

**A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON OCTOBER 2, 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, Hewitt, Hrubes, Scotten, Spika and Terry. Commissioner Doney was absent.

**APPROVAL OF MINUTES**

Chairman Terry stated that without objection and based on the corrections the September 18, 2023 minutes are approved.

**COURTESIES**

There were none.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Day reported that the Park and Recreation Board will meet this Wednesday, October 4, 2023 at 7 pm at the Civic Center.

Commissioner Hewitt reported that the Airport Board will also meet this Wednesday, October 4, 2023 at 3 pm at the Airport.

Commissioner Scotten reported that Snowy Mountain Development Corporation (SMDC) will be meeting on October 19<sup>th</sup>.

Commissioner Terry reported that the Central Montana Foundation met on September 26, 2023. There was not a single grant request. Commissioner Terry commented that they did review the foundation's policies and procedures. The staff is in the midst of a major software conversion. The next meeting is October 24<sup>th</sup>.

**CITY MANAGER REPORT**

City Manager Holly Phelps reported on the following issues:

The Public Works Department is getting ready to start leaf cleanup. The department is working on the schedule. Once the leaf schedule is complete this information will be shared with the newspaper and radio but will also be available on the City's website. The tentative plan is to start the leaf pick up the end of October.

This week is homecoming for Fergus High School. This week's events include coronation, parade, football game and dance. Get out there and support the Eagles!

The City is in the middle of our growth policy survey. There has been a great response but people can still participate for the next couple of weeks. There are flyers and post cards around town and you can find the link online or Facebook.

The City Manager was recently notified that the Montana Department of Transportation is planning a project along 1<sup>st</sup> Avenue from Main St to the Big Spring Creek Pedestrian Trail. The intent of the project is to upgrade facilities to improve ADA accessibility and compliancy. Possible treatments to remove ADA barriers could include replacement of non-complaint ADA curb ramps, installing pedestrian actuated push buttons, and eliminating tripping hazards. Current plans are to construct beginning early to midspring and complete in 2024.

The City was notified from Montana Municipal Interlocal Authority (MMIA) last week that the City of Lewistown has earned the 2022/2023 Loss Control Achievement Award in the Liability Program for second class cities. This means that out of all the second-class cities that participate in the MMIA liability program we had the lowest incurred dollar in the past five years.

Montana Department of Transportation is currently going through tentative construction plan for the Ash Street urban route project. The cost estimates for the project show costs have increased and the FY26 Lewistown Urban Area STPU balance of \$3,410,000 does not cover the estimated construction cost for this project. The funding shortfall is approximately \$200,000. We are discussing possible situations or options to address the shortfall.

City Manager Phelps reported that she continues to work with the Department of Commerce, Business Attraction Department, there is a large overseas company that is potentially looking at relocating to Montana. The City of Lewistown is in the running for the company to locate here. Several people from the Department of Commerce went to Germany to see the campus. The two Montana locations are Lewistown and Hamilton. The company representatives will be here this month and there will be several meetings schedule in the community and it is a good opportunity to showcase the City of Lewistown.

**PUBLIC COMMENT** – non agenda items

There were none.

**CONSENT AGENDA**

Commissioner Hewitt made the motion to approve the consent agenda and Commissioner Hrubes seconded the consent agenda. The motion passed unanimously. The consent agenda was the Acknowledgment of the claims that have been paid from September 15, 2023 to September 28, 2023 for a total of \$217,240.84

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

1. Discussion and action on approving preliminary plat of Lot 6 of the K & T Properties Subdivision #2

City Manager Phelps explained that included in the Commission packets was a proposed subdivision and utility drawings. The City has been working with the developer to do a four lot subdivision. The developer is still going through the process of getting approval from DEQ for the main extensions and connections into the City. This would be a City subdivision connected to City services, both water and sewer. A city street will be going into the subdivision and the street will be built to City standards. City Manager Phelps explained that what she is asking for tonight is approval of the preliminary plat. Commissioner Terry asked if the Commission understands where this property is located. Commissioner Terry commented that it is located up on H Street near Town and Country. The property is not currently annexed and it is a commercial development. City Manager Phelps stated that it will need to go through the planning board, the annexation and zoning process, prior to the final approval. Commissioner Terry explained that the developers are asking the Commission to approve all the work that has been done to this point. Further discussion followed. Commissioner Hrubes made the motion to approve the preliminary plat of Lot 6 of the K & T Properties Subdivision #2 and Commissioner Scotten 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.

2. Discussion and action on authorizing the City Manager to send a letter to the DEQ stating that Lot 6 of the K & T Properties Subdivision #2 will be allowed to connect to city water and sewer

Commissioner Terry explained that the Commission just approved the preliminary plat and the next step is to authorize the City Manager to send a letter to DEQ stating the City of Lewistown will allow the subdivision to connect to City water and sewer. City Manager Phelps commented that the developers are working with the public works department on different things. Commissioner Day made the motion to approve authorizing the City Manager to send a letter to the DEQ stating that Lot 6 of the K & T Properties Subdivision #2 will be allowed to connect to city water and sewer 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.

3. Discussion and action on second reading on Ordinance No. 1771, an ordinance amending Title 10, Chapter 5, Section 2(D); Title 10, Chapter 5, Section 3(C); and Title 10, Chapter 6 Section 5(B) of the Lewistown City Code to allow fees and fines be set by resolution

City Manager Phelps stated that this is the second reading of Ordinance No. 1771. The Commission is not proposing any fines or fees. The ordinance is just stating that moving forward the fees can be looked at and set by resolution. City Manager Phelps explained that if this ordinance passes tonight then it would go into effect in 30 days. Commissioner Day made the motion to approve the second reading on Ordinance No. 1771, an ordinance amending Title 10, Chapter 5, Section 2(D); Title 10, Chapter 5, Section 3(C); and Title 10, Chapter 6 Section 5(B) of the Lewistown City Code to allow fees and fines be set by resolution 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 the clerk took a roll call vote with all Commissioners being in favor.

4. Discussion and action on approving information for the ballot issue regarding chickens

City Manager Phelps explained that this is the information that will be given out to voters wanting information about chickens. City Manager Phelps commented that she made sure that chicken coop was used throughout the document. City Manager Phelps stated that the City cannot advocate either way, but can provide the facts. Further discussion followed that these are the facts and the commission is not

advocating either way. There was discussion regarding the ability to advocate for chickens and the Hatch Act. Commissioner Spika made the motion to approve the information for the ballot issue regarding chickens 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 with all Commissioners being in favor.

### **CITIZENS' REQUESTS**

There were none.

### **COMMISSIONER'S MINUTE**

Commissioner Day would like to discuss in the near future the 3<sup>rd</sup> Ave diagonal parking. Commissioner Day asked about the status of Berg Lumber. City Manager Phelps explained that we are currently working on a document regarding the institutional controls of the property. The City Attorney is waiting for a response from DEQ to approve and then DEQ would issue a not further action letter.

Commissioner Hrubes reported that he had a phone call from Mr. Ed Durbin. Commissioner Hrubes commented that the City has an ordinance regarding overhanging branches on sidewalks. Commissioner Hrubes explained that he has been in contact with him and Mr. Durbin has reported it to Code enforcement. Commissioner Hrubes stated that nothing has been done and it has been a couple of months. Commissioner Hewitt reported that there is a lot of obstructed views on the corners.

Commissioner Terry reported that the City does allow potbellied pigs. Commissioner Terry commented that one came to visit at the Calvert and he is a very large one and laid in the sun greeting the guests.

### **ADJOURNMENT**

Chairman Terry adjourned the meeting.

Dated this 2<sup>nd</sup> day of October, 2023.

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KellyAnne Terry, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk