

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON JULY 17, 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, and Terry. Commissioner Spika attended virtually.

APPROVAL OF MINUTES

Chairman Terry stated that without objection and based on the corrections the June 19, 2023 and July 3, 2023 minutes are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Doney reported that the Library board will be meeting on July 20, 2023.

Commissioner Day reported that the Park and Recreation Board met on July 5, 2023 at the Civic Center, there was no quorum so no decisions were made, however, there was a lot of great discussion. Commissioner Day reported that Mr. Ken Hord attended the meeting and expressed his interest in a plan to provide better wheelchair accessibility for fishing at the lower frog pond. Mr. Tram Brooks received a \$2,800 grant from Central Montana Foundation for improvements for the basketball hoops at Frank Day Park. The Civic Center is sponsoring a tennis camp and Little Eagle Flag Football signups are this month. Commissioner Day reported that the Central Montana Foundation provided a \$4,500 grant to assist families with pool passes for this summer. Park and Recreation Director Lisa Langbehn is working on a priority list for the City parks of what repairs need to be done. The pickleball court improvements are moving along at Symmes Park. Once the courts are finished there will be beginner pickleball lessons. The park staff were able to get most of the clean up done at East Fork. Commissioner Day reported that there was a report on the Trails system. The next meeting will be August 2, 2023.

Commissioner Scotten reported that the Snowy Mountain Development Corporation (SMDC) will now be held of the third Thursday every other month. The next meeting will be August 17th, Commissioner Scotten reported that Reverend Jean Collins, with Shelter Solutions met with Sara and staff at SMDC to talk about funding opportunities and help get their nonprofit status established.

Commissioner Terry reported that the Central Montana Foundation met on June 27th. The following grants were given: \$4,000 to the Boys and Girls Club Summer Safari, \$2,800 to Tram Brooks for the basketball court improvements, \$4,999 to Small Wonder for safety system for the facility, and SMDC asked for \$500 for board training they are hosting on September 13th. There will be no meeting in July and the next meeting will be August 29, 2023.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

If you missed the Department of Revenue local townhall meeting to help taxpayers understand the property valuation process and how the department determined these values. You can watch a virtual presentation or review the PowerPoint presentation on the state website.

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 27th at 11 am.

The City is currently accepting applications for a police officer, communications officer and recreation specialist. If you know anyone that may be interest in these positions, please have them call the city office or check our website or job service for more information.

The City has some board openings. These include a position on the TIF/TEDD board and the board of adjustments. The application for city boards can be found on the City website under the “I want to” tab.

The Civic Center has been busy this summer running several camps and hosting other events, as well as, doing maintenance projects. They are currently registering kids for the flag football program. At the pool we are running the last session of swimming lessons now and have been busy with private lessons and pool parties.

Construction on 6th Avenue portion of the water project has begun and will impact traffic for a short time. More information on street closure will be available on the City’s website.

The MLCT, MMIA and Local Government Center are once again hosting municipal summits around the state. There will be one held in Roundup July 19th. Each summit runs from 9 am to 4 pm. There is no cost to attend and lunch is provided. The agenda was included in the packets. Please let us know if you would like to attend.

PUBLIC COMMENT – non agenda items

Mr. Casey Vaughn addressed the Commission regarding the recent purchase of land south of Brewery Flats. Mr. Vaugh asked how much is cost, where the funding came from and what is the plan for the property and futures costs. City Manager Phelps answered the City has not purchased the property yet, the City has entered into a contract with Phillips 66 for the purchase once the property is cleaned up. City Manager Phelps explained that the time line is about five years for the cleanup activity and then about three years of monitoring. City Manager stated that the purchase amount was \$10. City Manager Phelps explained that once cleanup is complete the Commission will work on a plan for the use of the property. Mr. Vaughn asked if there would be increases on taxes as far as recreation goes and developments. City Manager Phelps answered that the trails system is self-funded with the leases and Brewery Flats is currently considered part of the trails system. City Manager Phelps stated that the property will be cleaned up to recreational standard. Commissioner Doney stated there will be no development on this property due to the cleanup issues. Mr. Vaughn stated that he assumes that grant money will be used to

eventually develop this land. Mr. Vaughn asked how the grant money is not going to City streets that are in disarray. Commissioner Doney stated again that this area will not be developed. Any grants acquired for the trails are specifically for trails. Commissioner Terry stated that she would consider this to be greenspace and an extension of Brewery Flats.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Hewitt seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from June 27, 2023 to June 30, 2023 for a total of \$397,782.68 and claims that have been paid from July 1, 2023 to July 13, 2023 for a total of \$20,520.95

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on approving Resolution No. 4126, a resolution declaring it to be 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

City Manager Phelps explained that this piece of property is located between two residents in the vicinity of 12 Ave S just north of Water Street. This parcel is 60' x 90' which is 5400 square feet and into a hillside and utilities are accessible. The adjacent property owners have been maintaining the property. City Manager Phelps stated that this lot does have potential for redevelopment or a lot that could be sold to develop a house. The City has in the past sold a lot similar to this for habitat for humanity. City Manager Phelps explained that is the Commission approved the resolution tonight a date will be set for a public hearing to take the final action on the abandonment. City Manager Phelps further explained that is the property is abandoned the lot would be split equally between the adjacent property owners and back on the tax rolls. Commissioner Day stated that she will be recusing herself from the motion because this is located right next to her house. Commissioner Doney made the motion to approve Resolution No. 4126, a resolution declaring it to be 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 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 the Clerk took a roll call vote. Commissioners voting in favor were: Doney, Hewitt, Hrubes, Scotten, Spika and Terry. Commissioner Day recused herself.

2. Discussion and action on approving Resolution No. 4127, a resolution declaring it to be 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

City Manager Phelps explained that this alley is located just west of Spring Street as you go down the trail toward the frog ponds. The property owners actually own both sides of what would be the alley. The elevation change is about 20 feet and rolls into the frog ponds. City Manager Phelps stated that this is the same situation as the previous item that the property owners own both sides of the alley and have been maintaining it and there are not utilities in the alley. Commissioner Hewitt made the motion to approve Resolution No. 4127, a resolution declaring it to be 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 and Commissioner Scotten seconded the motion. Commissioner Hrubes asked if the alley starts on between 10th and 9th. City Manager Phelps answered yes, between 9th and 10th and the trail starts on 9th. Commissioner Hrubes asked if garbage was picked up in front of their properties. City Manager Phelps answered yes. 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 will all being in favor.

3. Discussion and action on approving Resolution No. 4125, a resolution of the Lewistown City Commission to submit to the registered electors of the City the question of adopting a proposed ordinance No. 1770, authorizing and regulating the keeping of domestic chickens within the City limits of Lewistown to be held with the general election on November 7, 2023.

Commissioner Terry stated the Commission is not voting to have chickens, but are voting to put the option on the ballot. City Manager Phelps explained this resolution is to put the question to allow chickens or not allow chickens in the city limits. The Commission will need to determine what information they would like to provide the voters to help them make a decision. Ms. Angela Toller addressed the Commission stating she is a proponent of chickens and wants to verify that if this passes it will be putting the question on the ballot for the voters. Commissioner Terry answered yes. Ms. Toller asked Commission Hewitt is there was any way to change her mind about the chickens. Commissioner Hewitt stated she was raised on a ranch and chicken are filthy. Commissioner Doney made the motion to approve Resolution No. 4125, a resolution of the Lewistown City Commission to submit to the registered electors of the City the question of adopting a proposed ordinance No. 1770, authorizing and regulating the keeping of domestic chickens within the City limits of Lewistown to be held with the general election on November 7, 2023 and Commissioner Hrubes seconded the motion. 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: Day, Doney, Hrubes, Scotten, Spika and Terry. Commissioner Hewitt voted against.

4. Discussion on the proposed language for Ordinance No. 1770

City Manager Phelps explained the ordinance would incorporate the changes that were discussed and the proposal that was presented. This includes the permitting process, six hens, coop and run requirements. Commissioner Phelps stated that the attorney is working on a draft of that proposed ordinance as well as an informational sheet prior to the election. This information will be come before the Commission to make sure they are in support of the information being presented to the voters. City Manager Phelps stated that this will come back before the Commission and this is not an action item.

5. Discussion and action on setting the boulevard maintenance assessment for fiscal year 2023-2024

City Manager Phelps stated that these are the current boulevard rates and we are not proposing any increases this year due to staffing and workload concerns. City Manager Phelps further stated that we will continue the process to update the boulevards by securing a consultant. This will be a great project for the planner to help with. Commissioner Terry confirmed that the City Manager is proposing the rate to remain the same for this budget year. There was a pretty hefty raise last fiscal year. Commissioner Doney made the motion to set the boulevard maintenance assessment for fiscal year 2023-2024 at 75 cents per square frontage. 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 will all being in favor.

6. Discussion and action on setting the street maintenance assessment for fiscal year 2023-2024

City Manager Phelps explained that the information provided shows the past rates of the street maintenance assessment and other available funding for street improvements. City Manager Phelps stated there is an increase in the City's gas tax funding. The gas tax was consolidated through the last legislature and the BARSAA funding will go away. This year there are some one-time funding, which

are unallocated BARSAA funds which is a one-time payment of \$261,452.82 and a one-time distribution of \$624,683.84 as a result of a senate bill. City Manager Phelps stated that based on that funding she is not recommended an increase in the street maintenance assessment. Commissioner Hewitt made the motion to set the street maintenance assessment for fiscal year 2023-2024 at .035 cents and Commissioner Doney seconded the motion. Mr. Casey Vaughn asked what is being done with the streets and the streets are terrible. City Manager Phelps answered the Public Works department is putting a street project together and will be starting some patching this week. Mr. Vaughn stated that patches do not work and they are not being done properly Mr. Vaughn stated that the roads are garbage and asked if there are grants the City could be looking for. City Manager Phelps answered no, there are not any grants and the City has applied for TIGER grant funding and were unsuccessful. Mr. Vaughn stated there has to be more funds for the streets because the streets are garbage. Further discussion followed. 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 will all being in favor. Commissioner Doney stated that the City puts a million to two million into street improvements every year, it may not go as far as the Commission would like due to the cost. Commissioner Doney further stated she does not think any citizen that is paying or has paid an SID would like to pay for other streets to be paved. Commissioner Terry commented that people need to understand that infrastructure belongs to the City and water, sewer and street maintenance very seldom have grant options.

7. Discussion and action on approving Resolution No. 4128, a resolution authorizing participation in the Board of Investments of the State of Montana annual adjustable-rate municipal finance consolidation act extendable Bond (Intercap loan program), approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto

City Manager Phelps stated that this is for the radio upgrades, 800 MHz and the recorder. The project included some electrical and air conditioning improvements. City Manager Phelps stated that the worst-case scenario principal amount is \$1,338,678 with an initial rate of 5.75%. The interest rate is adjusted annually each fiscal year and there are two payments each fiscal year. City Manager Phelps stated that we have currently drawn down \$633,475.78 and it is a ten-year loan. Commissioner Hrubes asked how many other loans the City currently has. City Manager Phelps answered that the City only has one other loan with intercap. Commissioner Doney made the motion to approve Resolution No. 4128, a resolution authorizing participation in the Board of Investments of the State of Montana annual adjustable-rate municipal finance consolidation act extendable Bond (Intercap loan program), approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto and Commissioner Hrubes seconded the motion. 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 will all being in favor.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Doney asked Commissioner Day if the burning of pallets has been banned at East Fork, because she knows Ackley recreation area has banned the burning of pallets due to the number of nails. City Manager Phelps answered that she is unaware of it being banned, but burning is only allowed in the designated pits.

Commissioner Doney reported that she has received a letter from the Neudicks and has been reassured by the City Manager that a written response is pending. City Manager Phelps stated that the written response is available for the Commission.

Commissioner Day commented that she was unable to attend the recent Lewistown Downtown Association (LDA) meeting, however, Commissioner Terry attended. Commissioner Day asked about the trash cans and City Manager Phelps is working with the Public Works Departments. Commissioner Day stated that the LDA would like to be a stake holder in the downtown parking discussions. City Manager Phelps explained that through the process public comment has been solicited all along. City Manager Phelps further explained the LDA was originally invited to the prior discussions and will be able to participate during the public process.

Commissioner Hrubes stated that he received a letter from the Neudicks and did go look at the property and it is a unique situation that needs to be taken care of and it shouldn't have taken this long.

Commissioner Hewitt commented that she too has seen the property that the Neudicks are questioning. It needs to be taken care of soon.

Commissioner Terry thanked the Commission for all of the work on the budget. There will be a special meeting on July 24th at 6 pm. to review the budget.

ADJOURNMENT

Chairman Terry adjourned the meeting.

Dated this 17th day of July, 2023.

KellyAnne Terry, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk