

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON NOVEMBER 6, 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 meet this Wednesday, November 8, 2023 at 10:30 am.

Commissioner Day reported that the Park and Recreation Board met on November 1st. Commissioner Day commented that Karen Sweeney was in attendance representing the pickleball people, gave an update on the project. Ms. Sweeney also asked for some assistance for the City for asphalt repair and tree removal. The new shelter for Frank Day park will be constructed depending on the weather. The civic center is very busy with fall sports which include basketball, and archery. There are over 60 kids registered in the youth hockey program and the association hopes to have ice on the rink by Thanksgiving. The civic center rates are still under review regarding an increase for memberships and rental rates and hope to go into effect in January 2024.

Commissioner Hrubes reported that the County Health Board met on October 23rd, he did not attend because he did not receive notice. Commissioner Hrubes explained that he met with the someone from the board and verified his email so he will receive notices going forward. Commissioner Hrubes commented that the health office gave over 559 vaccinations over the last three months. There were 17 clinics scheduled in October. Commissioner Hrubes commented that there were 13 animal bites reported. Commissioner Hrubes stated that the sanitarian in training has been training for 7 months and can now independently inspect establishments. The sanitarian has inspected 124 establishments and investigated 13 public health complaints. There are four new licensed septic installers in the area. The next meeting is the fourth Monday of January.

Commissioner Hewitt reported that the Airport Board met last Wednesday and one of the priorities is to purchase an outfit for the airport manager to drive. The current vehicle is in need of repairs and it is not cost effective to repair. The manlift requires eight batteries for a total cost of \$2,400. Commissioner Hewitt explained that the Airport Board is going to ask Griffith Construction to prepare a proposal to bring sewer to the lots located along the highway. A person recently inquired about leasing some airport land for putting some retail buildings on and there is a very lengthy process to make the happen.

Commissioner Scotten reported that he doesn't know when the next Snowy Mountain Development Corporation meeting was cancelled this month because there was not a quorum.

Commissioner Scotten reported that Shelter Solutions has not had any recent meetings.

Commissioner Terry reported that the Central Montana Foundation met on October 24th. CMF approved a grant in the amount of \$1,370 for the Boy Scouts Troop 360 for a portion of their annual dues. ROWL received a grant in the amount of \$1,800 for operating costs. The Wheatland County Community Mental Health received \$3,000 for emergency funding. Commissioner Terry explained that would be whatever the Wheatland County Community Mental Health deemed emergency. Commissioner Terry reported the next meeting is November 28th at 2 p.m.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

There was not committee of the whole tonight. There were several businesses that were open late and having open houses. We hope that everyone has an opportunity to attend the open houses.

A reminder the City Offices will be closed on November 10th in observance of Veterans' Day.

Recently, there has been an uptick in spam and phishing attempts on various websites and email accounts. We have been in contact with our IT provider regarding this activity. Our security is up to date and they have tightened our spam filters. If you have questions regarding your city email account or are concerned about specific situation, feel free to contact the City Manager.

The components of the 800 MHz radio system were installed a couple of weeks ago. WE will soon begin to transition to this system. Most of the new radios have been received and are currently being used. The Fire Department is still waiting for their portable radios to be tested before they can be shipped out and put in service.

Assistant Police Chief, Jon Polich recently retired. As a result, there have been several staffing changes in the Police Department. Levi King has been promoted to Assistant Police Chief and Tony Honeycutt has been promoted to Captain. Please congratulate these guys if you see them.

Construction on the water system continues. The hatchery pumping station is now up and running. The contractor is now working at the lower pump station and working on the control system continues.

PUBLIC COMMENT - non agenda items

Mr. Roy Koch addressed the audience explained that he has talked with Mr. Mark Johnson, mayor of Kalispell would be willing to come and talk to the community about the impact the warming shelter had in the City of Kalispell. Mr. Koch explained that he is willing to bring Mr. Johnson here and wondering if a group would like to have a public meeting. Commissioner Terry commented that she feels it is

something that Shelter Solutions should definitely should listen to and move to the next level. Commissioner Terry stated that as a Commission they are willing to listen to whatever, but should start with Shelter Solutions.

Mr. Ed Durbin addressed the Commission regarding tree branches and snow removal. Mr. Durbin explained that now when there is a tree or bush problem you need to call dispatch. Mr. Durbin states that he feels the Police Department is busy with other things and they don't have time to babysit property owners regarding tree branches. Mr. Durbin stated that he is advocating for the blind, elderly and handicapped that uses the sidewalks. Mr. Durbin commented that he is aware of a lot of trees that need to be trimmed. Mr. Durbin reported that on the east corner of 1st Ave and Boulevard there is a locator pole for the blind or handicap and there is a tree right next to it growing up and the grass is almost as tall as the pole. Mr. Durbin reported many areas of concern with regard to overhanging branches, bushes and high grass. Commissioner Terry thanked Mr. Durbin for coming to the Commission. Commissioner Terry asked the City Manager if the City could remove the tree and trim the grass at the locator pole. City Manager Phelps answered that mostly likely is MDT property, but will work with them to correct the issue. City Manager Phelps explained that the way the tree branches per city code the property owners need to be notified and get time to correct the issue. If it is not corrected the City can move forward, but time lines are very important to address the issues.

Mr. Dave Heller, 112 Mount Pleasant, addressed the Commission regarding a motor home. Mr. Heller stated it is his understanding that the City Code reads that motor homes, trailers can part along the street from April 1 to November 1 and has to be moved every five days. Mr. Heller explained that this motor home has not moved it is parked on the sidewalk facing the wrong direction. Mr. Heller asked if this issue is a code enforcement issue. Commissioner Terry answered that yes, the code enforcement's job is to follow up on code enforcement complaints. City Manager Phelps explained that the Code Enforcement officer does enforce infractions by complaint. Mr. Heller continued to explain the issue to the Commission. Commissioner Terry thanked Mr. Heller for coming to the Commission.

Ms. Jeanette Redman explained that she has questions regarding the warming shelter and as of today what is the status of the shelter. Commissioner Terry answered that right now the City Commission is not involved with where it is at, what it is or any funding. Commissioner Scotten explained that Shelter Solutions has worked to get a non profit status and they are working to find a location. Commissioner Scotten shared a flyer with her. Commissioner Scotten reported that they have meetings that anyone can attend but they are not posted in the paper. Ms. Redman asked if the City will vote on this issue. Commissioner Scotten reported that Shelter Solutions goal is a warming shelter. Ms. Redman commented that it may be their goal but it will go further than that and will bring in people. It was stated that nothing has been brought before the Commission, however, Shelter Solutions will have to follow the City's zoning regulations, building and fire codes.

Ms. Kelly Hays asked if the Commission has any say where the warming shelter can be located. Ms. Hays explained that she comes from a state where there were warming shelters and she has seen what they can do to a community. Ms. Hays further explained that it may not happen here but it could. City Manager Phelps answered that the Commission would not have any say on private property. Commissioner Terry suggested she attended the next Shelter Solution meeting to express her concerns.

There was some discussion on how much homelessness is in Lewistown. Commissioner Scotten reported that the school superintendent reported that there are 20 plus students not staying at their parents' home. Commissioner Terry explained that it has been established that there is a need and there was a movement by a group to understand the issue to hope to solve the issue. The City does not have anything to do with, but there are a lot of people out there trying to understand what is going on. Commissioner Terry stated that is the Commission would recommend contacting the individuals on Shelter Solutions. Commissioner

Terry further explained that at this point the Commission is not voting or making an advocacy and luckily there are people in the community trying to figure out the issue. There was further discussion. Commissioner Terry thanked everyone for attending and encourage everyone to reach out to Shelter Solutions to get more information.

CONSENT AGENDA

Commissioner Doney made the motion to approve the consent agenda and Commissioner Scotten seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from October 14, 2023 to October 31, 2023 for a total of \$662,883.13.

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

1. Discussion and action on approving Resolution No. 4144, a resolution awarding TIF District Funds to Brandon Overland for property located at 704 W Broadway as approved by the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that the property is located at the corner of 7th Ave and Broadway. It is a historic house that was moved into Lewistown from Fort Maginnis, it is a six-unit apartment building. City Manager Phelps further explained that Mr. Overland is going to do a lot of exterior work, which includes replacing siding rotten boards, painting and basic clean up. This is eligible for TIF funding and it is a one-to-one match and the TIF board approved a grant in the amount of up to \$20,000. City Manager Phelps stated that the main purpose of the TIF district is to address blight. Commissioner Spika made the motion to approve Resolution No. 4144, a resolution awarding TIF District Funds to Brandon Overland for property located at 704 W Broadway as approved by the Lewistown Tax Increment Financing District Board 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 the clerk took a roll call vote and all were in favor of the motion.

2. Discussion and action on approving the 2023-2024 School District No. 1 recreation agreement

City Manager Phelps explained that this is an agreement between the City and the School District for use of various City facilities, which includes the civic center and the pool. The agreement was revised because the past agreement was still more in line when the recreation director was an employee of both entities. City Manager Phelps reported that an increase was included in the agreement in accordance with an annual CPI increase. Commissioner Hrubes made the motion to approve the 2023-2024 School District No. 1 recreation agreement in the amount of \$6,000 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 and all were in favor of the motion.

3. Discussion and action on approving the declaration of restrictive covenants on real property for, a portion of the former Berg Lumber property

City Manager Phelps explained that these are the institutional controls or covenants that need to be in place to get a no further action letter on the entire Berg Lumber site from DEQ. City Manager Phelps commented that these are the properties that the City plans on retaining. The amount of land the City is retaining is less than an acre. City Manager Phelps stated that a green space can be created with picnic tables. Commissioner Terry commented that this is very important that the Commission approve the covenants so the DEQ can give us a no further action letter. Commissioner Spika made the motion to approve the declaration of restrictive covenants on real property for, a portion of the former Berg Lumber

property and Commissioner Day 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 and all were in favor of the motion.

4. Discussion and action on allowing the City Manager to enter into intent to exclusively negotiate real estate purchase agreement

City Manager Phelps explained that Big Spring Meadows, LLC has been discussing the purchase of this property with the City Manager for almost a year. This agreement will allow the group to move forward with some due diligence. There is a purchase price of \$105,000, with an inspection period of at least 120 days with two extensions of the inspection. There was some discussion of where the property is located. City Manager Phelps explained that this property has already been subdivided. Commissioner Terry explained that the DEQ needs to give the City a no further action letter so that the City can move forward with this purchase. This is the first step of the process, there will be a development agreement and the property will have to be annexed prior to the property transfer. Commissioner Doney made the motion to approve allowing the City Manager to enter into intent to exclusively negotiate real estate purchase agreement 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 and all were in favor of the motion.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Scotten asked about the excavation at the honey farm. City Manager Phelps answered that is the water project.

Commissioner Hrubes stated he is happy that TIF money is being used.

Commissioner Day reported the Fountain Terrace is applying for a historic preservation grant and wonder if there is anything the City can do to help.

Commissioner Spika commented that she is excited for the results on the chicken referendum. Commissioner Spika thanked Commissioner Terry for facilitating the meeting.

ADJOURNMENT

Chairman Terry adjourned the meeting.

Dated this 6th day of November, 2023.

KellyAnne Terry, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk