

A REGULAR COMMISSION MEETING OF THE LEWISTOWN CITY COMMISSION ON MARCH 16, 2026 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Day called the meeting to order.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present were Commissioners: Bowser, Buehler, Day, Hewitt, Robertson, Shaver and Warren.

APPROVAL OF MINUTES

Commissioner Day stated that without objection and based on the corrections the minutes for March 2, 2026 are approved.

COURTESIES

There were none.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Hewitt reported she was unable to attend the Airport Board meeting.

Commissioner Warren reported he attended the public works committee and we have received another Public Works Director application. The City Manager will work to set up a virtual interview.

Commissioner Shaver stated he will be at the audit committee meeting this week.

Commissioner Bowser reported the ordinance committee and the Library Board meet on Wednesday, March 18th.

Commissioner Robertson commented the main report on the Airport Board is there are two new hangars going up today. The two large hangars are going up in the executive hangar area to the northeast.

Commissioner Buehler reported the Central Montana Foundation meets on March 24th.

Commissioner Day reported she attended the recent Park and Recreation Board meeting. A lot was discussed and will be recapped by the City Manager in her report.

CITY MANAGER REPORT

City Manager Phelps reported on the following items:

Much of the past week was focused on storm response efforts. Each storm is different, but because this storm was predicted well in advance the City was able to coordinate more effectively than in previous storms. A countywide committee was established, which improved communication before and during the storm and allowed for a unified message to go out to our residents. Prior to the storm, departments were proactive in preparing staffing plans, including identifying available personnel, arranging coverage, and offering support such as transportation and temporary lodging for employees. Public Works worked the weekend and definitely had a more coordinated approach to their plowing. There is a follow-up meeting tomorrow to follow up on the storm. City Manager Phelps stated she anticipates we will learn a lot from the storm; however, she sees improvement over last years large storm event.

Community Activities: All Commissioners received a postcard regarding the Central Montana Resource Council panel discussion on data centers in Montana, scheduled for Thursday at 6 p.m., which is free and open to the public. That meeting will be held here at 307 W Watson. On Tuesday, March 31st, Malmstrom Air Force Base will host a town hall on missile upgrades at 6 p.m. at the high school.

The Ice-Skating Rink is closed for the season and Little Eagle Basketball is getting started.

There are no significant updates to the wastewater permit, though the project has reached substantial completion with key equipment now operational. The City continues to partner with the Lewistown Downtown Association on the parklet program, with applications being accepted through April.

The ordinance committee meets this Wednesday and the audit committee meets this Thursday.

Montana Municipal Interlocal Authority will be discontinuing its workers compensation program. The City has anticipated this change and will begin soliciting proposals from insurance companies for workers comp coverage.

PUBLIC COMMENT – non agenda item

Chairman Day read the citizens participation on the agenda. The Lewistown City Commission welcomes you to its public meeting. The Commission appreciates your participation and values your input in our decision-making process. Your input and suggestions are important to the Commission as we discuss important issues affecting all of us in Lewistown. The City Commission thanks public members for respectfully and courteously providing constructive and valuable information.

The Public is invited to speak on any issue under discussion by the Commission, after recognition by the presiding officer.

Public members who are recognized by the presiding officer shall stand, give his/her name and address for the record, if applicable give the person, firm, or organization he/she represents, address comments to the presiding officer and not to individual members or staff, limit comments to the matter of fact listed, keep comments brief to ensure adequate time for additional comment and commission business

and prepared statements are welcome and should be given to the Clerk of the Commission. Prepared statements that are also read, however, may be deemed unduly repetitious if they are lengthy. All prepared statements shall become part of the official record. Chairman Day explained comments will be limited to two to three minutes.

Mr. Doug Day, 1118 W Water, commented he was in attendance at the committee of the whole meeting and commented that he really appreciated the presentation by both the Fire and Police Chiefs. Mr. Day also commented his experience with plowing this year has been great.

Michelle Rainy, 186 Castle Road, reported she attended the February 26th meeting regarding the proposed apartments, and I want to express my concerns especially about parking and the impact on seniors in our neighborhood. During that meeting, it was mentioned that the building needed to be taller and include an elevator to accommodate elderly residents. However, I think we need to focus on the seniors who already live in this area. I just drove through the neighborhood in snowy conditions, and many streets are down to a single lane because of parked cars. I've also walked through the neighborhood and noticed a significant number of elderly residents. This raises real concerns about accessibility, safety, and daily living conditions. I believe this is the wrong location for a development of this size. I also want to address the role of the Board of Adjustment (BOA). Their purpose is to represent the public, ensure community input is heard, and help bridge the gap between citizens and decision-makers and tackle complex value-driven issues. Ms. Rainey stated she felt the BOA failed on all points and she stayed for the deliberation. Ms. Rainey stated that not a single concern raised by citizens was discussed and she felt like the decision had already been made before we even arrived. There is even less parking now that the trash cans have to be placed in the streets.

Mr. Mike Byrne, lives in the Esplanade and owns the local sign shop. Mr. Byrne stated information that you had through the process of the city's zoning plan was inaccurate. You did not do a good job of surveying the property owners throughout this city on the policy. Mr. Byrne stated that he can almost guarantee you that if one of the items on that list was high density housing stuck in residential areas, there would have been a strong no vote against that. Mr. Byrne stated there are a lot of places to build, but not in the place they are building it. Mr. Byrne stated there has been no explanation as to why a variance was approved to build on a right of way on that block, but the Esplanade was not allowed to build their garages on the same right of way years earlier. Mr. Byrne expressed his concern with the parking stating the number of vehicles would far exceed the available parking spaces, which would lead to significant overflow on surrounding streets. Mr. Byrne suggested reducing the buildings height, number of units and incorporating underground parking. Mr. Byrne commented that Esplanade was not allowed to build any closer than twenty feet along Water Street and this development was granted a ten-foot setback.

Mr. Colton Dean, 719 W Spring St, stated he understands that the City Commission in unable to do anything about the variances approved by the BOA. Mr. Dean stated he wanted to make it known that in the Lewistown City Code, 11-13-5 C, the Board of Adjustment action. There are four criteria that must be met before granting the variances in this area. Mr. Dean stated all four of those do not meet and so he feels the BOA has acted essentially illegally. There was mention made that Montana Code Annotated (MCA) requires a half a parking spot if the unit is under 1200 square feet. Mr. Dean commented this new code is not in effect and it should still be required to meet current MCA. Mr. Dean stated he wants the Commission to know that he feels the BOA made a mistake.

Ms. Deanna Stevenson, a homeowner at 712 West Water and a counseling business owner, expressed concerns about the proposed apartment development, particularly regarding parking and the justification for granting a variance. She explained that her business relies on consistent, accessible parking for clients, many of whom seek mental health services, and noted that limited parking could create barriers to care for clients who are forced too far away. Ms. Stevenson questioned the claim of “hardship” used to justify reduced parking, arguing that because the lot is currently open and undeveloped, there are feasible design options—such as underground parking or reducing the number of units—that could address the issue. Stevenson emphasized that while she supports development and believes the lot could be used productively, the proposed scale of 40 units with only 24 parking spaces is not appropriate for the location. Ms. Stevenson expressed concern that the community’s concerns were not adequately taken into consideration during the decision-making process.

Mr. Todd Stoychoff, 721 W Spring, commented that he was surprised by the common sense that was used at the BOA meeting and tonight the citizens are here to understand the appeal process. Mr. Stoychoff emphasized his concern for safety in the area, the risks due to blind spots, speeding traffic with the presence of children walking to school and the elderly residents in the neighborhood.

Ms. Marie Hoyer, resident at Esplanade, is concerned about the trash and waste management for the 40-unit development. Ms. Hoyer explained that unlike single-family homes, a large building cannot rely on individual residents placing trash outside, and instead would require a designated dumpster area. Ms. Hoyer explained that at the Esplanade the dumpster enclosure requires significant space—approximately 14 feet—along with additional no-parking zones to allow access for garbage trucks. She questioned where such a service area would be located on the proposed site and noted that it would further reduce available parking and usable space. She also raised concerns about building design elements, such as exits and sidewalks, which would take up additional room and compound space limitations.

Mr. Ryan Poser, 722 W Water St, stated that at the night of the BOA meeting we saw plans for a 40-unit structure and that was the first public hearing about any variances. Mr. Poser asked how a developer or engineer could get a completed structure that included three variances before there was public input.

Mr. Ryan Mammen, 509 N Elm, commented that at the BOA meeting the subject of density was relied on during the meeting. Mr. Mammen further commented that historically, that is a horrible option for anybody to build denser. Mr. Mammen stated he doesn’t think this proposal matches up with individuals that seem to be needing housing. Mr. Mammen stated there is a lack of clarity in why this City encouraged them to build bigger than what they initially planned.

Mr. Jason Stephens, 1102 W Spring St, asked if the project has to have City Commission approval before it moves forward. No, so it’s already greenlit and it’s safe to say it will move forward unless there is an appeal or goes to district court. City Manager Phelps stated the building itself has not gone through the approval process and are still in the design phase. Mr. Stephens told the Commission there is a whole community here that is against this and the Commission represents the whole community and should represent that going forward.

Ms. Deree Kamp, 316 8th Ave S, reported she already has her appeal ready and will be filing it tomorrow. Ms. Kamp commented she is concerned with the design of the building because this

proposal is in a historic district called the courthouse district. There are a couple of houses on the National Historic Registry.

Mr. Kirk Eastman commented that it is his understanding that the BOA can be appealed to and they can review the items and determine if it is a good idea. Mr. Eastman suggested the City Commission should consider representing the City. Mr. Eastman asked if a survey has been done to determine how many apartment spaces are needed.

Ms. Mary Beth Roy asked who serves on the Board of Adjustments. City Manager Phelps answered, Ryan Dick, Gayle Doney, Patty Turk, Gary Slagel and Jennifer Thompson.

Commissioner Day asked the City Manager to explain the appeal process. City Manager Phelps explained an aggrieved party has to make a petition to the BOA and have a basis of why it needs to be appealed. This process must occur in a reasonable timeline and the BOA has determined a reasonable timeline to be 30 days. There was a question asking how something is elevated to an appeal. City Manager Phelps answered it would be from an aggrieved party, and what is the basis for the appeal following the four criteria that the variances are decided on. City Manager Phelps explained the appeals will go to the BOA and they can rehear it and then it would go to district court. Commissioner Day asked for clarification if the developer had a plan for 20 units and then came to the BOA with a plan for 24 units. Commissioner Day asked when did that happen without any approval or variance. City Manager Phelps answered currently the zoning for that area allows up to 54 units. City Manager Phelps explained developers often come in and have a meeting with the various departments go over codes and gather other information before starting the building permit review process. Commissioner Bowser asked why the Commission didn't know this was in the works before being voted on. City Manager Phelps answered because this type of development is currently allowed under the zoning code. Commissioner Buehler stated she hopes everyone understands the appeal process. Commissioner Buehler commented that the word plan needed some clarification. The City Commission adopted the 2024 Land Use Plan last year and it was based on population data, studies, and public input. The 2024 Land Use Plan serves as a guide for Lewistown's growth. The other plan that has been discussed is the plan for the actual space the developer wants to use and the 2024 Land Use Plan does identify housing as very important. Commissioner Buehler commented it is very important that people share how this is going to impact their community. Commissioner Shaver commented that this is one of the reasons he ran for City Commission. Commissioner Shaver stated he thinks the people of Lewistown need to be represented and hopefully we are doing that the best we can. Commissioner Hewitt stated she was appalled it was going to be a 40-unit apartment building. Commissioner Buehler asked a question if there is a Lewistown City Code and a Montana State Code how do the codes interact with each other. City Manager Phelps answers it depends on the code. City Manager Phelps explained that sometimes the City of Lewistown has the ability locally to be more restrictive and there are others that cannot. City Manager Phelps stated it really is a case-by-case basis on which particular code one is referring to. Commissioner Robertson acknowledged residents' concerns and stated that while he personally agrees with many of them, the commission cannot change the approved variance at this stage due to the established legal process. Commissioner Robertson encourage residents to actively participate by attending the appeal hearings, voicing concerns and pursuing legal action if necessary. Commissioner Robertson explained that while the Commission can not intervene on these variances, the Commission can influence future zoning regulations and restrictions. Commissioner Robertson encourage public participation and that there were a lot of public

meetings and opportunities for public input when working on the 2024 Lewistown Plan. Commissioner Robertson briefly reviewed the concept of “infill” development as a way to help control infrastructure costs and limit tax increases. Commissioner Robertson commented that he is not sure this development is appropriate for the neighborhood and affirmed that the residents’ concerns have been clearly communicated and he will share his thoughts with the appropriate board.

CONSENT AGENDA

Commissioner Buehler made the motion to approve the consent agenda and Commissioner Warren seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgment of the claims that have been paid from March 1, 2026 to March 12, 2026 for a total of \$1,002,352.68

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

1. Discussion and action on a request from Jerime Granot, PJG Motorsports, for a parking variance to the current parking regulations

City Manager Phelps explained that included in the Commissioner’s packet there is a request from Jerime Granot to change the parking in the area of 7th and Main where PJG Motors is located. Mr. Jerime Granot stated he feels it is a waste of City resources to put parking tags on cars parked on both sides of the street when the cars have been sitting there for weeks and there is nothing, he can do about it. Mr. Jerime Granot explained he does have some off-street parking, but the cars located there are the cars that are waiting for parts or cars he hasn’t been able to get to. Mr. Jerime Granot reported that he has a snowplow and personally takes care of the first block of 7th Ave N and was looking for some variance to get the tags off his customers vehicles. City Manager Phelps explained that currently there is not a variance process, however an ordinance change was done recently to the snow route ordinance allowing a street classification to be done by resolution. Commissioner Buehler stated the request is to change the current parking from Tier 2 parking to 5 days. City Manager Phelps answered the request is to remove it from Tier 2 in the snow ordinance and the five-day allowance is standard law throughout the City. Commissioner Day asked what the consequence would be if we did this. City Manager Phelps reported the City has received several complaints from other people along 7th Ave regarding parking and parking enforcement. A city owned plow hit a vehicle parked at the shop for repairs and as a result the City was liable for the repair. Parking in that area does affect snow removal and other citizens have noticed this and are concerned that PJG doesn’t have to follow the Tier 2 parking requirements and why it is not consistently applied. Commissioner Bowser commented she has received complaints personally also. Commissioner Warren asked if the City could allow him to clear the area and then we would be liable for those vehicles. Commissioner Buehler commented the street is public property. Police Chief Justin Jenness explained to the Commission that he was instrumental in helping Jerime write the letter for several reasons. Police Chief Jenness reason number one is that the Tier 2 parking is unenforceable on the 100 block of 7th Ave N, because how do you physically move a vehicle from one inside to the other if the vehicle doesn’t run. Police Chief Jenness stated that 98% of those vehicles are parked there by the owners and not the business. Police Chief Jenness commented it would be physically impossible to enforce the Tiered street parking on the 100 block because you can’t move a vehicle that is not running. City Manager Phelps asked if under City code it is illegal to park a vehicle on a City street that does not run. Police Chief Jenness explained he talked with the City Attorney and he

thought unofficially that PJG more than likely has a prescriptive easement on the 100 Block of 7th Ave N. Police Chief Jenness commented there is not a boulevard in the middle of the street on the 100 block of 7th Ave N, so in his opinion there is room to put snow in the middle of the road and plenty of room for traffic to travel safely on both sides even if vehicles are parked there. There was discussion of the impact of the Tier 2 classification for the 100 block of 7th Ave N. Commissioner Robertson commented if a change is made for this business, it is setting a precedence to this one business in town gets a pass on this rule that the rest of the town are going to have to live with. Commissioner Robertson stated he is just trying to understand why the one business in town gets a pass, which sets precedence that we are basically going to have a line of people asking for a pass. City Manager Phelps asked if a Tier 1 street would be more appropriate. There are five parking spots on each side. City Manager Phelps commented she had gotten complaints from the district court judge when there are trials. Commissioner Shaver asked Jerime if he has other lots in the City to park broken down cars. Mr. Jerime Granot answered yes, a lot on 1st Ave S. Commissioner Shaver made the motion to draft a resolution to turn the 100 block of 7th Ave N to remove the snow route and turn into 5-day parking and Commissioner Warren seconded the motion. Commissioner Buehler confirmed this would be a motion to research at this point. City Manager Phelps explained it would be bringing back a draft resolution. Commissioner Day commented that she is reluctant to make a decision without hearing from other people in the area. Commissioner Day 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 Commissioners Shaver and Warren voting in favor and Commissioners: Bowser, Buehler, Day, Hewitt and Robertson voted against the motion. City Clerk Brummond announced the motion dies due to lack of majority vote.

2. Discussion and action on approving Resolution No. 4220, a resolution approving an application from Brandon Sandau for TIF Funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained this is a resolution approving TIF funds for Brandon Sandau. Mr. Sandau is working to purchase the property at 414 1st Ave S and came to the TIF board asking for a grant up to \$20,000 for utility upgrades, façade improvements and signage at this location. Mr. Sandau intends to construct a laundromat at that location. Commissioner Shaver asked if the property was located at 1st Ave S or 1st Ave N. City Manager Phelps thanked Commissioner Shaver for catching the error and that it is 1st Ave N. Commissioner Bowser made the motion to approve Resolution No. 4220, a resolution approving an application from Brandon Sandau for TIF Funds made to the Lewistown Tax Increment Financing District Board with the correct address of 1st Ave N and Commissioner Buehler seconded the motion. Commissioner Day 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 being in favor of the motion. Commissioner Robertson reported that this application and the next application are really good, straightforward projects and good use of TIF funds.

3. Discussion and action on approving Resolution No. 4221, a resolution approving an application from Yogo Mansion, LLC for TIF Funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained at the last TIF meeting there was an application from the Yogo Mansion for improvements to their property located at 316 3rd Ave N. This property is commonly called the Waite House. City Manager Phelps reported this is for façade improvements and concrete work and grant funds were awarded up to \$20,000. Commissioner Robertson explained this property

is to be turned into high end and long-term hotel space and is not a private business. Commissioner Hewitt made the motion to approve Resolution No. 4221, a resolution approving an application from Yogo Mansion, LLC for TIF Funds made to the Lewistown Tax Increment Financing District Board and Commissioner Buehler seconded the motion. Commissioner Day 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 Commissioners: Buehler, Day, Hewitt, Robertson, Shaver and Warren in favor of the motion. Commissioner Bowser voted against.

4. Discussion and action on approving a business license for Wichman's Advanced Electric

City Manager Phelps reported that Advanced Electric sold and this business license is for the new buyer. City Manager Phelps reminded the Commission that plumbing, electrical and mechanical contractors need approval by the Commission. The new owner is Zach Wichman. Commissioner Robertson made the motion to approve a business license for Wichman's Advanced Electric and Commissioner Bowser seconded the motion. Commissioner Day 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 being in favor of the motion.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Buehler stated it was wonderful to hear that the City Office was helpful with the appeals process with the Board of Adjustment. Commissioner Buehler also thanked the City for the snow removal and feels the City is moving in the right direction. Commissioner Buehler is glad to see the communication is improving with regard to the winter storms. Commissioner Buehler appreciated seeing as many people as were present tonight and wonderful to hear from the community. Commissioner Buehler thanked both the Police Chief and Fire Chief for the presentations.

Commissioner Robertson thanked both the Police Chief and Fire Chief for the presentations. Commissioner Robertson commented that he really appreciated the public participation tonight, it was meaningful and will lead to change down the road. Commissioner Robertson thanked the City for all the hard work on the snow removal.

Commissioner Bowser commented that she saw that Tyler West is running for Judith Basin County Attorney and how is it going to work. City Manager Phelps answered that currently Tyler West is on family medical leave and it's not his intention to change his employment with the City. Commissioner Bowser asked if he is full time. City Manager Phelps answered no he is part time.

Commissioner Hewitt thanked everyone for attending. Commissioner Hewitt thanked the Police and Fire Chief for the presentations.

Commissioner Warren thanked the Police and Fire Chief for the presentations and their input. Commissioner Warren stated that as far as snow removal it was the best he has seen and the first time, he had a lane plowed on his street in three years.

Commissioner Shaver thanked the Police and Fire Chief for the presentations and their dedication to the community and leadership. Commissioner Shaver explained that he researches the agenda items prior to attending the meeting. Commissioner Shaver reported he is learning early in his career as City Commissioner that you can say yes or no to everyone. Commissioner Shaver commented he is enjoying serving as a Commissioner and it is a great way to serve the community.

Commissioner Day echoed all the Commissioners comments. Commissioner Day commended the public for attending the meeting. Commissioner Day reported that she lives on Water street and will be filing an appeal.

ADJOURNMENT

Chairman Day adjourned the meeting.

Dated this 16th day of March, 2026.

Loraine Day, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk