

There will be no committee of the whole meeting on March 15th.

**NOTICE FOR, AND AGENDA FOR, A VIRTUAL MEETING OF THE CITY COMMISSION,
CITY OF LEWISTOWN, MARCH 15, 2021 AT 7:00 P.M.**

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 – February 16, 2021 & March 1, 2021

COURTESIES

PROCLAMATIONS

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgement of the claims that have been paid from February 12, 2021 to February 23, 2021 for a total of \$145,316.06

Acknowledgement of the claims that have been paid from February 24, 2021 to February 28, 2021 for a total of \$2,824.71

Acknowledgement of the claims that have been paid from March 1, 2021 to March 10, 2021 for a total of \$107,178.12

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

1. Discussion and action on allowing City staff to move forward with updating City Code pertaining to Title 6 Chapters 2 and 3 of the Lewistown City Code which refers to small animals and fowl (**Action: approve, disapprove or amend reviewing and update City Code**)

2. Discussion and action on moving forward with advertising for proposals for a contract City Attorney to include prosecution duties (**Action: approve, disapprove or amend moving forward with advertising for proposals for a contract City Attorney**) City Manager Holly Phelps

3. Public hearing to hear comments on Resolution No. 4046, a resolution amending the 2019-2020 budget of the City of Lewistown

4. Discussion and action on approving Resolution No.4046, a resolution amending the 2019-2020 budget of the City of Lewistown (**Action: approve, disapprove or amend Resolution No. 4046**) City Manager Holly Phelps

5. Discussion and action on Resolution No. 4047, a resolution approving an application from Mike & Susan Lamphier, DBA Vino N Brews for TIF Funds made to the Lewistown Tax Increment Financing District Board (**Action: approve, disapprove or amend Resolution No. 4047**) City Manager Holly Phelps

6. Discussion and action on approving a two 30-minute parking spots in front of the Library on 7th Ave (**Action: approve, disapprove or amend approving two 30 minute parking spots**) City Manager Holly Phelps

7. Discussion and action on approving an underground electric powerline easement between the City of Lewistown and Northwestern Energy and authorizing the City Manager to sign the agreement (**Action: approve, disapprove or amend approving easement and authorizing the City Manager to sign the agreement**)

8. Discussion and action on how City Commission meetings will be conducted moving forward in 2021 (**Action: approve, disapprove or amend how City Commission meeting will moving forward in 2021**) 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

RESOLUTION NO. 4018

A RESOLUTION AMENDING THE 2019-2020 BUDGET OF THE CITY OF LEWISTOWN

WHEREAS, the City Commission of the City of Lewistown has passed and adopted the 2019-2020 budget for the City of Lewistown; and,

WHEREAS, the City has received various revenues and incurred various expenses that were not anticipated or provided for in the 2019-2020 budget;

NOW THEREFORE, BE IT RESOLVED that the 2019-2020 budget for the City of Lewistown is hereby amended as follows:

Section 1:

The City of Lewistown Fire Department applied and was awarded a FEMA grant in the amount of \$24,691 to replace the base radio the Fire Department uses to communicate with Central Montana Dispatch and other emergency response agencies. The following accounts need to be amended:

FEMA Grants	1000-331113	+\$24,691 revenue
Special Equipment Purchase	1000-420400-953	+\$24,691 expense

Section 2:

As part of the budget process it was discussed to set up a revenue and expense account for the fees and expenses associated with East Fork Dam camping area. The following accounts were created and the amounts need to be reflected in the budget:

East Fork Revenue	1000-365003	+\$2,000 revenue
East Fork Maintenance	1000-460430-367	+\$2,000 expense

Section 3:

The City of Lewistown applied for and was awarded a Department of Natural Resources and Conservation grant for the clean-up of the Central Post & Treating Company. The financial aspect of the grant was unclear at budget time and the City has been notified that the funds will pass through the City's budget. The following accounts and amounts need to be reflected in the budget:

DNRC Grant	2865-334121	+\$475,000 revenue
Water Quality Control	2865-480200-950	+\$475,000 expense

Section 4:

The Lewistown Public Library needed new windows and applied for a grant for partial funding and the other funding came from the Friends of the Library. The following account needs to be amended:

Contributions & Donations	4001-365000	+\$3,000 revenue
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Section 5:

The City of Lewistown will be purchasing a new records management system to be used by the Police Department, Central Montana 911 and Fergus County Sheriff's Department. The City will fund the purchase and the Fergus County Sheriff's Department will pay their portion. The following accounts will need to be amended:

Miscellaneous Revenues	1000-362001	+\$166,568 revenue
Police Dept – Misc. Equip Purch	1000-420100-944	+\$340,062 expense
Central MT 911 – Equip Purch	2851-420160-940	+\$61,866 expense

Section 6:

The City of Lewistown has property insurance coverage and liability insurance coverage through the Montana Municipal Interlocal Authority. In years past the City has received a risk assessment adjustment to apply to the towards their liability insurance which in turn the budget of \$55,000 was sufficient to pay premiums and have extra funds for any unknown issues. However, the risk assessment adjustment was not as much this year and the budget was not increased to prior year's level as a result the following account needs to be amended:

Comprehensive Liability Insurance	1000-510330-510	+\$10,000 expense
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Section 7:

The City of Lewistown Police Department budgeted for one car in the budget and due to unforeseen repairs and the ability to get a better deal two cars were approved for purchase. The vehicles must be upfitted and due to increasing costs the upfitting is more than previous years. The budget will be amended for the extra vehicle and the upfitting of one car. The new records management system will require server upgrades. The following accounts will be amended for these items:

Police Dept – Misc. Equip Purch	1000-420100-944	+\$59,159 expense
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PASSED AND APPROVED THIS 4th DAY OF NOVEMBER, 2019.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk

RESOLUTION NO. 4047

A RESOLUTION APPROVING AN APPLICATION FROM
MIKE & SUSAN LAMPHIER, DBA VINO & BREWS FOR
TIF FUNDS MADE TO THE LEWISTOWN TAX
INCREMENT FINANCING DISTRICT BOARD

WHEREAS, the Lewistown City Commission has adopted Ordinance No. 1748 – An Ordinance establishing the Lewistown Urban Renewal Area, creating the Lewistown Urban Renewal District and adopting the Lewistown Urban Renewal District Plan; and

WHEREAS, by Resolution number 3903 the City created an Urban Renewal Agency per 7-15-4232 Montana Codes Annotated (MCA), which was designated as the “Lewistown Improvement District Board” to engage in activities authorized in 7-15-4234 MCA and provide administrative functions; and

WHEREAS, the Commission re-designated the “Lewistown Improvement District Board” as the “Lewistown Tax Increment Financing District Board” by Resolution 3923; and,

WHEREAS, the Commission appointed a Lewistown Tax Increment Financing District Board (hereafter, the “TIF Board”) in order to manage the Lewistown Urban Renewal District created by Ordinance 1748; and,

WHEREAS, the TIF Board oversees the operation of the Lewistown Urban Renewal District, including public purpose activities; promotional activities; façade building conservation and loan programs; and administrative functions; and,

WHEREAS, the TIF Board exercises those powers authorized by law as specified in Resolution 3923; and,

WHEREAS, the TIF Board has developed the Lewistown TIF District (LTD) Program whereby qualified applicants may apply for TIF District Program Funds for assistance in redevelopment or rehabilitation of properties within the Urban Renewal District; and,

WHEREAS, through its LTD Program the TIF Board has received numerous applications for TIF District Program Funds, has reviewed the same and, has recommended approval of several applicants for those funds; and,

WHEREAS, the City Commission has retained final budgetary authority for TIF program activities.

NOW, THEREFORE, BE IT RESOLVED, that the Lewistown City Commission hereby approves the following applications for TIF District Program Funds as recommended by the TIF Board:

1. Mike & Susan Lamphier DBA Vino & Brews, applicant; for facade & accessibility improvements, to the building located at 123 W. Main Street, to grant up to \$10,000.

BE IT FURTHER RESOLVED, that prior to disbursement of any TIF funds, all applicants shall enter into such Development Agreements as established and approved by the TIF Board.

PASSED AND APPROVED this ____ day of March 2021.

Patty Turk, Chairperson
Lewistown City Commission

Attest:

Nikki Brummond
City Financial Officer/Clerk

Lewistown TIF District Program Application

Project Name: VINO N BREWS Date Submitted: 1-12-2021

APPLICANT INFORMATION

1. Name: MIKE & SUSAN LAMPHIER
2. Address: 413 W. SPRING ST
3. City/ST/Zip: LEWISTOWN, MT, 59457
4. Telephone Number(s): (406) 366-9633 (MIKE'S CELL)
(307) 461-1400 (SUSAN'S CELL)

If the applicant is not an individual doing business under his/her own name, the applicant has the status indicated below and is organized or operating under the laws of:

- ☐ A Corporation
- ☐ A nonprofit or charitable institution or corporation
- ☐ A partnership known as _____
- ☒ Other (explain) LLC

PROJECT INFORMATION

1. Building Address: 123 W MAIN ST
2. Legal Description: SW 1/4 1/2 LOT 011
3. **Property Owner:** (If property is not owned by Applicant, list leasehold interests)
Name of Owner(s): N/A
Address: _____
Telephone Number(s): _____
E-Mail: SU-E-lou@hotmail.com
(Susan Lamphier) (307) 461-1400

[Signature]

4. Project Architectural Firm: JLW ARCHITECTURE

Address: 168 NORTHERN SHADOWS DR, LEWISTOWN

Telephone Number: 406-366-0055

E-Mail: JLW@Judithshadows.com

5. Project Financial Lending Institution: FIRST BANK OF LEWISTOWN

Address: 224 W. MAIN ST, LEWISTOWN

Telephone Number: (406) 538-7471

E-Mail: _____

6. Project Contractor: JEFF WHITCRAFT, GENERAL

Address: 168 NORTHERN SHADOWS DR. LEWISTOWN

Telephone Number: (406) 366-0055

E-Mail: jlw@judithshadows.com

7. Existing/Proposed Business: PROPOSED

Business Description:

BEER AND WINE BAR FEATURING TAPPAS AND APPETIZERS (INCLUDING TEMPURA BATTERED VEGETABLES, MEAT AND CHEESE BOARDS, FRESH BREAD w/ SEASONED OLIVE OIL AND VARIOUS SEAFOODS).

SUPPLEMENTAL INFORMATION FOR ELIGIBLE IMPROVEMENTS UNDER SPECIFIC PROGRAMS

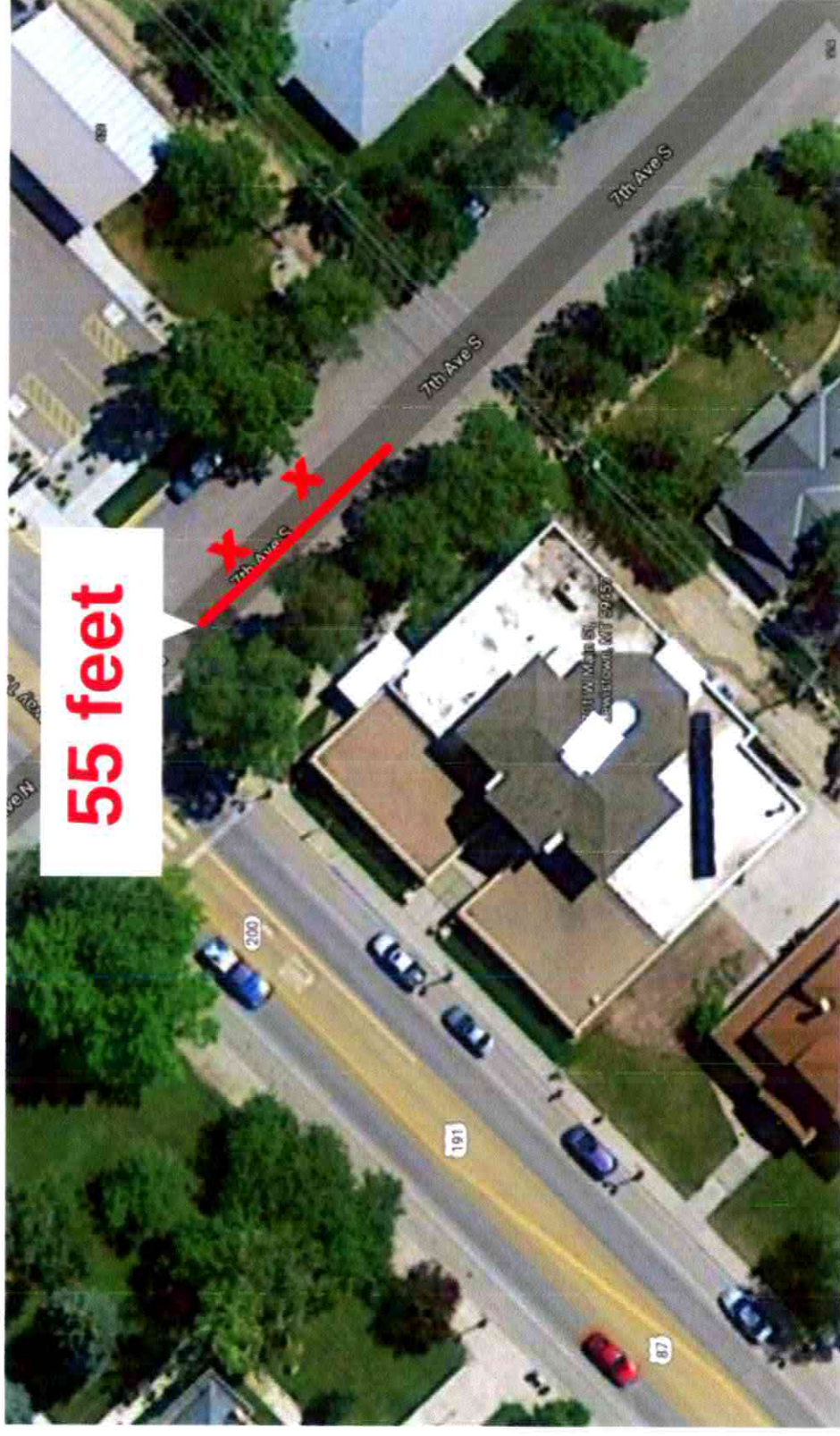
List eligible items that pertain to the particular program you are applying for (see the applicable program narrative for a description of the eligible items). Use the "Construction Costs" portion of the Project Cost Worksheet to fill out the information below. If in doubt about an item's eligibility, include it. Board will review items and help determine eligibility.

1. <u>ELEVATOR PURCHASE & INSTALLATION</u>	<u>35,000⁰⁰</u>
2. <u>WINDOW & DOOR OPENINGS</u>	<u>29,210⁰⁰</u>
3. <u>MASONRY, BRICK, SANDSTONE INFILL</u>	<u>9,666⁰⁰</u>
4. <u>MECH, PLUMB, ELECTRICAL SYSTEMS</u>	<u>103,000⁰⁰</u>
5. _____	<u>\$ 0.00</u>
6. _____	<u>\$ 0.00</u>
7. _____	<u>\$ 0.00</u>
8. _____	<u>\$ 0.00</u>
9. _____	<u>\$ 0.00</u>
10. _____	<u>\$ 0.00</u>
11. _____	<u>\$ 0.00</u>
12. _____	<u>\$ 0.00</u>

Total Lewistown TIF District (LTD) Program Request

~~\$ 0.00~~ ^{\$} 10,000

Overhead view of Library



The Library has 2 legal parking spots in front of the Library on 7th Ave. We would like to have those both be 30 minute parking.

Exhibit "A"

Attached to and part of underground electric powerline easement between City of Lewistown as "Grantor", and Northwestern Corporation D/B/A/ Northwestern Energy, "Grantee", Dated _____, describing a parcel or strip of land in

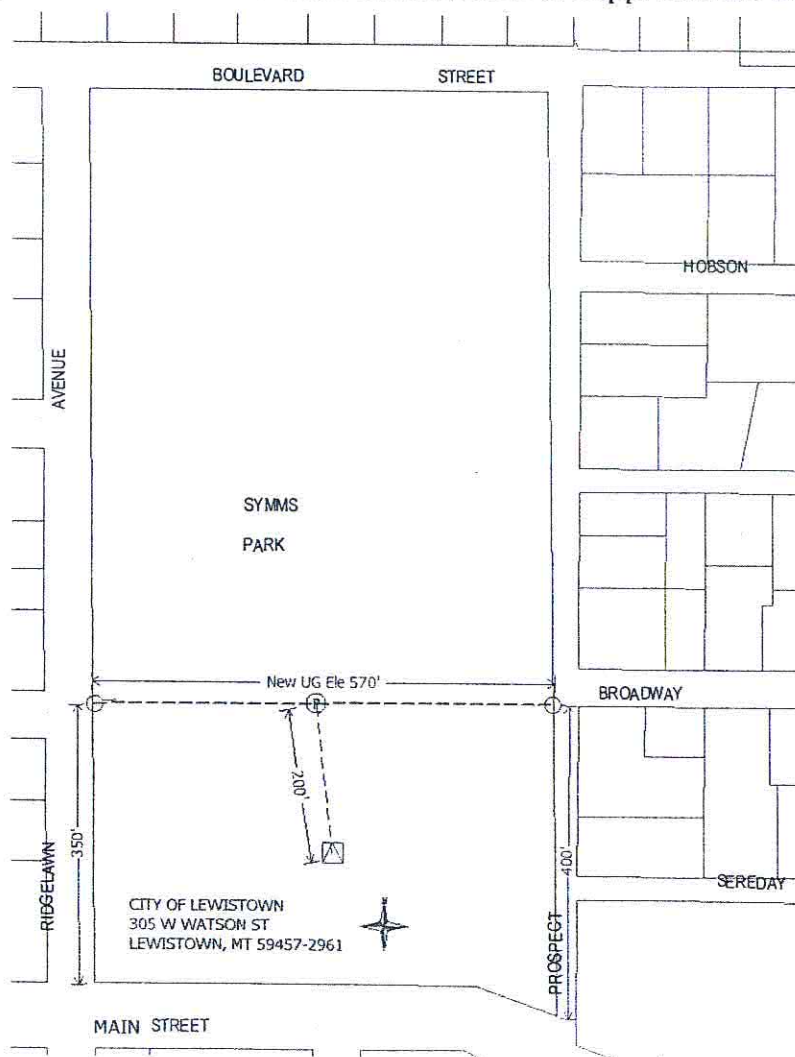
TOWNSHIP 15 NORTH, RANGE 18 EAST, M.P.M., Fergus County, MT

Section 11, Judith Place Add, Block 010, All Blocks 10-15 (Symmes Park).

Easement begins at a point approximately 350 feet north of the southwest corner of the described parcel. Easement continues approximately 570 feet east more or less to end at a point approximately 400 feet north of the southeast corner of the described parcel.

Easement also continues approximately 200 feet south more or less from a point approximately 285 feet along the described easement. The underground power line being the centerline of said easement.

All distances, areas and measurements shown below are approximate and not to scale



AFTER RECORDING, RETURN TO:
NORTHWESTERN ENERGY
LAND & PERMITTING DEPARTMENT
11 E Park St
Butte, MT 59701-1711

EASEMENT – CORPORATE UNDERGROUND ELECTRIC

City of Lewistown

a _____ corporation, whose address is 305 W Watson St
Lewistown, MT 59457-2961

"Grantor", in consideration of \$1.00 and other good and valuable consideration, in hand paid, the receipt of which is acknowledged, does grant and convey to **NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY**, a Delaware corporation, 11 E Park St, Butte, MT 59701-1711, "Grantee", and to its successors, assigns and apportionees, an easement 10 feet in width, upon which to construct, operate, maintain, replace, upgrade, and remove an underground electric powerline, communications systems, and necessary appurtenances, over, under, along and across, that certain real property located in Fergus County, Montana, and particularly described as follows:

TOWNSHIP 15 N, **RANGE 18 E**, **P.M.M.**

SECTION(S): 11, Judith Place Add, Block 010, All Blocks 10-15 (Symmes Park). Easement begins at a point appx. 350' N of the SW corner of described parcel and continues appx. 570' E more or less to end at a point appx. 400' N of the SE corner of described parcel. Easement also continues appx. 200' S more or less from a point appx. 285' along described easement. As further described in Exhibit "A" attached hereto and part hereof. The underground powerline being the centerline of said easement.

TOGETHER with reasonable right of access to and from the easement area over lands of the Grantor using existing roads and trails where practicable; the right to use and keep the easement area free and clear of any and all obstructions or structures, except fences; and the right to clear and remove all timber, brush, or vegetation outside of the easement area that may, in the Grantee's sole opinion, endanger the powerline, communications system, or necessary appurtenances.

GRANTOR covenants with the Grantee that the Grantor is lawfully seized and possessed of the real estate above-described, and that the Grantor has a good and lawful right to convey it, or any part thereof.

DATED this _____ day of _____, 2021.

City of Lewistown

(Name of Corporation)

By: _____

(Signature of Authorized Agent)

Its: _____

(Title of Authorized Agent)

STATE OF _____)

_____)ss.

COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021,

by _____ known to me to be the _____

(Name of Authorized Agent)

(Title of Authorized Agent)

for City of Lewistown

(Name of Corporation)

NOTARY SEAL WITHIN THE BOX

Signature: _____

Print Name: _____

Notary Public for the State of: _____

Residing at: _____

My Commission Expires: _____, 20____

Project: 340136476 LEW SI 21BASEOHCA CRKT 10 Reconductor

Agent: Ryan Lower

SAP No.: 24116912-1020

QRM No.: _____

CURRENT PROCEDURES

At July 20th City Commission meeting the City Commission discussed how to hold their meetings while complying with the Governor's directives

In accordance with the governor's directives, the City Commission will require face coverings while entering and during the Commission meetings while there are four or more active COVID-19 cases, within Fergus County and follow social distancing. The City Commission also determined that their meeting would accessible by Zoom and phone.

The Commission packets will also be available on the City's website.

Now, that Fergus County has more than 4 active cases of COVID-19, face coverings are required. We are proposing the following:

A sign will be posted on the Council on Aging's door that instructs individuals attending the Commission meetings to use masks while indoors and tell them that they are to follow social distancing. The chairs have been placed 6 feet apart and they are not to be moved. We will also post the Zoom information for those that choose participate electronically or by phone.

We will have someone in the lobby explaining that expectation to those people in attendance. If they do not have a mask, they will be asked to put one on, if they wish to participate in person. If they refuse the Chairperson may request a 30 minute and the meeting will resume electronically.

PROPOSAL:

At the March 15th Commission meeting the City Commission discussed how to hold their meetings while complying with the Governor's directives.

In accordance with the governor's directives, the City Commission will recommend face coverings while entering and during the Commission meetings and follow social distancing. The City Commission will continue to make the meetings accessible by Zoom and phone.

The Commission packets will also be available on the City's website.

A sign will be posted on the Council on Aging's door that instructs individuals that masks social distancing are recommended. The chairs have been placed 6 feet apart and they are not to be moved. We will also post the Zoom information on our website for those that choose participate electronically or by phone.

