

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON MAY 19, 2025 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: Buehler, Hrubes, Spika and Terry. Commissioners Robertson and Day participated virtually. Commissioner Hewitt was absent.

APPROVAL OF MINUTES

Commissioner Terry stated without objection and based on the corrections the minutes for May 5, 2025 are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Terry reported the Central Montana Foundation board met on April 22nd and she was unable to attend. The Central Montana Foundation annual meeting is on May 27th.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

This week some of the Public Works Crew will be assigned to the Lewistown City Cemetery in preparation for Memorial Day. In addition to the usual mowing and trimming, crews will be blading roads.

The Lewistown Fire Department is currently working with the City Attorney to adopt the most recent Fire Code. As a certified jurisdiction, we are required to adopt the same version of the code that the state enacts. This ensures consistency and compliance across the board for safety standards in construction and emergency response. Today was also the first day of work for one of our Firemen.

Sign ups for this year's swim lessons will take place on May 27th and 28th from 3:30 pm to 6:30 pm at the Civic Center. The plan to open the swimming pool for the season in June 7th. We are seeing an increase in planned events in City parks. Recently some activities have included inflatables and bouncy houses which are not allowed in the City parks or covered by the special event insurance coverage. Please remember that the exclusive use of the parks may require an event application and proof of insurance.

Recent changes in the State Legislation regarding Tax Increment Financing (TIF) may impact ho cities like Lewistown utilize this economic development tool. We are currently reviewing the new statutory requirements and will work closely with SMDC and the TIF advisory group to assess what the changes will be to our TIF districts and future planning efforts.

This election cycle, four City Commission positions will be on the ballot. Interested candidates must file with the Fergus County Clerk and Recorder's Office by 5 pm on June 17, 2025. More information, including candidate filing requirements and forms are available on the Montana Secretary of State's website.

Earlier this month Duane Ferdinand passed away. Duane as employed by the City for 20 years and was instrumental in the clean up of both Brewery Flats and the former Berg Lumber site. Duane also worked hard to create the trail system we have today.

PUBLIC COMMENT – non agenda items

Mr. Brandon Beriault addressed the Commissioner regarding his concerns with City Court and Lewistown Police Department. Mr. Beriault explained his concern with being trespassed from a store. Mr. Beriault commented that it is strange that the Lewistown Police Department can do a trespass over the phone, however, to remove the trespass it has to be done in person. Finally, Mr. Beriault asked the Commission if they could do something so that he could get his \$5,000 he paid for his bond and he was acquitted of the charges.

CONSENT AGENDA

Commissioner Buehler made the motion to approve the consent agenda and Commissioner Hrubes seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from May 1, 2025 to May 15, 2025 for a total of \$245,572.44.

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

1. Discussion and action on request from Creel Funeral Home with regards to burying Betty Doutt

City Manager Phelps explained that Ms. Betty Doutt was a former resident of the City and passed away in January. Ms. Doutt had requested that she be buried on her grandparent's grave with her sister in the City cemetery. City Manager Phelps further explained that after her death the City started receiving phone calls for from an estate management company and a funeral home in California which is where Ms. Doutt lived at the time of her death. City staff researched the request and determined that the lot she wants to be buried in already has 3 internments. City Manager Phelps reported that at the time of Ms. Doutt's preplanning the rules of the cemetery were different than today. City Manager Phelps reported that City staff did relay this information to the estate

management company and her estate did purchase a cremains plot in the City cemetery. Mr. Ralph Muhlfield, Creel Funeral Home, explained that he was contacted after the estate management company purchased the cremains plot. Mr. Muhlfield reported that he went to the cemetery and located the plot where Ms. Doult requested, she be buried with her grandparents. There is a head stone there with both her sister and her name on it. Mr. Muhlfield commented that if we are going to follow the new ordinance then a new head stone would need to be purchased and she would be located in a different area of the cemetery. Mr. Muhlfield stated that he is here to asked for a variance from the ordinance and to be able to honor her wishes and bury her with her family. There was a brief discussion regarding the most recent change in the ordinance and how many interments are in the plot. City Manager Phelps stated this is a single plot and due to the time of the death of the grandparents, it is pretty definite that they were bodies and the sister is cremains. City Manager Phelps stated that there should be a formal process of asking to vary from the ordinance. If the Commission would like to make a change to the ordinance, then it should be reviewed. Mr. Muhlfield explained the amount that was paid for the plot is the same amount of the opening and closing of the plot. Commissioner Spika made the motion to approve the request from Creek Funeral home to allow Ms. Betty Doult to buried in the plot where her headstone is located and authorize the City to work with the estate to transfer the plot to the City and return the total amount of the plot purchased and Commissioner Hrubes seconded the motion. Commissioner Robertson stated that he feels the City Manager is doing the right thing in making sure this variance request comes before the Commission and the Commission has a discussion on this. Commissioner Robertson commented his concern is that we do follow the ordinances and this one may need to be reviewed to clarify this issue for the future. 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 and the motion passed unanimously. Mr. Muhlfield asked that if the ordinance is being looked at could he be included in the process. Mr. Muhlfield reported that in January with all the snow there were three body burials and as a result a couple of headstones were damaged. Mr. Muhlfield is asking permission to go ahead and reorder them and needs to know the City will pay for it. City Manager Phelps answered that she has already given permission for him to move forward. Mr. Muhlfield stated he has a headstone work order and he feels there needs to be some clarification with regards to setting head stones on the concrete runners or not on concrete. City Manager Phelps agreed this is something that needs to be addressed. The City would like to see the consistency of work orders so the City knows where a stone is be placed and it is in the right location or the stone gets damaged so a process for receiving and setting is necessary. As far as the fees go that can be worked out.

2. Public hearing to hear comments on an application submitted by Max Stewart to amend zoning from Manufactured Home (RMO) to Multiple-Family (R-3) at 211 Bach Avenue

Chairman Terry opened the public hearing to hear comments on an application submitted by Max Stewart to amend zoning from Manufactured Home (RMO) to Multiple-Family (R-3) at 211 Bach Avenue. City Manager Phelps reported that the Zoning Commission heard this request last Thursday. The request is to construct two four plex on some property he owns on 2nd St W and Bach. There were citizens in the audience at the Zoning Commission meeting that spoke in favor of this request and received one phone comment. The phone comment emphasized the importance of road improvements in the area and this project may increase traffic in the area. The plan does align with the Land Use Policy. If the Commission approves this application tonight you are granting the zoning amendment tonight you are allowing him to move forward in the process. There are

standards and codes that regulate off street parking and street improvements. The Zoning Commission forwarded the request to the City Commission with a unanimous vote and recommends approval. Commissioner Terry asked for comments from the audience and Commission. There being none the public hearing was closed.

3. Discussion and action on approving zoning amendment from Manufactured Home (RMO) to Multiple-Family (R-3) at 211 Bach Avenue

Commissioner Buehler confirmed that this request was approved unanimously by the Zoning Commission. City Manager Phelps answered yes. Commissioner Hrubes made the motion to approve zoning amendment from Manufactured Home (RMO) to Multiple-Family (R-3) at 211 Bach Avenue and Commissioner Spika seconded the motion. Commissioner Hrubes asked if these were going to be 1900 square feet. Mr. Max Stewart answered yes, there will be two levels. These will be two bedrooms two bath. Commissioner Hrubes confirmed that it was 1900 square foot per floor. Mr. Stewart answered yes. Commissioner Robertson asked if the parking lot was paved or gravel and how many parking spaces per unit. Mr. Stewart answered that he hopes to have at least twenty parking spots and it will be a concrete parking lot. 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 and the motion passed unanimously.

4. Discussion and action on approving entering into a one-year maintenance contract with Lumen for the 911 phone system in the amount of \$17,220.36

City Manager Phelps explained this maintenance contract was discussed last fall. At the time we were aware that this contract was still needing to be renewed. This agreement runs through October 2025 and is the same amount. City Manager Phelps stated that it is a one-year contract because the State of Montana is working to upgrade the phone system. Commissioner Buehler asked if this was just for the dispatch. City Manager Phelps answered no, it is for police, fire, dispatch, city office and public works. Commissioner Spika made the motion to approve entering into a one-year maintenance contract with Lumen for the 911 phone system in the amount of \$17,220.36 and Commissioner Buehler seconded the motion. Commissioner Buehler asked if this was the anticipated amount and was it budgeted for. City Manager Phelps answered yes. 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 and the motion passed unanimously.

5. Discussion and action on approving the memorandum of understanding with the Lewistown Downtown Association (LDA) for Main Street tree management

City Manager Phelps reported that this memorandum of understanding (MOU) has been in review for some time with the Lewistown Downtown Association (LDA). This MOU is specific to the Main Street trees and how we can partner together and access the maintenance funds that are set aside. The process to access funding is outlined in the MOU and what is considered to be maintenance City Manager Phelps commented that there is no cost exchange just a great partnership with the LDA. This MOU has been reviewed by the City Attorney and the LDA has approved it. Commissioner Buehler made the motion to approve the memorandum of understanding with the Lewistown Downtown Association (LDA) for Main Street tree management 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 and the motion passed unanimously.

6. Discussion and action on approving the memorandum of understanding with the Lewistown Downtown Association (LDA) for Main Street banners

City Manager Phelps explained that this has been reviewed numerous times and updated to include all the brackets and banners, because they drastically increase the number of banners. Commissioner Buehler asked if the LDA had approved this. City Manager Phelps answered yes. City Manager Phelps explained that the LDA does 99% of the work, store the banners and facilitates all of it. There may be costs to other organizations if they would like their organizations banners hung, which could be a deterrent. This has been reviewed by the City Attorney. Commissioner Buehler made the motion to approve the memorandum of understanding with the Lewistown Downtown Association (LDA) for Main Street banners 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 City Clerk took a roll call vote and the motion passed unanimously.

7. Discussion and action on approving a business license for JH Electric

City Manager Phelps explained that we have received an application from a electric contractor that wants to go out on his own. This individual is not a master electrician and so he will primarily be doing residential electrical work. Commissioner Spika made the motion to approve a business license for JH Electric and Commissioner Buehler 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 and the motion passed unanimously.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Day commented that she is glad to see the Lewistown Downtown Association (LDA) MOUs approved.

Commissioner Robertson reported that there will be a public meeting for the Snow committee on May 22nd at 10 am.

Commissioner Buehler reported that the public and Commission were able to tour the treatment plant as part of the committee of the whole and it was very informative. Commissioner Buehler confirmed that on the behalf of the City Peccia sent a letter to DEQ talking about a proposed implementation schedule. Commissioner Buehler stated that some of those dates have gone by and now we are back on track. City Manager Phelps answered that yes, there was a small delay due to weather. Commissioner Buehler asked that there will be a technical memorandum to the Commission very soon.

Commissioner Buehler would like to loop back to the HR issue that she brought up a few weeks ago and wants to know if there has been any development. City Manager Phelps answered the investigation is almost complete.

Commissioner Buehler thanked the staff at the treatment facility for taking them around the plant and answering questions.

Commissioner Hrubes commented that there are still a lot of streets that are gravel. There is a huge rut on Huron Street. Commissioner Hrubes commented that there are a lot of gravel streets that need to be grated and anything staff can do would be appreciated. City Manager Phelps explained that those areas were included in the special improvement districts and those homeowners turned down be included in the district.

Commissioner Terry announced that due to health reasons she will be stepping down as Chairman and will not be running in the next election. Commissioner Terry stated that Vice Chairman Day will step up as Chairman and a new vice chairman will be elected at the next meeting. Commissioner Robertson thanked Commissioner Terry for her efforts and dedication to the board and strength you show us and for sticking with us for the time being.

ADJOURNMENT

Chairman Terry adjourned the meeting.

Dated this 19th day of May, 2025.

KellyAnne Terry, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk