

COMMITTEE OF THE WHOLE

JULY 18, 2022

6:00 PM

1. Airport Annual Report
2. Library Annual Report

**NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION,
CITY OF LEWISTOWN, JULY 18, 2022 AT 7:00 P.M. AT THE CENTRAL MONTANA
COMMUNITY CENTER LOCATED AT 307 W WATSON**

To participate virtually the options are as follows:

To join by zoom: <https://zoom.us/j/8486275925?pwd=dTVGbndDK253ZUJLMjRuZXU5QVpMdZ09>

Meeting ID: 848 627 5925 Passcode: 59457

To participate by phone: dial (253) 215-8782 Meeting ID: 848 627 5925 Passcode: 59457

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES – July 5, 2022

COURTESIES

PROCLAMATIONS

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgment of the claims that have been paid from June 30, 2022 to June 30, 2022 for a total of \$66,870.73. July 1, 2022 to July 12, 2022 for a total of \$10,056.00

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

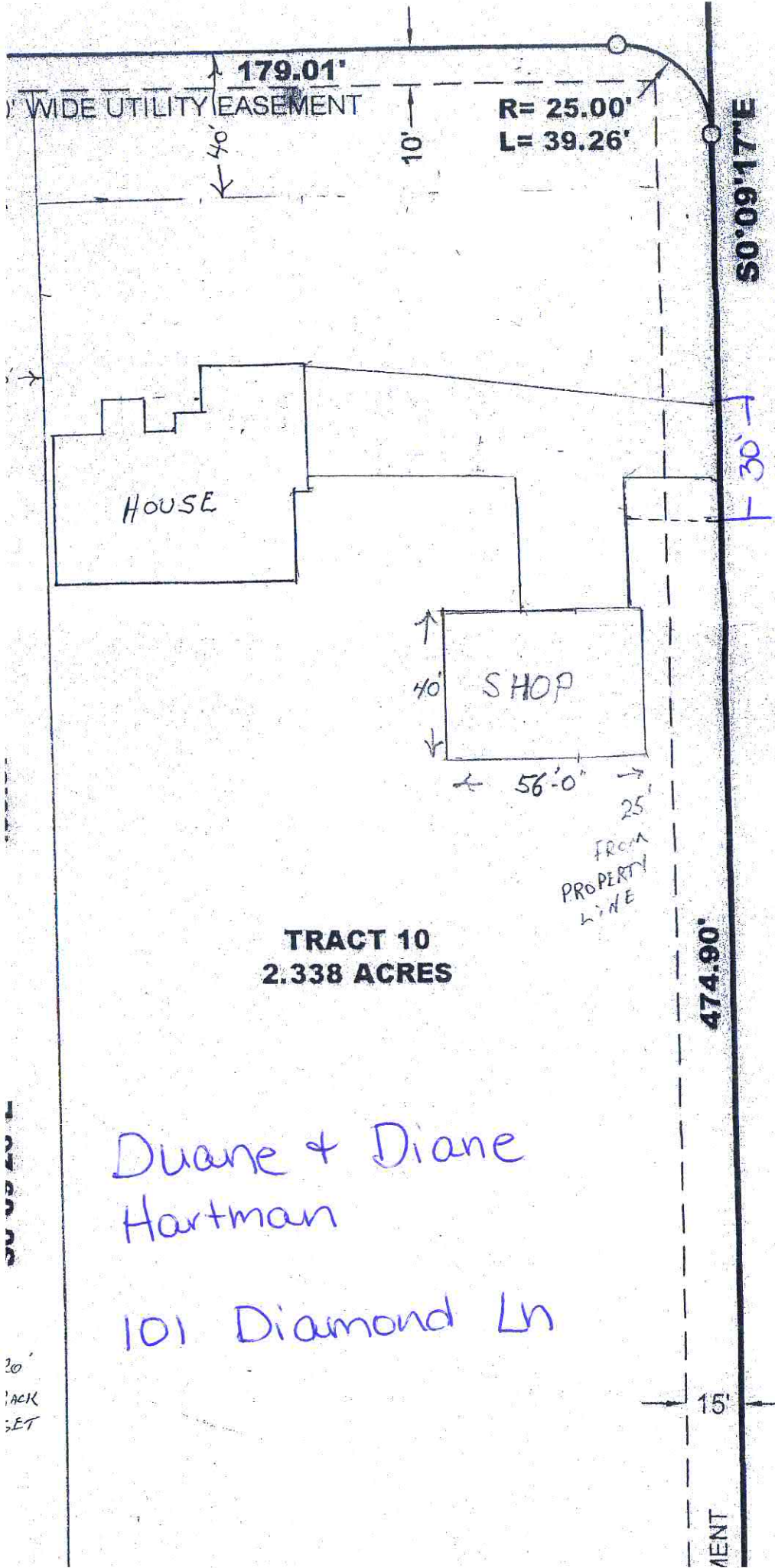
1. Discussion and action on approving a curb cut deviation for Duane Hartman for their property located at 101 Diamond Lane (**Action: approve, disapprove or amend approving a curb cut deviation**) City Manager Holly Phelps
2. Discussion and action on approving the Lewistown urban deer management plan (**Action: approve, disapprove or amend the Lewistown urban deer management plan**) City Manager Holly Phelps
3. Discussion and action on authorizing the City Manager to move forward with land acquisition for the 2022 water improvement project (**Action: approve, disapprove or amend authorizing the City Manager to move forward with land acquisition**) City Manager Holly Phelps
4. Discussion and action on setting the boulevard maintenance assessment for fiscal year 2022-2023 (**Action: approve, disapprove or amend boulevard maintenance assessment for fiscal year 2022-2023**) City Manager Holly Phelps
5. Discussion and action on setting the street maintenance assessment for fiscal year 2022-2023 (**Action: approve, disapprove or amend street maintenance assessment for fiscal year 2022-2023**) City Manager Holly Phelps

CITIZENS' REQUESTS

COMMISSIONER'S MINUTE

ADJOURNMENT

* All citizens are invited to make comment on any agenda item prior to action being taken by the Commission



TRACT 10
2.338 ACRES

Duane & Diane
Hartman
101 Diamond Ln

"A"
STREET

9-8-6: DRIVEWAY WIDTH LIMITATIONS:

(A) Driveway width, as measured parallel with the edge of the traveled way, shall not exceed twenty feet (20') in residential areas nor thirty feet (30') in commercial or industrial areas, except driveway widths for service stations and trucking businesses may be up to forty feet (40') when approved by the building official, and shall be located in accordance with city specifications for driveways.

(B) The minimum distance between curb cuts shall be twenty five feet (25').

(C) Frontages of fifty feet (50') or less shall be limited to one driveway. Not more than two (2) driveways shall be provided to any single property tract or business establishment, except where the property frontage exceeds six hundred feet (600') there may be one additional driveway for each additional three hundred feet (300') of frontage. (Ord. 1457, 7-7-1980)

9-8-8: DEVIATION FROM REQUIREMENTS:

Permission to deviate from the requirements and regulations of this chapter shall be granted by the city commission only where unusual conditions or strict adherence to this chapter would cause undue and extreme hardships. (Ord. 1457, 7-7-1980; amd. Ord. 1664, 1-3-2000)

CITY OF LEWISTOWN DEER MANAGEMENT PLAN

OVERVIEW:

Montana statute recognizes that cities or towns may, on occasion, need to manage wildlife within their boundaries in order to protect residents or their property.

MCA 7-31-4110 reads as follows: A city or town may adopt a plan to control, remove, and restrict game animals, as defined in 87-2-101, within the boundaries of the city or town limits for public health and safety purposes. Upon adoption of a plan, the city or town shall notify the Department of Fish, Wildlife and Parks of the Plan. If the Department of Fish, Wildlife and Parks approves the plan or approves the plan with conditions, the city or town may implement the plan as approved or as approved with conditions.

A healthy, wild deer population is important to the people of Lewistown and Montana. Deer hunting and viewing in areas surrounding Lewistown is highly valued by residents and visitors, as well as an important component of the local economy. Minor or occasional property damage caused by wild deer within the city limits is an inevitable but acceptable consequence of the occasional deer roaming through the area. However, high deer densities within the city limits and the behavior of some individual animals can, at times, be problematic. Deer that live all or part of the year in the City of Lewistown may threaten human safety and health, injure pets, and damage property.

HISTORY:

A number of Lewistown residents have complained that the risk of human safety and property damage caused by mule and white-tailed deer living within the city limits has reached unacceptable levels. The City of Lewistown Police Department, Montana Fish, Wildlife & Parks, and city staff regularly respond to incidents of deer acting aggressively towards humans or pets, or damaging residents' homes and landscaping. In September 2021, the Lewistown News Argus printed an article in the paper regarding Urban Deer, and how the high number of deer within the city limits is impacting citizens in a negative way.

In October 2021, the Lewistown Police Department conducted spotlight deer surveys across several patrol areas in Lewistown over a period of nine nights. They observed 321 deer total (across repeat locations) with an average 36 deer observed each night. These were not complete-coverage surveys of Lewistown, and it is unlikely all deer present were observed.

At their October 5, 2021, meeting the Lewistown City Commission discussed what avenues were available to manage the deer population within the city limits. Several Commissioners and a few citizens expressed frustration about the number of deer within the city limits, especially during the winter months. The complaints covered many different areas including, deer negatively impacting private property, deer becoming aggressive towards pets and the number of deer vs vehicle collisions that occur each year within the city limits.

During this meeting two main options were discussed amongst the City Commission, City Manager and Chief of Police. The first option discussed was the potential of implementing a deer hunt within the city limits by local citizens. This option was discussed thoroughly, including the many pros and cons that may be associated with allowing citizens to harvest deer within the city limits.

The second option discussed was the plan as outlined in this Action Plan. The plan that is in place in White Sulphur Springs Montana was used as an outline for how the City of Lewistown may control the deer population within its own city limits. After a lengthy discussion the City Commission asked the Chief of Police to explore the details of how this Action Plan could be implemented. The Chief of Police worked with Montana FWP Biologist Sonja Anderson to develop the proposed Action Plan as outlined here.

PURPOSE AND SCOPE OF THE ACTION PLAN:

- 1) Reduce the negative impacts to people caused by mule- and white-tailed deer within the City of Lewistown, Montana.
- 2) Provide the City of Lewistown and Lewistown Police Department with the management tools necessary to effectively respond to individual deer-human conflicts and to limit overall deer density within the city limits, as necessary.

GOALS:

- 1) Euthanize individual deer within city limits which threaten human safety or property.
- 2) Reduce the potential for human-deer interactions and conflicts by lowering the density of deer resident within the City of Lewistown.

ACTIONS TO MEET GOALS:

- 1) Mule- or white-tailed deer within the Lewistown city limits which have become habituated to human activity and are behaving aggressively will be dispatched by Lewistown Police Department or Montana Fish, Wildlife & Parks, as soon as possible after verifying the deer's behavior or activities pose a threat to human safety or property. Resident deer threatening the safety of pets confined to yards may also be dispatched. Public complaints need to be first directed to Central Montana Dispatch at (406) 535-1800.
- 2) The City and Chief of Police may choose to trap and euthanize a number of deer residing within city limits each year between August 15 and February 15 in order to reduce overall deer density. The number of deer removed each year will be limited by the terms of a **Permit to Destroy Game Animals Causing Damage** issued to the City of Lewistown by the Fish & Wildlife Commission.
- 3) All deer removed under this Action Plan must be documented and a record of those removals maintained by the City of Lewistown. An annual report will be provided to Montana Fish, Wildlife & Parks which includes the date and nature of any public complaints, the responding Lewistown Police Department officers, the number, age class, and gender of deer dispatched, the method of removal, and the disposition of the deer removed. Carcasses will be disposed of in

accordance with FWP rules and statutes; and venison fit for human consumption [AS1][AS2] will be donated to the Community Cupboard (Montana Food Bank Network) for charitable distribution. Carcasses processed for human consumption will be tested for CWD prior to being distributed. Deer which have been killed due to vehicle-deer collisions within city limits will be removed by Lewistown Police Department, Lewistown Animal Control, or city maintenance staff, and such will not be included in the permit numbers allowed to be taken. (Salvage of Game Animals: §87-3-145 MCA).

- 4) All FWP regulations and Montana State Statutes and ARM rules apply, including terms of a **Permit to Destroy Game Animals Causing Damage** which may be issued to the City of Lewistown by the Fish & Wildlife Commission.
- 5) Citizens of Lewistown must refrain from artificially feeding or providing supplemental feed attractants to resident and wild deer pursuant to MCA 87-6-216. Artificial feeding is a misdemeanor and encourages deer to habituate to the urban environment and create human/deer conflict. Wild deer that enter the City limits are less likely to become resident and/or remain in town when artificial feed is contained.

MONITORING RESPONSIBILITY:

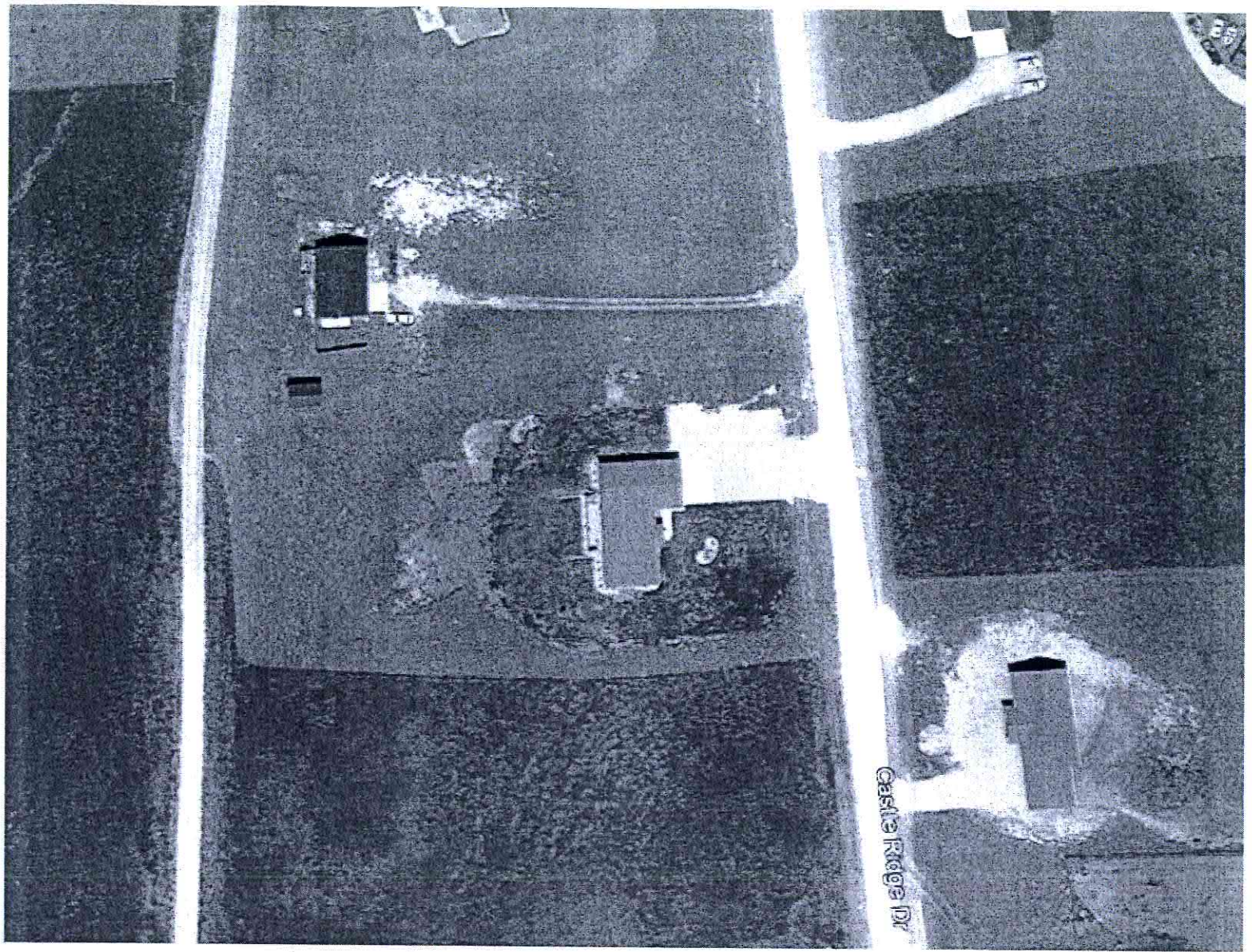
The City of Lewistown and Montana Fish, Wildlife & Parks will jointly monitor the implementation and effectiveness of this Action Plan. The Lewistown Police Department will accept, and forward complaint calls and will provide assistance of an officer to respond to complaints about aggressive deer. The Lewistown Police Department, Fergus County Sheriff's Department, or Montana Highway Patrol will continue to respond to deer-vehicle conditions. The number and type of complaints received, as well as the action taken will be recorded and provided to the FWP Region 4 Office in Great Falls in an annual report.

Fish, Wildlife and Parks will assist the City of Lewistown in determining the deer population within the city limits and advising the City in structuring effective management strategies.

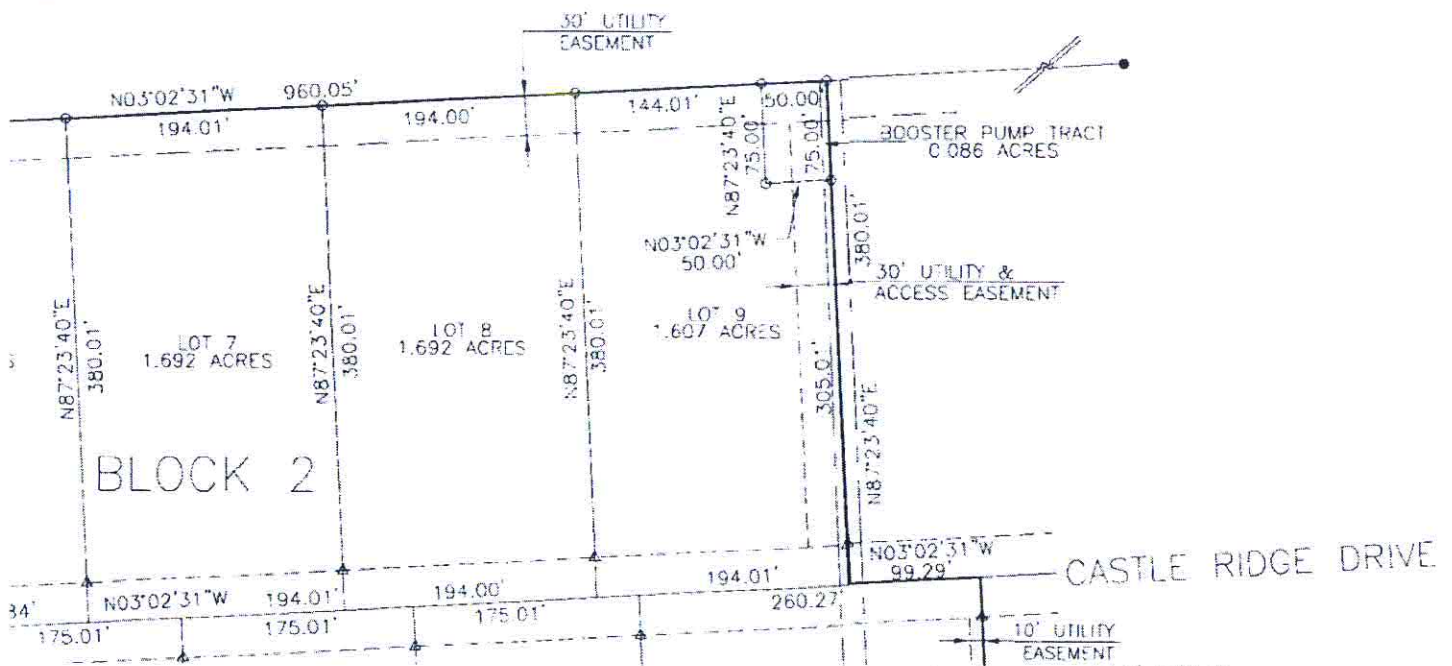
PROGRAM LONGEVITY:

The City of Lewistown may modify this Action Plan as needed. However, changes to stipulations regarding the harassment or lethal removal of Game Animals are subject to oversight and permitting by the Fish & Wildlife Commission.

This Action Plan is effective upon authorization by Fish, Wildlife & Parks, the Fish & Wildlife Commission, and the City of Lewistown. It will remain in effect until modified or terminated by any of those named parties.



LEININGER SUBDIVISION



Property Record Card

Summary

Primary Information

Property Category: RP **Subcategory:** Residential Property
Geocode: 08-2467-27-1-06-17-0000 **Assessment Code:** 0000024107
Primary Owner: **PropertyAddress:** WESTRIDGE RD
 MILLER RICHARD T ET AL LEWISTOWN, MT 59457
 PO BOX 172 **COS Parcel:**
 LEWISTOWN, MT 59457-0172

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision:

Legal Description:

S27, T15 N, R18 E, CASTLE RIDGE ACRES #3 PHASE 1 BOOSTER PUMP TRACT BLOCK 2

Last Modified: 7/14/2022 4:23:18 AM

General Property Information

Neighborhood: 208.013 **Property Type:** IMP_U - Improved Property - Urban
Living Units: 0 **Levy District:** 08-0258-1C
Zoning: **Ownership %:** 100
Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0 **Limited:** 0

Property Factors

Topography: **Fronting:**
Utilities: **Parking Type:**
Access: **Parking Quantity:**
Location: **Parking Proximity:**

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.086	43,006.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
1/23/2002	DOC#	63735			

Boulevard Maintenance	Area	Rate	% Increase	Revenue	Difference
2018-2019 Rate	4992.33	\$0.1112		\$555.16	
2019-2020 Rate	4992.33	\$0.2224	99.99%	\$1,110.29	\$555.13
2020-2021 Rate	4992.33	\$0.4448	100.00%	\$2,220.59	\$1,110.29
2021-2022	4992.33	\$0.6672	50.00%	\$3,330.88	\$1,110.29
Option 1	4992.33	\$0.7500	12.41%	\$3,744.25	\$413.36
Option 2	4992.33	\$1.0000	49.88%	\$4,992.33	\$1,661.45
Option 3	4992.33	\$0.6672	0.00%	\$3,330.88	\$0.00
Area is frontage of property					
Area spread out over 59 property owners					
The City is assessed a total of 640 feet					

Street Maintenance	Area	Rate	% Increase	Revenue	Difference
2017-2018 Rate	32,123,898.36	\$0.0310	0.0%	\$995,840.85	\$0.00
2018-2019 Rate	32,123,898.36	\$0.0320	3.2%	\$1,027,964.75	\$32,123.90
2019-2020 Rate	32,306,259.00	\$0.0330	3.2%	\$1,060,088.65	\$32,123.90
2020-2021 Rate	32,504,805.27	\$0.0330	0.0%	\$1,072,658.57	\$12,569.93
2021-2022 Rate	32,802,852.77	\$0.0330	0.0%	\$1,082,494.14	\$9,835.57
Option 1	32,802,852.77	\$0.0330	0.0%	\$1,082,494.14	\$0.00
Option 2	32,802,852.77	\$0.0340	3.0%	\$1,115,296.99	\$32,802.85
Option 3	32,802,852.77	\$0.0350	6.1%	\$1,148,099.85	\$65,605.71
Regular city lot size 50 x 90=4500 sq ft					
2017-2018 Rate	4,500.00	\$0.0310		\$139.50	\$0.00
2018-2019 Rate	4,500.00	\$0.0320		\$144.00	\$4.50
2019-2020 Rate	4,500.00	\$0.0330		\$148.50	\$4.50
2020-2021 Rate	4,500.00	\$0.0330		\$148.50	\$0.00
2021-2022 Rate	4,500.00	\$0.0330		\$148.50	\$0.00
Option 1	4,500.00	\$0.0330		\$148.50	\$0.00
Option 2	4,500.00	\$0.0340		\$153.00	\$4.50
Option 3	4,500.00	\$0.0350		\$157.50	\$9.00
Maximum Residential 15,000 sq ft					
2017-2018 Rate	15,000.00	\$0.0310		\$465.00	\$0.00
2018-2019 Rate	15,000.00	\$0.0320		\$480.00	\$15.00
2019-2020 Rate	15,000.00	\$0.0330		\$495.00	\$15.00
2020-2021 Rate	15,000.00	\$0.0330		\$495.00	\$0.00
2021-2022 Rate	15,000.00	\$0.0330		\$495.00	\$0.00
Option 1	15,000.00	\$0.0330		\$495.00	\$0.00
Option 2	15,000.00	\$0.0340		\$510.00	\$15.00
Option 3	15,000.00	\$0.0350		\$525.00	\$30.00

Additional Misc. Street Funding			
	2820	2821	Total
Fund	Gas Tax	BARSAA	
2017-2018	\$129,122.00		\$129,122.00
2018-2019	\$129,130.00	\$48,046.00	\$177,176.00
2019-2020	\$127,224.00	\$102,597.00	\$229,821.00
2020-2021	\$126,207.00	\$145,300.00	\$271,507.00
2021-2022	\$126,197.00	\$144,897.00	\$271,094.00
2022-2023	\$126,499.49	\$162,110.24	\$288,609.73