

**A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION  
ON APRIL 5, 2021 WHICH WAS HELD AT THE CENTRAL MONTANA  
COMMUNITY CENTER AND STARTED AT 7:00 P.M.**

**CALL TO ORDER**

Chairman Turk called the meeting to order.

**PLEDGE OF ALLEGIANCE**

Chairman Turk asked everyone to stand and say the Pledge to the Flag.

**ROLL CALL**

Present were Commissioners: Day, Dunnington, Hewitt, Oldenburg and Turk. Commissioners Doney and Loomis participated via Zoom.

**APPROVAL OF MINUTES**

There were none.

**COURTESIES**

There were none,

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Day reported that the Central Montana Health District postponed the April meeting to June.

Commissioner Dunnington reported that the City County Planning Board had a meeting on March 25<sup>th</sup>. There was a zoning request for the Casino Creek Highlands Subdivision and the City County Board did not approve the request. The item is on the agenda for Commission approval tonight. Commissioner Dunnington reviewed some of the concerns, which were traffic concerns, the value of the existing property would decrease, and a list was presented from the property owners stated they were not in favor of the zoning change. Commissioner Dunnington also reported that the other item on the agenda was for Moccasin Mountain Subdivision in the county.

Commissioner Hewitt reported that she talked with the Veterans Affairs Cemetery group about a columbarium.

Commissioner Oldenburg reported that the Central Montana Foundation (CMF) met on March 23<sup>rd</sup>. Commissioner Oldenburg commented that the board approved to continue providing a \$3,000 annual donation to each of the outlying community endowment funds. Those communities are to spend these funds prior to requesting any additional funds from the CMF. The annual meeting will be held in person this year at the Elks on May 25<sup>th</sup>. Entities may request grants toward projects that exceed \$5,000 at this

event. The CMF board has received sixty-three scholarship applications from area high school students. There was one grant request awarded to the Heath Rural Fire District for \$4,900 toward a heater for their training building.

Commissioner Loomis reported that the Park and Recreation Board will meet on Wednesday, April 7<sup>th</sup>.

Commissioner Doney reported that the Library Board held a regular meeting on March 18<sup>th</sup>. The Library Board was awarded a grant from the Historic Preservation and it will be for restoring the outside of the Library. Commissioner Doney stated that the Library Board met again on March 25<sup>th</sup> to review the Library Directors job description and determine how to move forward with hiring a new Library Director.

Commissioner Turk reported that the 911 Board will be meeting tomorrow April 6<sup>th</sup> at noon.

### **CITY MANAGER REPORT**

City Manager Holly Phelps reported on the following issues:

The Park and Recreation Department is currently accepting application for summer staff. The applications are available at the Civic Center and we anticipate the pool will open in June.

Activities around the City are picking up. With the increase in activities that City is busy and are looking for both seasonal and permanent employees, as well as filling any board openings we may have. The City of Lewistown is currently looking for a Library Director, seasonal Library staff, Emergency Communication Officer (dispatcher), several Part Paid Firemen, a City Planner and a part time City Attorney. There are board openings on the Historic Preservation Commission, the Tax Increment Finance and Targeted Economic Development board. The information is on the City's website or you can call the City office.

The City and the Historic Resource Commission were notified that the Symmes Park Missile is listed on the Historic National Register it was nominated in 2018. The Symmes Park Missile is the nation's first Minuteman missile monument and the first missile transferred out of federal control. If anyone would like to see the entire application, please let the City Manager know. There was a lot of historical facts that were presented as part of the nomination.

The Chamber of Commerce will be holding their ladies night at City Hall. They would like to hear from the Police and Fire Departments. This event will be held on April 12<sup>th</sup> beginning at 5 pm. Anyone who is interested is welcome to attend. We will meet in the lobby of the Police Department.

With the recent wind the City has had some damage reported. There were several tree limbs around the City and the building at the D'Autremont Baseball Complex had several shingles blown off. The Parks and Recreation Director is working with local contractors how see how to address this damage. Also, a there was damage to a transformer and did lose some electrical equipment at the wastewater treatment plant.

### **PUBLIC COMMENT – non agenda items:**

Chairman Turk explained that this is for any member of the public to speak on non-agenda items and must be within the jurisdiction of the City. When speaking please state your name and address.

Mr. Brad Doney addressed the Commission stating that he has a list of residents in the zoning area opposed to the zoning amendment.

Mr. Robert Snyder thanked the Commission for accommodating people who strongly oppose the mask use and if there is something he can do to help others to please let him know.

Mr. Brandon Beriault stated that the swimming pool was brought up earlier and it reminded him of last summer when the police were called to the swimming pool to run him off at the pool, when he was watching his son practice with the sea lions. Mr. Beriault was wondering what he can expect of that with the upcoming season and is not sure if this is the City Commission's jurisdiction or not. City Manager Phelps answered that it was related to COVID and the COVID procedure at the time. There will be policies and disinfecting practice policies that will be put in place when opening the pool.

### **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 acknowledgement of the claims that have been paid from March 11, 2021 to March 31, 2021 for a total of \$95,367.01.

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

1. Public hearing on a request for a zoning amendment submitted by Ken Bridgeford for two lots located on the western side of the intersection of Sharptail Avenue and Golden Eagle Drive, Lewistown Montana which is legally described as Lot 13, Block 3 and Lot 17, Block 2 of the Casino Creek Highlands Subdivision Phase 2-A

Chairman Turk opened the public hearing to hear comments on a zoning amendment submitted by Ken Bridgeford for two lots located on the western side of the intersection of Sharptail Avenue and Golden Eagle Drive, Lewistown Montana which is legally described as Lot 13, Block 3 and Lot 17, Block 2 of the Casino Creek Highlands Subdivision Phase 2-A. Mr. Mike Gettman, 1607 Golden Eagle Drive, addressed the Commission stating that he has lived in the subdivision since 2009. Mr. Gettman stated that he was at a zoning meeting two weeks ago and at that meeting the zoning amendment was voted down, and would like to know the procedure for this item. City Manager Phelps explained that was an advisory board and the Commission makes the final decision. The Commission has the staff report and Commissioner Dunnington reported that the recommended action was to disapprove. Mr. Gettman commented that Mr. Ken Bridgeford approached him and asked if he would like to purchase the lot next to him. Mr. Gettman further commented that Mr. Bridgeford told him that they have twelve lots in the subdivision and they are paying \$800 a year for special improvement districts. Mr. Gettman stated that the partnership decided to build a house and sell it and they have been very successful, this is a great addition to the subdivision. Mr. Gettman further stated that he heard about the proposal to go to multifamily next to single family residential zoning, it appears that Mr. Bridgeford is wanting to capitalize on construction on lots the partnership owns at the sacrifice of the property owners in the area. Mr. Gettman expressed the traffic congestion at the entry at the subdivision. Mr. Todd Dugan, 1603 Golden Eagle Dr., he stated that Mr. Bridgeford approached him about purchasing the lot next to his residence. Mr. Dugan stated that in his line of work he has been everywhere in town and he knows what type of neighborhood he wants to live in and that is why he purchased his house and doesn't want the area to change. Mr. Brad Doney, 1587 Golden Eagle Dr. stated he echoes these gentlemen's concerns. Commissioner Doney stated that she will not be voting on this item because she feels it is a conflict of interest. Commissioner Doney further stated that everyone in the subdivision is against this, with the exception of the developer. Commissioner Loomis stated that we need to be careful how we are going to expand our City and if it is a single-family residential zoning it should remain that way. Chairman Turk asked for comments from the audience and Commission. There being none the public hearing was closed.

2. Discussion and action on a zoning amendment submitted by Ken Bridgeford for two lots located on the western side of the intersection of Sharptail Avenue and Golden Eagle Drive, Lewistown Montana which is legally described as Lot 13, Block 3 and Lot 17, Block 2 of the Casino Creek Highlands Subdivision Phase 2-A

City Manager Phelps stated that a public hearing was held on March 18<sup>th</sup> before the City County Planning Board. The board considered the facts presented and considered all public comment found that the criteria did not pass the 12-point test. The 12-point test is consistent with Purposes of Zoning as described in section 76-2-304, Montana Code Annotated. The City County Planning Board at that meeting acted upon the request and denied the proposal for the amendment to zoning ordinance application. City Manager Phelps stated that the City County Planning Board is recommending that the City Commission deny the proposed zoning amendment request. City Manager Phelps stated that she wanted to explain that if the proposed zoning amendment is denied there is an appeal process as allowed in City Code. The appeals process gives Mr. Bridgeford the right to go before the City of Lewistown's Board of Adjustments. There is a time limit of thirty days for the appeal to be heard by the Board of Adjustment. Commissioner Dunnington commented that rezoning it was a good idea, but once the public comment was heard, it was determined that it would not be beneficial. Commissioner Oldenburg stated that she appreciates the work of the Zoning Board and the public comment. Commissioner Oldenburg made the motion to disapprove the proposed zoning amendment submitted by Ken Bridgeford for two lots located on the western side of the intersection of Sharptail Avenue and Golden Eagle Drive, Lewistown Montana which is legally described as Lot 13, Block 3 and Lot 17, Block 2 of the Casino Creek Highlands Subdivision Phase 2-A and Commissioner Day seconded the motion. Commissioner Doney asked if this is to reject the zoning request. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for. Commissioners voting in favor were: Day, Dunnington, Hewitt, Loomis, Oldenburg and Turk. Commissioner Doney recused herself.

3. Discussion and action on entering into an agreement for reimbursement between Ricochet Development and the City of Lewistown for repayment of water and sewer improvements and authorizing the City Manager to sign the agreement

City Manager Phelps explained that this is a development agreement for reimbursement of water and sewer fees to the developer. This is a payback agreement that is allowed under our City Codes. City Manager Phelps explained that the developer paid 100% of water and sewer main line construction in the area. Commissioner Hewitt made the motion to approve entering into an agreement for reimbursement between Ricochet Development and the City of Lewistown for repayment of water and sewer improvements and authorizing the City Manager to sign the agreement and Commissioner Dunnington seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

4. Discussion and action on approving a Memorandum of Understanding between Bighorn Valley Health Center, Inc (dba One Health) and the City of Lewistown and authorizing the City Manager to sign the agreement

City Manager Phelps explained that this is a Memorandum of Understanding (MOU) and if approved tonight it would be between One Health and the City. One Health is currently working on Crowley or Chokecherry Lane building to construct a medical building in that location. City Manager Phelps explained that as part of that project there are some public improvements that should be made at the same time. The improvements include alley, sidewalks, ADA improvements and storm drainage. City Manager Phelps explained that the only thing being presented tonight are the improvements to public

property. City Manager Phelps stated that the agreement outlines the project, the City would be sharing the cost of the engineer and the agreement is not to exceed \$100,310. Commissioner Dunnington made the motion to approve the Memorandum of Understanding between Bighorn Valley Health Center, Inc (dba One Health) and the City of Lewistown and authorizing the City Manager to sign the agreement and Commissioner Hewitt seconded the motion. Commissioner Day asked if this is a budgeted item. City Manager Phelps answered that there is money for this item and it will be included in the budget. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

5. Discussion and action on committing matching funds up to \$50,000 for the Montana Department of Transportation to create a Lewistown Area Transportation Plan

City Manager Phelps explained that this is from the Montana Department of Transportation (MDOT). MDOT's planning department offers transportation plans for areas and it is a cost sharing of the plan. The plan is to help guide the development, manage operation of transportation systems and facilities, which includes bicycle and pedestrians over a twenty-year planning window. There is a 50% required match, the Public Works Director has worked with MDOT and the estimated budget for the document is \$100,000. City Manager Phelps stated that she is asking for approval from the Commission to commit \$50,000 to this process. City Manager Phelps stated that it is unsure when the plan will be done but it is estimated to be completed between 2021 and 2022 and will be able to budget the expenditure. Commissioner Oldenburg asked if the plan would look at some of the issues on Boulevard street. City Manager Phelps answered yes, it will include signage and guidance for width of streets and encourage the type of traffic we would like to see in our downtown area. There is a lot of public comment and looks at the current needs to the community and the flow of traffic. Commissioner Oldenburg made the motion to approve committing matching funds up to \$50,000 for the Montana Department of Transportation to create a Lewistown Area Transportation Plan and Commissioner Day seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and those Commissioners voting in favor were: Day, Doney, Dunnington, Loomis, Oldenburg and Turk. Commissioner Hewitt voted against.

6. Discussion and action on approving the purchase of equipment from Lumen (previously CenturyLink) to complete the integration of the Text to 911 at the Central Montana Dispatch Center

City Manager Phelps stated this is a quote from Lumen to complete the integration of Text to 911 for the dispatch center. City Manager Phelps explained that the City has applied for grants to this item and have received two grants to fund the completion of the integration. The grant is to cover the integration and five years of maintenance. Commissioner Dunnington made the motion to approve the purchase of equipment from Lumen (previously CenturyLink) to complete the integration of the Text to 911 at the Central Montana Dispatch Center and Commissioner Hewitt seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

7. Discussion and action on appointing Ms. Amy Baldry to serve a three-year term on the Board of Adjustments

City Manager Phelps explained that Ms. Baldry has put in a board application and is willing to serve on any board. City Manager Phelps stated that unfortunately we have had an opening on the Board of Adjustments. City Manager Phelps stated that she is recommending her to be appointed to a three-year term on the Board of Adjustments. Commissioner Oldenburg asked what she currently does. City Manager Phelps answered that she is the new Executive Director at the Nursing Home at the hospital and

was previously a Center Director at Head Start. Commissioner Oldenburg made the motion to approve the appointment of Ms. Amy Baldry to serve a three-year term on the Board of Adjustments and Commissioner Hewitt seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

**CITIZENS' REQUESTS**

There were none.

**COMMISSIONER'S MINUTE**

Commissioner Oldenburg thanked the Code Enforcement Officers, for removing two vehicles out of Ward I.

**ADJOURNMENT**

Chairman Turk adjourned the meeting.

Dated this 5<sup>th</sup> day of April, 2021.

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Patty Turk, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk