

**COMMITTEE OF THE WHOLE**

**AUGUST 7, 2023**

**6:00 PM**

1. Review 2023-2024 Budget

**NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION,  
CITY OF LEWISTOWN, AUGUST 7, 2023 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 17, 2023  
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, 2023 to June 30, 2023 for a total of \$395,644.16 and claims that have been paid from July 14, 2023 to July 31, 2023 for a total of \$57,523.39

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

1. Public hearing to hear comments on the intention of the City Commission to take action on the petition of Huschka/Lamphier to abandon/discontinue entire alley in Block 1 of Spring Street addition n the City of Lewistown
2. Discussion and action on approving Resolution No. 4129, a resolution discontinuing the entire alley of Block 1 of Spring Street addition in the City of Lewistown (**Action: approve, disapprove or amend approving Resolution No. 4129**) City Manager Holly Phelps
3. Public hearing to hear comments on the intention of the City Commission to take action on the petition Raleigh and Mariah Heitzman to abandon/discontinue 11<sup>th</sup> Avenue from Water Street to the alley in the City of Lewistown
4. Discussion and action on approving Resolution No. 4130, a resolution abandoning/discontinuing 11<sup>th</sup> Avenue from Water Street to the alley in the City of Lewistown (**Action: approve, disapprove or amend approving Resolution No. 4130**) City Manager Holly Phelps
5. Public hearing to hear comments on Resolution No. 4131, a resolution approving the fiscal year 2024 work plan and budget for Tourism Business Improvement District #1
6. Discussion and action on approving Resolution No. 4131, a resolution approving the fiscal year 2024 work plan and budget for Tourism Business Improvement District #1 (**Action: approve, disapprove or amend Resolution No. 4131**) City Manager Holly Phelps

7. Discussion and action on approving Resolution No. 4132, a resolution approving an assessment to defray the cost of the work plan and budget for Tourism Business Improvement District #1 for fiscal year 2024 (**Action: approve, disapprove or amend Resolution No. 4132**) City Manager Holly Phelps

8. Discussion and action on setting fines for parking violations (**Action: approve, disapprove or amend setting fines for parking violations**) City Manager Holly Phelps

9. Update Growth Policy

**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. 4129**

**A RESOLUTION TO ABANDON/DISCONTINUE  
ENTIRE ALLEY IN BLOCK 1 OF SPRING STREET  
ADDITION TO THE CITY OF LEWISTOWN**

WHEREAS, at the regular City Council meeting held on July 17, 2023, a petition signed by Keith Huschka and Teresa Lampier to discontinue the entire alley in Block 1 between lot 1 through lot 13 in the Spring Street Addition was presented to the Lewistown City Council; and,

WHEREAS, at the regular City Council meeting held on July 17, 2023, Lewistown City Council passed Resolution of Intent #4127 to act on the Petition to abandon/discontinue the street as requested by the Petitions directed the City Clerk to advertise a public hearing on the matter to be held on August 7, 2023; and

WHEREAS, at the regular City Council meeting held on August 7, 2023, after receiving public comment, a motion to insure that an easement for present and future utilities be obtained and then close the street was made, seconded and unanimously approved; and

WHEREAS, the City has found no further record of any final action on this matter or of any easements being filed to access city utilities in the street; and,

WHEREAS, pursuant to Section 7-14-4114 Montana Code Annotated the discontinuance of any street or alley shall not affect the right of any public utility to continue to maintain its plant and equipment in any such streets or alleys; and,

WHEREAS, to insure that the Council's intent to discontinue that portion of 11<sup>th</sup> Ave described herein as well as maintain the right to maintain and construct any public utilities therein is adequately documented;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the City Council minutes of July 17, 2023, that the entire alley in Block 1 between lot 1 through lot 13 in the Spring Street Addition is discontinued and vacated and

the adjoining landowners shall receive that portion thereof which abuts each landowner's property, subject to the easement reserved herein.

BE IT FURTHER RESOLVED that the City of Lewistown expressly reserves the right for any public utility, including the City, to maintain its plant and equipment in the described right-of-way or to hereafter install and maintain any facilities or public utilities therein. The City shall have the right of ingress to and egress from discontinued street area for purposes of installing, improving, maintaining, inspecting or repairing any public utility therein. No permanent structures shall be placed within the discontinued area. Any improvements, including fences, trees or structures placed within the discontinued area shall be subject to removal upon notice by the City at the owner's expense, and the owner agrees to hold harmless and indemnify the City for any work within the easement area.

BE IT FURTHER RESOLVED that the City Clerk forward a certified copy of this Resolution to the Fergus County Clerk and Recorder for recording as well as to the Montana Department of Revenue.

Passed and approved by the Lewistown City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
KELLYANNE TERRY  
Chairman of the Commission

ATTEST:

\_\_\_\_\_  
Nikki Brummond  
City Clerk

**RESOLUTION NO. 4130**

**A RESOLUTION TO ABANDON/DISCONTINUE 11<sup>TH</sup>  
AVENUE FROM WATER STREET TO THE ALLEY  
BETWEEN LOTS 10 AND 11 IN BLOCK 6 AND LOTS  
1 AND 2 IN BLOCK 9 OF EVERGREEN ADDITION IN  
THE CITY OF LEWISTOWN**

WHEREAS, at the regular City Council meeting held on July 17, 2023, a petition signed by Raleigh and Mariah Heitzman to discontinue that portion of 11<sup>th</sup> Avenue from Water Street to the Alley between Lots 10 and 11 in Block 6 and Lots 1 and 2 in Block 9 of Evergreen Addition was presented to the Lewistown City Council; and,

WHEREAS, at the regular City Council meeting held on July 17, 2023, Lewistown City Council passed Resolution of Intent #4126 to act on the Petition to abandon/discontinue the street as requested by the Petitions directed the City Clerk to advertise a public hearing on the matter to be held on August 7, 2023; and

WHEREAS, at the regular City Council meeting held on August 7, 2023, after receiving public comment, a motion to insure that an easement for present and future utilities be obtained and then close the street was made, seconded and unanimously approved; and

WHEREAS, the City has found no further record of any final action on this matter or of any easements being filed to access city utilities in the street; and,

WHEREAS, pursuant to Section 7-14-4114 Montana Code Annotated the discontinuance of any street or alley shall not affect the right of any public utility to continue to maintain its plant and equipment in any such streets or alleys; and,

WHEREAS, to insure that the Council's intent to discontinue that portion of 11<sup>th</sup> Ave described herein as well as maintain the right to maintain and construct any public utilities therein is adequately documented;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the City Council minutes of July 17, 2023, that portion of 11<sup>th</sup> Avenue from Water Street to the Alley between Lots 10 and 11 in Block 6 and Lots 1 and 2 in Block 9 of Evergreen Addition is discontinued and vacated and the adjoining landowners shall receive that portion thereof which abuts each landowner's property, subject to the easement reserved herein.

BE IT FURTHER RESOLVED that the City of Lewistown expressly reserves the right for any public utility, including the City, to maintain its plant and equipment in the described right-of-way or to hereafter install and maintain any facilities or public utilities therein. The City shall have the right of ingress to and egress from discontinued street area for purposes of installing, improving, maintaining, inspecting or repairing any public utility therein. No permanent structures shall be placed within the discontinued area. Any improvements, including fences, trees or structures placed within the discontinued area shall be subject to removal upon notice by the City at the owner's expense, and the owner agrees to hold harmless and indemnify the City for any work within the easement area.

BE IT FURTHER RESOLVED that the City Clerk forward a certified copy of this Resolution to the Fergus County Clerk and Recorder for recording as well as to the Montana Department of Revenue.

Passed and approved by the Lewistown City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
KELLYANNE TERRY  
Chairman of the Commission

ATTEST:

\_\_\_\_\_  
Nikki Brummond  
City Clerk

**RESOLUTION NO. 4131**

**A RESOLUTION APPROVING THE FISCAL YEAR  
2024 WORK PLAN AND BUDGET FOR TOURISM  
BUSINESS IMPROVEMENT DISTRICT #1**

**WHEREAS**, Resolution 3806 adopted by the Lewistown City Commission created Tourism Business District #1 (TBID #1) effective February 1, 2013, in order to increase tourist trips and promote and benefit the tourism and lodging industry in Lewistown; and

**WHEREAS**, TBID #1 provides funding that will promote the health, safety, prosperity, security, and general welfare and will convey a special benefit to the properties within the boundaries of the Tourism Business Improvement District;

**WHEREAS**, Section 7 of Resolution 3806 requires a work plan and budget be submitted and approved by the City Commission each year:

Powers and Duties of Trustees. The appointed Trustees shall have the powers and duties set out in Sections 7-12-1121 through 7-12-1133, M.C.A. and any other applicable laws, ordinances or regulations. At a time determined by the City Commission, the Board of Trustees shall submit to the City Commission for approval a work plan and budget for the ensuing fiscal year. The City Commission may modify the work plan and budget as it considers necessary and appropriate.

**WHEREAS**, the duly appointed Trustees for TBID #1 have submitted a proposed work plan and budget for FY2024 which has been reviewed by the City Commission and the Commission finds the same to be appropriate and within the purposes as set forth by law for tourism business district uses;

**WHEREAS**, the work plan and budget submitted by the Board provides for liability insurance coverage insuring the District, the Board, and the City of Lewistown against legal liability



for personal injury and property damage in an amount deemed appropriate by the City.

**WHEREAS**, as provided by MCA Section 7-12-1132(3), and after due notice being given, the City Commission held a public hearing on objections to the proposed work plan and budget and considered all comments made at such hearing;

**NOW, THEREFORE, BE IT RESOLVED**, that the attached FY2024 Work Plan and budget for TBID #1 is hereby approved.

**APPROVED** by the City Commission of the City of Lewistown, Montana this 7<sup>th</sup> day of August 2023.

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KellyAnne Terry  
Chairman of the Commission

ATTEST:

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Nikki Brummond, City Clerk

In accordance with City of Lewistown Ordinance No. 3806 this is the Work Plan and Budget for FY 23-24 using a July 1, 2023 through June 30, 2024 fiscal year.

<b>Revenue</b>	<b>BUDGET</b>
Projected Collections in 1 <sup>st</sup> FY Quarter (July, August, Sept. 2023)	\$12,000.00
Projected Collections in 2 <sup>nd</sup> FY Quarter (Oct., Nov, Dec. 2023)	\$10,000.00
Projected Collections in 3 <sup>rd</sup> FY Quarter (Jan., Feb., March 2024)	\$6,000.00
Projected Collections in 4 <sup>th</sup> FY Quarter (April, May, June 2024)	<u>\$9,000.00</u>
<b>Total Revenues</b>	<b>\$37,000.00</b>
<b>Carryover from FY23 (estimated)</b>	<b>\$10,000.00</b>
<b>Reserves</b>	<b><u>\$15,000.00</u></b>
<b>Total Funds</b>	<b><u>\$62,000.00</u></b>

#### **Expenditures Budgeted**

Based on the previous year, this work plan has been developed to be broad enough to address upcoming opportunities and yet focused enough to comply with the intent of the TBID's mission of generating room nights for lodging facilities in the City of Lewistown, Montana and Fergus County by effectively marketing our region as a preferred travel destination.

Funding is being allocated to five areas including a reserve fund, as follows:

Sponsorship/Event	\$10,000.00
Marketing	\$28,000.00
Other Opportunities	\$2,000.00
Admin Operation Costs including insurance	<u>\$7,000.00</u>
<b>Total Expenditures Budgeted</b>	<b>\$47,000.00</b>
<b>Reserves:</b>	<b><u>\$15,000.00</u></b>
<b>Total</b>	<b><u>\$62,000.00</u></b>

**Sponsorship/Event** **\$10,000.00**

Business Enhancement expenditures are defined as activities that enhance the hotelier business by generating room nights within the community. Activities may include sponsorship of school and non-school sporting tournaments, recruitment of recreational activities, events, conferences, conventions, community activities, and other sponsorships.

**Marketing** **\$28,000.00**

Marketing expenditures are defined as expenses related to promotion of the region as a preferred travel destination. Marketing may include advertising in brochures, catalogues, flyers, or other printed or methods of communicating the value of traveling to and staying in Lewistown and Fergus County. Marketing is the process of communicating the value of a product or service through positioning to customers. Marketing can be looked at as an organizational function and a set of processes for creating, delivering and communicating value to customers, and managing customer relationships in ways that benefit the organization.

Marketing is often thought as these four methods: relationship marketing, internal marketing, integrated marketing, and socially responsive marketing. The set of engagements necessary for successful marketing management includes, capturing marketing insights, connecting with customers, building strong brands, shaping the market offerings, delivering and communicating value, creating long-term growth, and developing marketing strategies and plans.

**Other Opportunities** **\$2,000.00**

There may be times when a circumstance presents itself that the board has not considered, this category allows the board some discretionary funds to advance the mission of the TBID by utilizing this opportunity. Opportunities will most likely fall outside of the other funding categories.

**Admin Operation Costs including insurance** **\$7,000.00**

State law (7-12-1143) requires the annual budget and work plan provide for liability insurance coverage insuring the District, the Board, and the City of Lewistown against legal liability for personal injury and property damage in an amount deemed appropriate by the City. Miscellaneous costs also include administrative services provided by Snowy Mountain Development Corporation staff.

**Total Expenditures Budgeted** **\$47,000.00**

**Reserves:** **\$15,000.00**

An amount will be held in reserves to aid in cash flow and insure funds are readily available when needed. This amount is 10-30% of the total available funds.

**Total** **\$62,000.00**

**RESOLUTION NO. 4132**

**A RESOLUTION APPROVING AN ASSESSMENT TO  
DEFRAY THE COST OF THE WORK PLAN AND  
BUDGET FOR TOURISM BUSINESS  
IMPROVEMENT DISTRICT #1 FOR FISCAL YEAR  
2024**

**WHEREAS**, Resolution 3806 adopted by the Lewistown City Commission created Tourism Business District #1 (TBID #1) effective February 1, 2013, in order to increase tourist trips and promote and benefit the tourism and lodging industry in Lewistown; and

**WHEREAS**, TBID #1 provides funding that will promote the health, safety, prosperity, security, and general welfare and will convey a special benefit to the properties within the boundaries of the Tourism Business Improvement District;

**WHEREAS**, MCA Section 7-12-1132(3) requires the governing body to levy an assessment upon all of the property in the district using as a basis one of the methods prescribed in MCA Section 7-12-1133 and the City has previously selected the method to be used in Resolution 3806:

Assessments. All lodging facilities, as defined in Section 8, that are within the District will be assessed for their proportionate share of the costs of maintaining the activities of the Tourism Business Improvement District as prescribed in Section 7-12-1133(2)(c) M.C.A. The assessments to fund the work plan for the first fiscal year are to be collected from all lodging facilities with 6 or more rooms within the boundaries of the district and all such lodging facilities shall be subject to an assessment of one dollar (\$1.00) per occupied room night. Stays by persons who are otherwise exempt from paying a transient occupancy tax (a.k.a. lodging facility use tax), as provided in Sections 15-65-101 through 15-65-136 MCA, shall be exempt from the assessment. The assessments may

be modified annually by adoption of a resolution or adoption of the City's budget.

**WHEREAS**, the City finds that the method and amount of assessment as described in Resolution 3806 is appropriate for FY 2024 and does not require modification.

**NOW, THEREFORE, BE IT RESOLVED**, that all lodging facilities that are within TBID #1 will be assessed for their proportionate share of the costs of maintaining the activities of the Tourism Business Improvement District as prescribed in Section 7-12-1133(2)(c) M.C.A. The assessments to fund the work plan for the fiscal year 2022 shall be collected from all lodging facilities with 6 or more rooms within the boundaries of the district and all such lodging facilities shall be subject to an assessment of one dollar (\$1.00) per occupied room night. Stays by persons who are otherwise exempt from paying a transient occupancy tax (a.k.a. lodging facility use tax), as provided in Sections 15-65-101 through 15-65-136 MCA, shall be exempt from the assessment.

**APPROVED** by the City Commission of the City of Lewistown, Montana, this 7<sup>th</sup> day of August 2023.

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KellyAnne Terry  
Chairman of the Commission

ATTEST:

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Nikki Brummond, City Clerk