

**A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON  
SEPTEMBER 5, 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, Hrubes, Scotten, Spika and Terry. Commissioner Hewitt participated virtually and Commissioner Doney was absent.

**APPROVAL OF MINUTES**

Chairman Terry stated that without objection and based on the corrections the August 21, 2023 minutes are approved.

**COURTESIES**

There were none.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Scotten reported that the next Snowy Mountain Development Corporation (SMDC) will be held October 19, 2023.

Commissioner Day reported that the Park and Recreation Board will meet the Civic Center at 7 pm on September 6, 2023.

Commissioner Terry commented that the Central Montana Foundation (CMF) met on August 29<sup>th</sup>. Commissioner Terry reported that the board reviewed the quarterly reports. There was a little bit of money given to the art center to transfer the art program into the school system. The next CMF meeting will be September 26<sup>th</sup>.

**CITY MANAGER REPORT**

City Manager Phelps reported on the following issues:

The Public Works Department is in the process of conducting annual Dam inspections. Each year the department goes out and operates the gate structures, measures piezometers and walk the entire dam. This year there is a new DNRC engineer doing the inspection with us.

The City of Lewistown currently has a few positions open. These openings include 2 dispatch positions, street worker, office clerks, youth services librarian and a police officer. We recently hired two public works

employees and completed interviews for both the police officer and firefighter positions and are proceeding with the background process.

This year the Chokecherry Festival will be held on September 9<sup>th</sup>. The festival begins with the Kiwanis pancake breakfast, and will include a car show again this year. The day's events conclude with the Trails and Ales. This event will be held at Creekside from 4 to 7 pm and will include music from the Sightliners.

The consultants and the Department of Commerce will be in town Friday to do a site visit and will have a booth setup at the Chokecherry Festival. They hope to get the word out that we are updating our Growth Policy. The consultants are hoping to hear from the public on growth in and around our community. We are also working on scheduling for small focus group discussions on the various portions of the policy. Houseal Lavigne Associates also plans on doing a site visit sometime in October to gather data.

Montana League of Cities and Towns will hold their annual conference October 11<sup>th</sup> -13<sup>th</sup> in Helena. This year's theme is "Go Local." Please check with the City Clerk or City Manager if you are interested in learning more about the agenda or would like to attend.

The sign ups for the fall soccer program just wrapped up. Fall soccer is the biggest youth program the Park and Recreation Department does.

The annual City Manager evaluation is done this time each year. City Manager Phelps asked when the Commission would like to schedule the evaluation. Commissioner Terry asked that is be schedule late October or early November. Commissioner Terry would like it after Chokecherry Festival and after City Manager attends the annual league conference.

**PUBLIC COMMENT** – non agenda items

There were none.

**CONSENT AGENDA**

Commissioner Hrubes 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 August 18, 2023 to August 31, 2023 for a total of \$700,949.20

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

1. Discussion and action on approving Resolution No. 4135, a resolution redefining the boundaries of Street Maintenance District No. 1 in the City of Lewistown

City Manager Phelps explained that the City only has one Street Maintenance District. The district includes all of the streets in the City limits and the boundary is the city limits. Commissioner Spika made the motion to approve Resolution No. 4135, a resolution redefining the boundaries of Street Maintenance District No. 1 in the City of Lewistown and Commissioner Hrubes seconded the motion. Commissioner Terry asked for comments from the audience and Commission. Commissioner Day asked how often the redefining of the street maintenance district have to be done. City Manager Phelps answered it is done annually during the budget process. Commissioner Terry asked for comments, there being none, the question was called for and the City Clerk took a roll call vote with all being in favor of the motion.

2. Public hearing on the cost of maintenance of Boulevard District No. 12, cost of maintenance reserve and administration for Lighting Districts and cost of maintenance in Street Maintenance District No. 1

Chairman Terry opened the public hearing to hear comments on the cost of maintenance of Boulevard District No. 12, cost of maintenance reserve and administration for Lighting Districts and cost of maintenance in Street Maintenance District No. 1. City Manager Phelps stated that all of the assessments rates remain the same for this fiscal year. City Manager Phelps explained the boulevard district includes those properties that are adjacent to the boulevard and that rate was set at a previous meeting by the Commission. The lighting districts have remained the same and the rates will remain the same. Commissioner Hrubes verified that the boulevard district rate was increased last year and this year we are maintaining. Commissioner Terry asked for comments from the audience and Commissioner. There being none, the public hearing was closed.

3. Discussion and action on approving Resolution No. 4136, a resolution of the City Commission of the City of Lewistown levying and assessing a special tax to cover the cost of maintenance of Boulevard District No. 12, in the City of Lewistown, Montana for the fiscal year beginning July 1, 2023 and ending June 30, 2024

City Manager Phelps explained that the exhibit that is attached lists those properties that are included in the boulevard district and how much each will be assessed based on frontage. The district generates \$3,759.29. Commissioner Hewitt made the motion to approve Resolution No. 4136, a resolution of the City Commission of the City of Lewistown levying and assessing a special tax to cover the cost of maintenance of Boulevard District No. 12, in the City of Lewistown, Montana for the fiscal year beginning July 1, 2023 and ending June 30, 2024 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 City Clerk took a roll call vote with all being in favor of the motion.

4. Discussion and action on approving Resolution No. 4137, a resolution levying and assessing the cost of maintenance reserve and administration, and supplying of electrical current for the street lights within the City of Lewistown, to properties within particular lighting districts

City Manager Phelps stated that with the conversion to LED lights the need to increase rates is not necessary at this time. Commissioner Day made the motion to approve Resolution No. 4137, a resolution levying and assessing the cost of maintenance reserve and administration, and supplying of electrical current for the street lights within the City of Lewistown, to properties within particular lighting districts 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 City Clerk took a roll call vote with all being in favor of the motion.

5. Discussion and action on approving Resolution No. 4138, a resolution estimating the cost of maintenance in Street Maintenance District No. 1, specifying the assessment option and levying an assessment on properties for Street Maintenance

City Manager Phelps explained that this is the street maintenance resolution that establishes what will be assessed on properties located in the street maintenance district. This is a per square foot cost at three and half cents estimated to generate revenue in the amount of \$1,1491,408. The resolution outlines how residential, commercial and undeveloped property will be assessed. City Manager Phelps explained that there will be a lot of money being disbursed from the state, which was one of the reasons the assessment remains the same. Commissioner Spika made the motion to approve Resolution No. 4138, a resolution estimating the cost of maintenance in Street Maintenance District No. 1, specifying the assessment option and levying an assessment on properties for Street Maintenance 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 City Clerk took a roll call vote with all being in favor of the motion.

6. Public hearing on the 2023-2024 budget for the City of Lewistown

Chairman Terry made the motion to open the public hearing to hear comments on the 2023-2024 budget for the City of Lewistown. City Manager Phelps explained that she presented a form to the Commission explaining how the City's tax levy will affect a \$100,000, \$300,000 & \$600,000 house. City Manager Phelps stated that as previously discussed the number of mills has decreased, because the value of the mill increase and the City is limit to the

number of mills that can be levied in a fiscal year. City Manager Phelps explained that the City taxpayers should see a decrease in taxes. Commissioner Hrubes asked if a City taxpayer's taxes will remain the same. City Manager Phelps answered yes, if the value of their house increased and if the value of the house remained close to the same the taxes should show a slight decrease. Commissioner Terry asked for comments from the audience and Commissioner. There being none, the public hearing was closed.

7. Discussion and action on approving Resolution No. 4139, a resolution relating to final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2023 and ending June 30, 2024

City Manager Phelps explained the Montana Code Annotated allows cities with self-governing powers the ability to regulate finances. City Manager Phelps commented that when we look at our budget, we look at the cash carryforward from the previous year, the estimated revenues and expenditures. It is always hoped that there will be a small reserve at the end of the fiscal year. City Manager Phelps explained that she is close with finalizing the police department bargaining agreement and have made the necessary changes to reflect the proposal in the budget. City Manager Phelps explained that she has gotten some feedback from the 911 board and as a result we will be working to allocate most personnel costs to the Central Montana Dispatch Fund and the extra funds in the State 911 fund will be used for capital improvements. City Manager Phelps stated that the City still has budgeted the total of \$200,000, with \$25,000 to remain in the general fund to help fund buyouts, or overtime. City Manager Phelps explained that included in the budget is the permissive mill levy for the health insurance. Commissioner Day made the motion to approve Resolution No. 4139, a resolution relating to final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2023 and ending June 30, 2024 and Commissioner Spika seconded the motion. Commissioner Terry asked for comments from the audience and Commissioner. There being none, the question was called for and the City Clerk took a roll call vote with all being in favor of the motion.

8. Public hearing on Resolution No. 4140, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law

Chairman Terry opened the public hearing to hear comments on Resolution No. 4140, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law. City Manager Phelps explained the Montana Code Annotated allows for City's to levy an annual property tax necessary to fund the increase in health insurance premiums. City Manager Phelps stated the calculation will generate \$192,085.73 in revenue which equates to 20.97 mills. Commissioner Terry asked if the starting year will change. City Clerk Nikki Brummond explained that when this option became available the City took advantage of it and if we were to change the year now the amount, we would be able to generate to help with the increase in health insurance premiums would be less. Further discussion was held. Commissioner Terry asked if the Commission understood and it is already accounted for in the budget. Commissioner Terry asked for comments from the audience and Commissioner. There being none, the public hearing was closed.

9. Discussion and action on approving Resolution No. 4140, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law

Commissioner Hrubes made the motion to approve Resolution No. 4140, a resolution authorizing an increase in the City of Lewistown's mill levy in order to fund increases in premium contributions for medical group benefits for City employees and exempting the same from the mill levy calculation limitation provided for by law and Commissioner Scotten seconded the motion. Commissioner Terry asked for comments from the audience and Commissioner. There being none, the question was called for and the City Clerk took a roll call vote with all being in favor of the motion.

10. Discussion and action on approving Resolution No. 4141, a resolution providing for the annual tax levy mills for fiscal year beginning July 1, 2023 and ending June 30, 2024

City Manager Phelps stated that the City's mill value is \$9,162.10 for fiscal year 2023-2024. It has been determined that 176.09 mills will be levied to balance the general fund budget. The revenue generated will be \$1,613,354. This is a decrease in mills from 219 last fiscal year. Listed in the resolution is the mill levy for the permissive medical tax levy. The tax levy for fiscal year 2023-2024 will be 197.06 mills. The decrease in mills is due to the increase in mill value. A mill is worth more this year. The taxes are only a portion of the general fund revenue.

Commissioner Spika made the motion to approve Resolution No. 4141, a resolution providing for the annual tax levy mills for fiscal year beginning July 1, 2023 and ending June 30, 2024 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 City Clerk took a roll call vote with all being in favor of the motion.

11. Discussion and action on approving Resolution No. 4142, a resolution declaring it to be the intention of the City Commission to adopt revisions to the City of Lewistown's Policy and Procedures Manual

City Manager Phelps explained that in order to have the employee practices coverage with MMIA we need to be complaint with federal law. The family medical leave act which is required for employers with more than 60 employees to provide leave and guarantee the job up to twelve weeks. City Manager Phelps explained that the City's policy currently states that the employee must take accrued leave prior to taking unpaid leave and the federal law changed and now that is optional. Commissioner Day made the motion to approve Resolution No. 4142, a resolution declaring it to be the intention of the City Commission to adopt revisions to the City of Lewistown's Policy and Procedures Manual 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 City Clerk took a roll call vote with all being in favor of the motion.

12. Public hearing to hear comments on Resolution No. 4143, a resolution amending the 2022-2023 budget of the City of Lewistown

Chairman Terry opened the public hearing to hear comments on Resolution No. 4143, a resolution amending the 2022-2023 budget of the City of Lewistown. City Manager Phelps explained that there were four funds in last years budget that were identified that needed to be amended. Those were the permissive health insurance, Creekside marketplace, 911 Dispatch and Central Montana Dispatch. All of the amendments are due to not budgeting enough expenditures. City Manager Phelps explained that by doing this we are keeping the budget in balance.

Commissioner Hrubes asked how these expenses were covered. City Clerk Brummond explained that enough was budgeted on the revenue side however, there wasn't enough expenditure budget. Commissioner Terry asked if the Commission understood and it is already accounted for in the budget. Commissioner Terry asked for comments from the audience and Commissioner. There being none, the public hearing was closed.

13. Discussion and action on approving Resolution No. 4143, a resolution amending the 2022-2023 budget of the City of Lewistown

Commissioner Day made the motion to approve Resolution No. 4143, a resolution amending the 2022-2023 budget of the City of Lewistown 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 City Clerk took a roll call vote with all being in favor of the motion.

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

City Manager Phelps stated that this is the bullet points that would affect the ordinance if the option to have chickens in the city limits passes the voters. City Manager Phelps explained that if a majority of voters approve the option to allow chickens in the city limits then the revisions will go into effect March 2023. City Manager Phelps reviewed the main provisions. The main provisions of the ordinance are as follows: ages and numbers, location, facilities, permits/inspections and other standards. The size of the coop will be outlined in more detail in the actual ordinance. City Manager Phelps stated that the language should be the same and asked if the Commission was okay with using the word coop. The Commission agreed on coop. City Manager Phelps explained that if this is approved the ordinance can not be amended for a year and can't be revoked until two years have passed.

Commissioner Terry asked if the vote for chickens' pass, will the Commission have time to look at more details. City Manager Phelps answered yes. There was discussion regarding runs and more detail needs to be included. Commissioner Terry stated that she feels the fence wording needs to be more specific. Commissioner Terry asked if the Commission felt pretty good about the information that was discussed. City Manager Phelps stated that the run and next to neighbor needs to be discussed further and may need to be better defined. Commissioner Hrubes commented that sanitary condition is a pretty defining word and may need more thought.

### **CITIZENS' REQUESTS**

Mr. Doug Day commented that as an attorney there is always questions regarding ambiguous language. Mr. Day thanked Mr. Hrubes for bringing up the definitions that will be need to be better defined in the ordinance.

### **COMMISSIONER'S MINUTE**

Commissioner Day thanked everyone for the work on the budget.

Commissioner Hrubes stated that at the last City Commission meeting he left feeling frustrated and embarrassed for his loud and persistent investigation into a topic that he thought he had a pretty good understanding of and he didn't. Commissioner Hrubes commented that when he met with SMDC last May he did not ask enough questions and that failure on his part lead him down a course of being frustrated and embarrassed and possibly cast a shadow on the integrity of the Lewistown City Commission and so he apologized to everyone. Commissioner Terry accepted his apologize and stated she did not feel anyone felt it was necessary.

Commission Scotten reported that Shelter Solutions main goal and focus remain the same. A site has not been acquired and they have acquired a \$35,000 grant from HRDC. Commissioner Scotten stated they are looking at a twelve-hour time frame for the warming shelter. The group is continuing to check out all of the shelters around the state and formulating a plan. There is a possibly that Great Falls could help with transportation, since the Great Falls facility is more family oriented.

Commissioner Terry reported that the information that was included in the packet from a citizen indicates they are very upset but is not sure if the Commission can do anything to help. Commissioner Terry commented in reference to information being mailed and that the City Council is not sending anything out to the public. City Attorney Teresa Diekhans briefly explained the situation and that we are at record calls for the community.

Commissioner Terry asked if the Neudick's will be presenting a proposal next meeting. City Manager Phelps answered that is the plan, but have not heard anything yet.

### **ADJOURNMENT**

Chairman Terry adjourned the meeting.

Dated this 5<sup>th</sup> day of September, 2023.

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KellyAnne Terry, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk