticket not a calendar year. City Attorney explained that by going this way there will be need to be to track the tickets. Commissioner Hrubes stated he is in favor of \$25 the first offense, \$50 second offense and \$100 third offense and it will help with the parking problems downtown. Commissioner Spika asked if there were other communities to compare to. City Attorney Diekhans stated that we are the only City with time parking the bigger cities do time parking. Commissioner Terry commented that the downtowns of each town are different. Further discussion followed. Commissioner Hrubes made the motion to set the preliminary fines for \$25 the first offense, \$50 second offense and \$100 third offense in a calendar year for a public hearing and Commissioner and Commissioner Hewitt seconded the motion. Mr. Stephen Vantassel asked about fines for parking in front of a fire hydrant. Commissioner Terry answered that it is a state code and enforced by code enforcement or the police. Mr. Vantassel suggested having a contract with a towing company. City Clerk Nikki Brummond commented that most of the ordinances has been changed to state that the fees will be changed by resolution. City Attorney Diekhans stated that yes, that can be amended in the ordinance and does make it easier going forward to changes fees. There was some discussion regarding that the ordinance can be changed to state that fees will be set by resolution. This would mean that the ordinance needs to be amended on two readings and effective 30 days after second reading. Then the Commission can work on the resolution in the time frame to amend the ordinance. Commissioner Terry stated that the motion is set the preliminary fines for \$25 the first offense, \$50 second offense and \$100 third offense in a calendar year for a public hearing. City Clerk Brummond took a roll call vote with those be in favor Hrubes and Hewitt. Commissioners voting against are Day, Doney, Spika, Scotten and Terry. Commissioner Doney made the motion to set fines and fees by resolution in parking ordinance and Commissioner Hrubes seconded the motion. Commissioner Terry asked for comments from audience and Commissioner. There being none, the question was called for and the clerk took a roll call vote and the motion passed unanimously. Commissioner Terry stated that now we are going to have a discussion on people who do not pay fines and the appeal process. The appeals process was reviewed. Commissioner Doney stated that staff is very busy and would like to think about how the collection and appeal process works. Commissioner Terry stated that the survey will be revised to add a question regarding fines and the appeals process will be looked at in the future.

9. Update Growth Policy

City Manager Phelps explained that herself and Commissioner Terry are meeting regularly with Cushing Terrell. City Manager Phelps stated that the first big task is creating a website, preparing a survey and will be doing an informational booth during the Chokecherry festival. A huge amount of data is being exchanged and looking at who the stakeholders are in the process. The downtown association will be doing an amendment to the growth policy for a downtown master plan. There will be a lot of duplication.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Hewitt asked that something be done about the five-minute parking in front of the First Bank of Montana Building.

Commissioner Day reported that the Centerfest was amazing and Creekside looked beautiful.

Commissioner Spika agreed that Creekside looked great.

Commissioner Doney asked about the garbage cans on Main Street. City Manager Phelps answered that yes, there are garbage cans and they need to be repaired prior to putting them out.

ADJOURNMENT

Chairman Terry adjourned the meeting.

Dated this 7th day of August, 2023.

KellyAnne Terry, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk