

**A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON OCTOBER 16, 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 Scotten reported that Snowy Mountain Development Corporation board will be meeting on October 19<sup>th</sup>.

Commissioner Scotten reported that Shelter Solutions has selected a location for the warming shelter. The group is currently negotiating with John Payne to purchase the old Lewistown On Line building. Commissioner Scotten commented that they have used the grant from HRDC to purchase mattresses, room dividers, bedding and a washer and dryer. All this is in storage and have distributed information during Chokeycherry Festival. City Manager Phelps suggested that Commissioner Scotten encourage the group to meet with the building official and fire department to make sure whatever is going to be done with the building is compliant with City code. The goal is for it to be operational for a 12 hour warming center.

Commissioner Hewitt reported that the Airport Board met. There are new tires for the bobcat and new blades for the snowplow. The dodge truck acquired by the Airport has new tires, front end work and new headlights. Commissioner Hewitt reported that the wildlife fence is being tightened up and a little more will need to be done before winter. Commissioner Hewitt explained there was some discussion regarding FFA funding and future projects. Peak Electric is going to put a new light in near their shop. Commissioner Hewitt commented that the Airport Board did discuss the possibility of applying for funding from the Targeted Economic Development to run water and sewer lines to the six lots along the highway. The Daughters of the American Revolution would like to make some improvements to the

Nordon Bomb site building. The BLM has requested a lease to put in a bunkhouse for the firefighters during fire season.

Commissioner Day reported that the Park and Recreation Board met on October 4, 2023. Commissioner Day stated that new business was discussion of the Civic Center's current rates and suggested rates. The Civic Center is running at a loss and many users are not fulfilling their membership commitments. Commissioner Day further reported that some of this is due to the current record keeping system and noted that the Civic Center has a significant use of senior citizens and student population using the facility and the Recreation Director is asking for direction from the board. The Recreation Director has asked the board if they should continue to allow them to use the facility free of charge or charge a minimal fee to use the facility. The board agreed that the new fees will be discussed at the November 1<sup>st</sup> meeting. Commissioner Day reported that the swimming pool has been completely winterized and the snack shack demo will be done soon. There are also some new classes starting at the Civic Center. The pickleball courts are done and they have asked if two trees can be removed.

Commissioner Doney reported that the Library board will meet on October 19<sup>th</sup>.

Commissioner Terry reported that Central Montana Foundation will meet on October 24<sup>th</sup> at 2 pm.

### **CITY MANAGER REPORT**

City Manager Holly Phelps reported on the following issues:

The members of the VACOM team spent a week in Lewistown looking around the community to see if Lewistown would be the location for their US Headquarters. We are expecting to hear where they will be locating early next week.

The City has recently said farewell to a few longtime employees and have welcomed a few new faces. Shawna Williams and Teri Gilpatrick recently retired and we have welcomed new faces at the Civic Center and Fire Department. The City still has several positions open and more information can be found on the City's website ([www.cityoflewistown.com](http://www.cityoflewistown.com)) or at Job Service.

The Lewistown Historic Resources Commission still has books available. This book is a pictographic journey of Lewistown's history. The books are \$25.00 each and can be purchased at the City Office or several other retail locations. Keep in mind, these books make great Christmas gifts.

As election season approaches, the City Manager wanted to remind everyone what the City code is on temporary signs. While temporary signs are exempt from the standard permit requirements, they cannot be placed on the public right of way (City or State) and must be removed within 60 days prior to the event and removed upon completion of the activity. These signs must be placed on private property.

Reimagining Rural will be holding a follow up virtual event, this Wednesday, October 18. Participants will learn how to apply and what other towns have accomplished after participating. If you are interested you can register at [montna.edu/extension/community development/RRinspiration.html](http://montna.edu/extension/community%20development/RRinspiration.html)

The Public Works Department will start the leaf clean up schedule on October 30<sup>th</sup>. There will be a list of areas with dates and a map of the town so citizens can determine when their area will be done. The information has been shared with the radio, newspaper and on the City's website.

City Manager Phelps commented that recently several utility customers have inquired about irrigation meters. The new sewer rates increase and the change in how commercial property will be charged for

sewer usage. The customers were quite surprised by their sewer bills due to summer usage. City Manager Phelps stated that the City is working to help these customers understand their bills and helping with irrigation meters.

**PUBLIC COMMENT** – non agenda items

There were none.

**CONSENT AGENDA**

Commissioner Day made the motion to approve the consent agenda and Commissioner Doney seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from September 29, 2023 to October 13, 2023 for a total of \$187,120.40.

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

1. Discussion and action on approving the proposal from John and Cherie Neudick regarding the property located at 909 W Erie

City Manager Phelps explained that the Neudick's provided a letter asking the City to sell them a piece of the property that is currently the public right of way of Entrance Ave. There were two different options; the first option was a 10-foot width and the other would be a 7.7-foot width of the lots and the proposed price is \$4.39 per square foot and all other costs associated with the purchase. City Manager Phelps commented that the sale of the property would rectify the current encroachment. Commissioner Doney stated the hard part is that we don't have a crystal ball and hope that something like this does not happen again, but her guess is it will and the City may be setting a precedent. Commissioner Scotten asked if all these situations are different then are we really setting a precedent? Commissioner Doney answered yes. Commissioner Doney commented that the City does not hire surveyors for building issues. Commissioner Doney agrees that it is time to complete this issue and hope it doesn't happen again. Commissioner Terry asked if Commissioner Scotten is hoping these types of situations are rectified in the beginning and not to late. Commissioner Scotten answered that if a situation comes up again there will be different issues, and feels that there will be an argument every single time. Commissioner Hewitt made the motion to accept the proposal from John and Cherie Neudick to sell 1,253 square feet at \$4.39 per square foot and all associated costs on the property located at 909 W Erie and Commissioner Scotten seconded the motion. Commissioner Hrubes stated that he went, looked and measured the property, and what they are buying is a grassy knoll. Commissioner Hrubes commented that he talked with the neighbors and they don't have a problem with it and hope it doesn't set a precedent. Mr. Brandon Beriault addressed the Commission stating that he knew a little bit about grassy knolls. Mr. Beriault stated he knows they can be misused and he is concerned about that. Commissioner Terry stated that she is asking for discussion on the property on 909 W Erie. Mr. Beriault commented that he is against any City funds being used for grassy knolls. Commissioner Terry asked for comments from the audience and Commission. There being none, the clerk took a roll call vote and all Commissioners voted in favor.

2. Discussion and action on approving the Community Development Block Grant (CDBG) application for the Lewistown Public Library

City Manager Phelps explained that the application was discussed during the committee of the whole. The Library is asking the City Commission to sponsor a CDBG planning grant for the Library. City Manager Phelps stated that CDBG does required a City or County to sponsor the grant. Library Director Alissa Wolentz commented that there is no financial obligation for the City and the Library Board would like the City's stamp of approval to apply for the grant. Commissioner Day made the motion to approve the Community Development Block Grant application for the Lewistown Public Library and Commissioner Doney seconded the motion. Commissioner Terry asked for comments from the Commission. Commissioner

Hrubes commented that as part of the consent agenda a water system inspection report was approved and asked if the grant amount will cover what the Library is trying to get done. Library Director Wolentz commented that she has discussed this with other Libraries and will be trying to get some estimates. Mr. Beriault addressed the Commission and stated that just like in the grassy knoll situation for misuse of government use, the Library just seems that the expenses don't justify the need. Mr. Beriault explained that he has used the Library to get copies for his invoices and mentioning customers - I have lost some customers for not wearing a mask in public. Mr. Beriault stated he has to question himself on how much the Library is worth and are they standing up for the second amendment because he does not see it. Chairman Terry explained that what he is referring to does not have anything to do with this item. Mr. Beriault stated the funding for the Library should be cut because they are opposed to the second amendment and going to kick me out for not wearing a mask. Chairman Terry again explained that is not what the Commission is discussing at this time and appreciates his input. Mr. Beriault would not sit down after he was asked several times that what he wanted to discuss would be during citizens' requests. Chairman Terry asked the Clerk to step out and phone the police department. Chairman Terry asked that he wait to talk during citizens' requests and continued to talk. Chairman Terry chose to stop the meeting and take a recess. The meeting was in recess while the police came in and escorted Mr. Beriault out. Chairman Terry reopened the meeting. 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 with all Commissioners being in favor.

### 3. Discussion and action on appointing Doug Osterman as the Historic Preservation Officer

City Manager Phelps stated that the Commission has met Mr. Osterman, the planner, as part of his duties he is also to serve as the Historic Preservation Officer. City Manager Phelps explained that in the Historic Resources City Code explains the duties of the Historic Preservation Officer. City Manager Phelps reported that some of the duties of the Historic Preservation Officer, coordinate preservation activities, act as the staff for the historic resource commission, planning and provide other documentation. Commissioner Terry explained that typically the historic preservation officer is a employee of the City. Ms. Teri Gilpatrick was the historic preservation officer and she has retired, so now the Commission needs to appoint a new one. Commissioner Hrubes made the motion to approve appointing Mr. Doug Osterman as the Historic Preservation Officer 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 with all Commissioners being in favor.

### 4. Discussion and action on reappointing Toni Gies to the Historic Resources Commission

Commissioner Terry commented that Ms. Toni Gies has served on the Historic Resources Commission (HRC) for years and has been a huge asset to the HRC. Commissioner Terry further commented that she has worked with Ms. Gies and fully support her being reappointed to the HRC. Commissioner Hrubes made the motion to approve reappointing Toni Gies to the Historic Resources Commission and Commissioner Hewitt seconded the motion. Library Director Wolentz commented that she is excited to continue to work with Toni Gies on the HRC. 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 with all Commissioners being in favor.

## **CITIZENS' REQUESTS**

There were none.

**COMMISSIONER’S MINUTE**

Commissioner Doney asked how the urban deer plan was coming along. City Manager Phelps answered that the plan is to start culling next week. City Manager Phelps reported that the police department has worked with the local processes and we have 25 permits.

Commissioner Spika thanked everyone for how the situation during the meeting was handled.

Commissioner Day reported that she was contacted by someone with the homeowner’s association with Esplanade and asking about tree removal. There are residents that want three trees removed and there are other residents that do not want the trees removed. City Manager Phelps explained that they have to be diseased or hazardous prior to being removed by the City tree removal process. City Manager Phelps commented that the homeowner’s association would have to make the request.

Commissioner Scotten asked if all the Commission took the planning survey and when will we see the results. City Manager Phelps stated that the results will go to the consultants first.

Commissioner Terry stated that she would like to write a letter from the Commission that supports the CDBG grant from the Library. Commissioner Terry commented that she will put it on City letterhead.

**ADJOURNMENT**

Chairman Terry adjourned the meeting.

Dated this 16<sup>th</sup> day of October, 2023.

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KellyAnne Terry, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk