

COMMITTEE OF THE WHOLE

JUNE 3, 2024

6:00 PM

1. Discussion on allowing a beer & wine license at the Makers on Broadway building

Citizen Participation

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.

We ask that you silence your cell phone before the meeting begins and please refrain from using your cell phone during the meeting. Thank you.

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 on the agenda unless recognized in the 'Citizen Requests' portions*
- *Keep comments brief to ensure adequate time for additional comment and commission business*
- *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.*

In the event that there is a large number of people wanting to comment in a meeting or hearing, the presiding officer reserves the right to impose a time limit on comments to ensure adequate time for public comment and Commission business.

Impertinent or slanderous remarks towards city officials, staff or other members of the public, or other boisterous, disorderly or disruptive behavior during a Commission meeting are not permitted. Swearing, derogatory language, threats, personal attacks, heckling or similar behavior may be considered impertinent and/or disruptive. Any person exhibiting such behavior during the Commission meeting may be admonished to cease that behavior or risk being asked to vacate the Commission chambers. If such behavior continues after the admonishment, the presiding officer may request that person to vacate the Commission chambers, unless permission to remain is granted by vote of the Commission.

NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION, CITY OF LEWISTOWN, JUNE 3, 2024 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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES –May 6, 2024 and May 20, 2024

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 May 16, 2024 to May 30, 2024 for a total of \$950,268.86

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

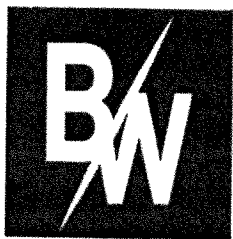
1. Discussion and action on allowing a beer & wine license at the Makers on Broadway building (**Action: approve, disapprove or amend allowing a beer & wine license**) City Manager Holly Phelps
2. Discussion and action on approving a business license for Nomad Electric LLC (**Action: approve, disapprove or amend approving a business license for Nomad Electric LLC**) City Manager Holly Phelps
3. Discussion and action on entering into a Memorandum of Understanding between the City of Lewistown and Fergus County Health Department for the testing of municipal wastewater samples (**Action: approve, disapprove or amend entering into a MOU**) City Manager Holly Phelps
4. Discussion and action on appointing a Commissioner to the Snowy Mountain Development Corporation (**Action: approve, disapprove or amend appointment to SMDC board**) City Manager Holly Phelps
5. Discussion and action on Resolution No. 4154, a resolution awarding TIF District Funds to 406 Café approved by the Lewistown Tax Increment Financing District Board (**Action: approve, disapprove or amend Resolution No. 4154**) 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



— LAW OFFICE OF —
BECKIE WILLIAMS

May 30, 2024

RE: Broadway Building LLC Request to Supplant Mont. Code Ann. §16-306

Dear Commissioner,

I am working with Shaun Griffith and Rosanna Mecklenburg and helping them with the application process for an alcoholic beverage license (beer and wine) through the Montana Department of Revenue. We have requested that an agenda item be added, and time be allowed at the June 3, 2024 City Commission meeting for Shaun, Rosanna, and myself to formally request that Lewistown City Code 5-15-6 be supplanted so that Broadway Building, LLC may receive an alcoholic beverage license through the Montana Department of Revenue.

Please find enclosed with this letter information for your review and consideration for the June 3, 2024 City Commission Meeting:

- Background information for Shaun, Rosanna and their businesses Broadway Building, LLC and Makers on Broadway
- Summary of the licensing process and where Shaun and Rosanna are currently in this process.
- Identification of the applicable Montana laws and Lewistown City Codes regarding supplantation of Mont. Code Ann. §16-3-306 (Lewistown City Code 5-15-6), as allowed under Mont. Code Ann. §16-3-309 and as requested by Montana Department of Revenue in this instance.
- Identification of other municipalities/cities that have supplanted city code and Mont. Code Ann. §16-3-306.
- Information addressing the Commission's (or City Attorney's) other known concerns.
- Summary of Shaun and Rosanna's requests.

Thank you for your service to the City of Lewistown and thank you for your time in reviewing this information. We welcome any questions that the Commission may have in this matter.

Sincerely,

Beckie Williams

1. Background information

Shaun Griffith and Rosanna Mecklenburg are residents of Lewistown, Montana. Shaun and Rosanna have one college-aged daughter who attends college at the University of Montana and two minor children who both attend school at Lewistown Public Schools. Shaun and Rosanna are active in the Lewistown community, not only through their various businesses that they own, but through their dedication and efforts in supporting opportunities for young artists, performers, and athletes.

Mr. Griffith owns and operates Griffith Contracting, LLC, a general construction business specializing in dirt and excavation services.

Ms. Mecklenburg owns and operates Makers on Broadway (“MOB”), a fine art gallery and dedicated studio space for pottery, woodworking, and silversmithing. Events are frequently held in the Makers on Broadway’s gallery space and these events are open to the public.

Shaun and Rosanna, through their Broadway Building, LLC, purchased the building located at 519 W. Broadway, Lewistown, Montana (formerly the Duane Sparks Chevrolet building). As the Commissioners may be aware, Shaun and Rosanna hired a contractor and have already completed updates to a portion of the 519 W. Broadway building; this is where the Makers on Broadway business is located. In the short time that Makers on Broadway has been open, it has become a popular hub for viewing/purchasing art, events, shopping, and adult education in various skill areas (pottery making, woodworking, jewelry making). Shaun and Rosanna welcome the Commissioners to tour this space and the Broadway building.

In 2023, the Montana Department of Revenue opened up for public bid an alcoholic beverage license (beer and wine). Broadway Building, LLC submitted a bid on this license and was selected as the winning bidder by the Montana Department of Revenue. Broadway Building, LLC is currently going through the application process for this license. The Montana Department of Justice has completed the due diligence review and their inspections. The Montana Department of Revenue has requested that Broadway Building, LLC make a request to the City of Lewistown to supplant the Montana and Lewistown City Code due to the proximity of the 519 W. Broadway building to the Methodist church, which is across the street.

Eventually, Shaun and Rosanna would like to expand the use of the 519 W. Broadway building by opening a restaurant in the 519 W. Broadway Building space, but this plan is in the very initial planning stages (an architect and engineer will need to be hired to properly form the construction plans so that this older space adheres to building codes and safety requirements).

2. Licensing process and more background of Broadway Building, LLC's request

As indicated in the previous section, Broadway Building, LLC is currently going through the application process to receive a beer and wine license for use at the 519 W. Broadway location.

This application and approval process is still ongoing and there has not been a denial issued by the Montana Department of Revenue. As part of this process, the Montana Department of Revenue has requested that Broadway Building, LLC make a request to the City of Lewistown to supplant §16-3-306, Montana Code Annotated to allow the use of the license at the 519 W. Broadway location due to the 519 W. Broadway building's proximity to the Methodist Church.

A statute related to the sale of alcoholic beverages within the proximity of churches and schools is found under Mont. Code Ann. § 16-3-306, which prevents the approval of a license if the location where the alcohol is to be sold is within 600 feet of buildings that are used exclusively as a church or a school. The 519 W. Broadway building, where the alcohol license would be used is located across the street from the Methodist Church. The Methodist Church rents out a large portion of their building to Small Wonder Childcare, Inc. It is noted here that childcare centers are not classified as schools in Montana.

Since the Methodist Church building is used as both a church and rented out to a childcare center, we do not fully believe that the 16-3-306 statute would be applicable in this situation since the building is not used exclusively as a church. There is not Montana case law on point to this issue, but the exclusive use issue has been addressed numerous times in New York State, which has a statute almost identical to Mont. Code Ann. §16-3-306. The courts in New York have held that the various uses of a church building did not constitute exclusive use and the license application was approved. New York: *Brasero Restaurant, Inc. v. New York State Liquor Authority*, 574 N.Y.S.2d 365, 176 A.D.2d 462 (N.Y. App. Div. 1991) and *Taft v. New York State Liquor Authority*, 444 N.Y.S.2d 259, 84 A.D.2d 623 (N.Y. App. Div. 1981)

Mr. Griffith received letters from both the school and the daycare center indicating support of Mr. Griffith's application, these letters are attached for your review and consideration, in case these were not provided to you previously (Document #1). While we believe that Mr. Griffith's application should be approved by the Department of Revenue, the Department of Revenue has paused the application process and has requested that Mr. Griffith contact the City to determine if the City of Lewistown would supplant MCA 16-3-306 as allowed under MCA 16-3-309.

3. Applicable Montana Laws and Applicable Lewistown City Code

Montana Code Annotated (highlights provided for attention purposes only):

16-3-306. Proximity to churches and schools restricted. (1) Except as provided in subsections (2) through (4), a retail license may not be issued pursuant to this code to any business or enterprise whose premises are within 600 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school other than a commercially operated or postsecondary school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. This section is a limitation on the department's licensing authority.

(2) The department may renew a license, approve the transfer of ownership of a license, or allow the current licensee to apply for a new license type for any establishment located in violation of this section if the licensee does not relocate an entrance any closer than the existing entrances and if the establishment:

(a) was located on the site before the place of worship or school opened; or

(b) was located in a bona fide hotel, restaurant, or fraternal organization building at the site since January 1, 1937.

(3) Subsection (1) does not apply to licenses for the sale of beer, table wine, or both in the original package for off-premises consumption.

(4) Subsection (1) does not apply within the applicable jurisdiction of a local government that has supplanted the provisions of subsection (1) as provided in **16-3-309**.

16-3-309. Sales prohibited by ordinance. (1) An incorporated city may enact an ordinance defining certain areas in its incorporated limits where alcoholic beverages may or may not be sold.

(2) A county may enact an ordinance or resolution defining certain areas in the county, not within the incorporated limits of a city, where alcoholic beverages may or may not be sold.

(3) In enacting such an ordinance or resolution, the county or city may provide that the provisions of **16-3-306(1)** do not apply within the jurisdictional area of the ordinance or resolution. If a county or city has supplanted the provisions of **16-3-306(1)**, upon request of the department the governing body of the county or city must certify to the department whether or not the person or individual identified in the request may lawfully sell alcoholic beverages under the terms of the ordinance or resolution. The department is bound by the determination set forth in the certification.

(4) No county or incorporated city may by ordinance restrict the number of licenses that the department may issue.

Lewistown City Code (highlights provided for attention purposes only):

5-15-1: ADOPTION:

The city hereby adopts chapters 3, 4 and 6, title 16, Montana Code Annotated, Montana liquor, beer and wine act of the state of Montana, and its police officers are hereby required to enforce said law and this act shall be governing in all respects for all acts and omissions herein had. (Ord. 1484, 3-5-1982)

5-15-6: MONTANA LIQUOR, BEER AND WINE ACT:

The phrase "Montana liquor, beer and wine act" as used herein is defined as chapter 6, title 16, Montana Code Annotated, referred to as the "Montana alcoholic beverage code". (Ord. 1484, 3-5-1982)

5-15-7: MUNICIPAL LICENSE REQUIREMENT; LICENSE FEE:

(A) Under and by virtue of the power granted to the commissions of the cities and towns of this state, and in aid of the police power and regulations of the municipality and in exercise of the authority reserved by the "Montana alcoholic beverage code" to the cities and incorporated towns of this state, it is hereby ordained that any person, who desires to engage in the business of selling beer and wine in the municipality under the provisions of the act in the character of places hereinafter mentioned, and as defined by the act shall, notwithstanding the fact that the person conducting such place has obtained a license from the department of revenue, first apply for and obtain a license therefor from the municipality, as herein provided, and if such license is granted, shall pay therefor an annual license fee as determined by resolution of the city commission.

(B) All licenses issued in any year shall expire on December 31 at twelve o'clock (12:00) midnight of such year; provided, in case the holder of any such license shall be in default for the payment of such license fee, or any part thereof, the license shall immediately terminate.

(C) A transfer of any such license may be made on application to the municipality, accompanied by satisfactory evidence of an approval of the transfer of the license issued by the department of revenue of this state for such business.

(D) Where a license hereunder is issued for a period commencing subsequent to the first of any current year for which such license may be issued, a pro rata fee only shall be charged for the balance of such current year, but nothing herein shall be construed to entitle any licensee hereunder to a refund of any portion of the license fee in the event of licensee discontinuing such business or the suspension or revocation of licensee's license, prior to the expiration of such year. (Ord. 1700, 12-6-2004)

5-15-8: APPLICATION FOR LICENSE:

Every person required by this chapter to obtain a license must, before commencing such business, file with the finance officer an application, in writing, directed to the city commission of the municipality. Such application shall be substantially the same form which shall be prescribed by the department of revenue to carry out the provisions of the Montana liquor, beer and wine act and must be accompanied by satisfactory evidence that the applicant is the owner and holder of a subsisting license or permit issued by the department under the provisions of the act and the same location for which application for license is

being made. Such application must be accompanied with the license fee specified for the business applied for, and if such applicant is an agent, such applicant must accompany such application with the principal's acknowledgment of such. (Ord. 1700, 12-6-2004)

5-15-9: ISSUANCE OF LICENSE ENDORSEMENT:

Upon the filing of the application prescribed herein, accompanied by the evidence required, and upon payment of the license fee, the clerk shall issue and deliver to the applicant a license to carry on the business for which the applicant owns and holds a subsisting license, issued to such applicant for such business at such location by the department, and the same shall refer to this chapter by its number and as the "Lewistown, Montana, beer and wine regulations". The clerk shall endorse upon each application and accompanying documents, if any, in the clerk's office, and shall keep an appropriate index thereof, which shall show the date filed, the name of the applicant and the character and location of the business and an appropriate file number, if any, by which the application and accompanying documents, if any, may be found. (Ord. 1700, 12-6-2004)

4. Identification of Other Municipalities/Cities that have supplanted MCA §16-3-306.

In speaking with Mr. West, Lewistown City Attorney, he indicated that there was a concern that no other cities/municipalities have supplanted §16-3-306, Montana Code Annotated.

Many other cities throughout Montana have supplanted 16-3-306 and for your review and consideration, I have provided the following:

- Great Falls, Montana: Great Falls has supplanted 16-3-306 and they based their language off of the provisions in the Kalispell City Code. See attached Document #2
- Kalispell, Montana: Kalispell has supplanted 16-3-306 and the related provision in the Kalispell City Code is provided in Document #3.
- Miles City, Montana: Miles City is interesting. They did not fully supplant 16-3-306, but they codified specific locations where beer, wine and liquor may be sold. See Document #4.
- Havre, Montana: Havre has not supplanted 16-3-306, but they seem to have identified a city licensing process for use of alcohol licenses and have created a rule that businesses selling alcohol beverages cannot be conducted in a residential portion of the city. See Document #5.

5. Information Addressing Commission's known concerns

In speaking with Mr. West after the April 15, 2024, City Commission meeting and after reading the News Argus article regarding the April 15, 2024, City Commission meeting, we address the following concerns that are known to us at the time of providing this information:

- **Concern: Supplanting Montana Code is not allowed under statute.** In many instances, a local government would not be allowed to supplant or deviate from state or federal law- but in this case, State law specifically allows local governments to supplant where alcohol may be sold within their city. See MCA 16-3-309.
- **No other Cities have supplanted state law:** As set forth in the previous section, there are many cities across the state that have supplanted state law to allow a business to use an alcoholic beverage use license at their location, even if this location fell within 600' proximity to a church. Cities also have the option of establishing a specific business district where use of an alcoholic beverage license may be utilized and in my research it appears many other cities have established business districts for this purpose.
- **This would open the door to marijuana business to ask for the same exception:** I am not aware of a State Law allowing municipalities to supplant laws that would be applicable to marijuana business and in looking to Great Falls and Kalispell, the supplantation is specific to alcoholic beverages, not marijuana businesses.
- **This would open the door to a strip club being opened across the street from the high school:** Strip clubs are not allowed in the City of Lewistown and again, I am not aware of a State Law allowing municipalities to supplant State Laws regarding adult businesses.
- **Modifications would be needed to the Griffiths' building if they are to open a restaurant:** Yes, this is acknowledged by Shaun and Rosanna. As noted earlier, they are in the very initial stages of planning a restaurant. They have every intent to hire the best architect and engineers that are experienced in restaurants and updating older buildings, so that once they are at the point of wanting to open a restaurant, that it will be done properly.

Mr. Griffith, Ms. Mecklenburg, and I welcome any questions regarding any additional concerns that the Commission may have.

6. Summary of Mr. Griffith's and Ms. Mecklenburg's request

Mr. Griffith and Ms. Mecklenburg, on behalf of Broadway Building, LLC, respectfully request that the Lewistown City Commission allow the supplantation of §16-3-306, Montana Code Annotated, within the Lewistown City Limits, so that they may utilize a beer and wine license at the 519 W. Broadway Street, Lewistown, Montana building. The City of Lewistown is allowed to supplant §16-3-306 under the process set forth in §16-3-309.

Currently, the intended use of this license would be for use within the Makers on Broadway space- for gallery openings, events and patrons of Makers on Broadway. Eventually, Mr. Griffith and Ms. Mecklenburg would like to open and operate a restaurant, but this is years away.



of Lewistown, Montana
512 W. Broadway St
406-538-8936

December 11, 2023

Kristine Boatman
Montana Department of Justice
615 South 27th St, Suite A
Billings, MT 59101

Ms Boatman,

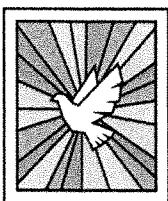
I am writing this letter in relation to the Beer/Wine License Application for Broadway Building LLC.

My name is Lacey Gloyne and I am the Executive Director at Small Wonder Child Care Inc. Our facility is located at 512 W Broadway St, Lewistown, MT. Our facility is leased from the Lewistown United Methodist Church. Small Wonder Child Care Inc is a 501c(3) non-profit that provides high-quality childcare that meets both State and Federal licensing requirements for childcare facilities, staffing, food service, equipment, and curriculum. We support Broadway Building's application and believe it will benefit our local community.

Please feel free to reach out if you have any questions about the above provide information.

Sincerely,

Lacey Gloyne
Executive Director
Small Wonder Child Care Inc



**LEWISTOWN
UMC**



December 5th, 2023

Kristine Boatman
Montana Department of Justice
615 South 27th St, Suite A
Billings, MT 59101

Ms. Boatman,

I am writing this letter in relation to the Beer/Wine License Application for Broadway Building LLC.

My name is Reverend Andrew Bridgeman and I am the appointed pastor at Lewistown United Methodist Church. We are located at 512 W Broadway St, Lewistown, MT. The Church has a long term tenant, Small Wonder Child Care Inc. Small Wonder Child Care Inc is a 501c(3) non-profit that provides high-quality childcare that meets both State and Federal licensing requirements for childcare facilities, staffing, food service, equipment, and curriculum. We support Broadway Building's application and believe it will benefit our local community.

Please feel free to reach out if you have any questions about the above provide information.

Sincerely,

Rev. Andrew S. Bridgeman

Reverend Andrew Bridgeman
Lewistown UMC Leadership Council

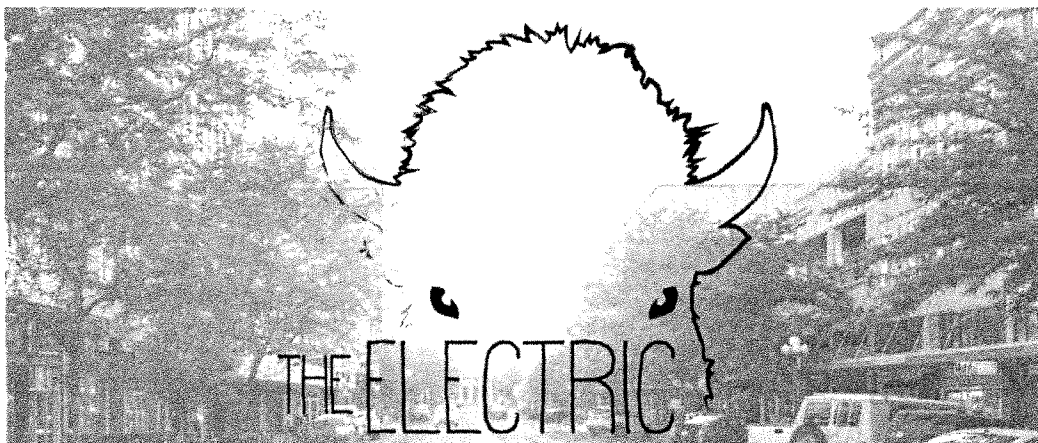
Great Falls, MT

17.20.6.080 - Micro-brewery, restaurant, and tavern.

A. As authorized by Mont. Code Ann. § 16-3-306(4) and § 16-3-309(1), with respect to any type or class of liquor license, the City supplants the provisions of Mont. Code Ann. § 16-3-306(1), and eliminates the requirement of a six hundred-foot (600') distance between a licensed establishment and a church, synagogue, or other place of worship (identified above in Exhibit 20-1 as Worship Facility). The elimination of this distance requirement is only applicable if the licensed establishment or Worship Facility is or will be located within a zoning district where both uses are permitted or conditionally permitted. The statutory requirements remaining are not supplanted.

B. Taverns located in C-1 Districts may not have indoor or outdoor entertainment.

(Ord. 3221, 2020)



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DOWNTOWN CHURCH, ORDINANCE CHANGE FOR ALCOHOL SALES GET INITIAL APPROVAL

Posted on [July 28, 2020](#) | by [Jenn Rowell](#)





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July 19, 2024
Signal Point Golf Club
Fort Benton, MT



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 (406) 761-2653

The Great Falls planning board/zoning commission unanimously voted to recommend approval of an ordinance change that would remove the restriction for the sale of on-premise alcohol sales within 600 feet of church.

The proposed ordinance next goes to the City Commission for consideration and came about as the city received a conditional use permit application for a church in the vacant space at 427 Central Ave., on the corner of Central and 5th Street across from Last Street Bistro.

Downtown church permit, alcohol code change considered at city planning board

Initially, the downtown and development community voiced concerns about the church and its potential impact to other downtown development since state law prohibits the issuance of liquor licenses to establishments within 600 feet of churches and schools. The state allows the

Great
Falls



54° Few clou

May 30
Today 61° 44°

May 31
Tomorrow 67°

June 1
Saturday 74°

June 2
Sunday 70°

June 3
Monday 74°

June 4
Tuesday 68°

June 5
Wednesday 80°

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renewal of licenses for businesses that existed before the church opened.

But state law also allows cities to create districts where the 600 foot rule doesn't apply, which is what staff is proposing now.

City staff considering ordinance to allow sale of alcohol within 600 feet of churches

City staff researched how other Montana communities implemented similar code change and have modeled their language after Kalispell's, which was adopted in 2008, according to Erin Borland, city planner.

As proposed, the ordinance would only address alcohol sales, but some members of the downtown business community asked staff to consider including gambling licenses within the code change as well.

Proposed church downtown could conflict with development, liquor licenses

Staff is recommending a code amendment that reads: "As authorized by Mont. Code Ann. §16-3-306(4) and §16-3-309(1), with respect to any type or class of liquor license, the City supplants the provisions of Mont. Code Ann. §16-3-306(1), and eliminates the requirement of a 600 foot distance between a licensed establishment and a church, synagogue, or other place of worship (identified above in Exhibit 20-1 as Worship Facility). The elimination of this distance requirement is only applicable if the licensed establishment or Worship Facility is or will be located within a zoning district where both uses are permitted or conditionally permitted. The statutory requirements remaining are not supplanted."

The board also unanimously voted to recommend approval of the conditional use permit from Calvary Chapel of Cascade County.

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Multiple downtown business owners and downtown group said they support the church's permit so long as the ordinance change is approved that allows them continue with future development. They are not in support of the church without the code change.

Jolene Schalper of the Great Falls Development Authority thanked city staff for addressing the development community's concerns.

"The ordinance will allow the city flexibility as neighborhoods change and evolve," Schalper said.

She said private property rights should also be protected and those who have invested in their properties should be able to continue to do so regardless of whether a church wants to locate downtown.

There were some questions about parking and David Saenz, the applicant for the church, said he had 25-50 congregants and he was encouraging people to park in the nearby municipal parking garage.



ARTICLE 3 OFFENSES AND PENALTIES

§ 3-12. Permitted Purchases by Retailers.

It shall be unlawful for any licensed beer retailer or club to purchase or acquire beer from any one except a brewer or wholesaler licensed under the provisions of State law, or to have, possess or sell beer which has not been purchased from a brewer or wholesaler licensed under State law.

(Ord. 1355, 6-5-2000)

§ 3-13. Closing Hours for Licensed Retail Establishments; Sale of During Closed Hours Unlawful; Lawful Business Need Not Be Closed.

- A. Except as provided in Montana Code Annotated Section 16-3-305, all licensed establishments wherein alcoholic beverages are sold, offered for sale, or given away at retail shall be closed each day between 2:00 a.m. and 8:00 a.m. During such hours all persons except the alcoholic beverage licensee and employees of such licensed establishment shall be excluded from the licensed premises.
- B. During the hours when the licensed establishments where alcoholic beverages are sold at retail are required by this Code to be closed, it shall be unlawful to sell, offer for sale, give away, consume, or allow the consumption of alcoholic beverages. When an establishment licensed to sell alcoholic beverages is operated in conjunction with a hotel, restaurant, bus depot, railway terminal, grocery store, pharmacy, or other lawful business other than that of the sale of alcoholic beverages, then such other lawful business need not be closed.

(Ord. 1355, 6-5-2000)

§ 3-14. Premises Where Alcoholic Beverages Illegally Sold Declared Public Nuisance.

Any room, house, building, boat, vehicle, structure, or place where alcoholic beverages are knowingly manufactured, sold, or bartered in violation of this Code or Montana Code Annotated Section 45-8-111, and all property knowingly kept and used in maintaining the same is hereby declared to be a public nuisance, and any person who maintains such a nuisance shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-9 of this Code.

(Ord. 1355, 6-5-2000)

§ 3-15. Injunctive Actions.

An action to enjoin any nuisance defined in this Code may be brought in the name of the City by the City Attorney, under Montana Code Annotated, Section 16-6-313.

(Ord. 1355, 6-5-2000)

§ 3-16. Possession by Persons Under Twenty-One.

It is unlawful for any person who has not reached the age of 21 years to have in his or her

possession an alcoholic beverage, provided, however, that a person does not commit this offense when in the course of his or her employment it is necessary to possess alcoholic beverages.

(Ord. 1355, 6-5-2000)

§ 3-17. Sales to Certain Persons Prohibited.

It is unlawful for any licensee, his or her employee or employees, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered or given away any alcoholic beverage to:

- A. Any person under 21 years of age;
 - B. Any intoxicated person or any person actually, apparently, or obviously intoxicated.
- (Ord. 1355, 6-5-2000)

§ 3-18. Consumption in Street, Alley, or Public Place Prohibited; Exceptions.

- A. No person shall sell, serve, dispense, consume or possess an open container of any alcoholic beverage in or upon any building or other property owned or occupied by the City or upon any street or sidewalk unless such action is otherwise authorized as set forth in this section.
- B. Exceptions for Leased or Managed City Properties. Certain City owned properties, as set forth in this paragraph, are leased and/or managed by separate entities. If the entity that leases or manages one of these properties elects to allow alcoholic beverages to be sold, served, consumed or possessed upon such property they must notify the City of this election and provide the City with proof of liability insurance, including an alcohol insurance addendum (if alcoholic beverages are sold on the premises) and all necessary Department of Revenue permissions. The minimum liability coverages shall be no less than \$750,000 per occurrence and one million five hundred thousand dollars (\$1,500,000.00) aggregate and the City must be designated as the additional named insured upon the policy. This paragraph shall apply to the following City owned properties:
 - 1. Buffalo Hill Golf Course;
 - 2. Hockaday Center for the Arts and its grounds;
 - 3. Kalispell Chamber of Commerce (Depot) Building and leased grounds;
 - 4. Northwest Montana History Museum and its grounds;
 - 5. Conrad Mansion Museum and its grounds.
- C. Exceptions for Other City Owned Properties. Entities seeking to utilize certain City owned properties, as set forth in this paragraph, for events in which alcoholic beverages are to be sold, served, consumed, or possessed upon such property must first timely submit an application for a City alcohol permit to append to the special event permit for use of the City owned property. This shall apply to the use of the

following City owned property:

1. Depot Park;
 2. Lakers Ball Fields;
 3. The hockey rink and surrounding grounds between the dates of October 14th and March 21st, at Woodland Park;
 4. The Parkline between the hours of 11:00am and 11:00pm with the trail within the Parkline remaining open to the public.
- D. Exceptions for Streets and Rights-of-Way of the City within the B-3 and B-4 Zones. Either a for profit or a not-for-profit entity may apply to utilize a street or right-of-way within the business B-3 and B-4 zones of the City for an event in which alcoholic beverages are to be sold, served, consumed or possessed. The entity must first timely submit an application for a city alcohol permit to append to the application for a special event permit for use of the City streets and rights-of-way.
- E. Application Process and Requirements. An application form for a special public event permit and City alcohol permit may be obtained from the City Attorney's office or online at the City's website and shall be timely submitted to the City Attorney's office. The application form will require certain information such as the date, place, time, and any city services required for such event. An application for an event in which alcohol is distributed or consumed outdoors shall include a detailed map specifically showing the proposed location of a fenced area in which all such distribution and consumption shall occur and be monitored. All permit applications must be submitted in adequate time for all necessary City departments to review, comment and prepare for the event. All permits will be administratively considered and approved or disapproved by the City Manager.
- The applicant for a City alcohol permit shall comply with all statutes and regulations of the Montana Department of Revenue governing sales of alcohol and shall ensure that a trained volunteer or employee in one of the preapproved Montana Department of Revenue training courses is present at the point of sale and service.
- F. The City Manager may grant a City special event and alcohol permit, if, considering the type of function, he or she finds that:
1. The time, location and duration of the function are not likely to significantly interfere with public services;
 2. The number and concentration of participants at the function are not likely to result in crowds exceeding limitations in the City fire regulations, or other significant inconvenience to the residents of the surrounding neighborhoods;
 3. Underage persons will not obtain alcoholic beverages served at the function, and the precautions proposed, such as fencing barriers to create separation, use of ID bracelets, and manned security, are likely to adequately secure and

supervise the area and the participants during the function;

4. The applicant agrees to limit the consumption under the permit to the hours between 10:00 a.m. and 11:00 p.m.;
 5. The applicant agrees to pay such fees and damage deposit to reimburse the City for its costs of solid waste pick up and removal and barricade placements and comply with all rules set out in the permit regarding the treatment of solid waste, material that may be used, e.g., no glass bottles;
 6. The applicant agrees to provide security for the permitted function commensurate with the recommendations of the Chief of Police;
 7. The applicant agrees to indemnify and hold harmless the City, its employees and agents for all liability claims arising out of the event as well as provide liability insurance coverage in the amount of \$750,000 per occurrence and one million five hundred thousand dollars (\$1,500,000.00) aggregate (along with an alcohol insurance addendum) naming the City of Kalispell as an additional named insured;
 8. The general public cannot be prohibited from attending the event.
- G. Either for profit or not-for-profit entities may apply for and the City Manager may approve a seasonal special public event permit for public events that recur in the same location in the B-3 or B-4 zones over a period of time not to exceed four months.
- H. The City Manager may deny a permit on the grounds that approval would be detrimental to the public safety, health, order or welfare by reason of the nature of the event, or result in the consumption of alcoholic beverages by minors, or the failure of the applicant to conduct a past event in compliance with applicable laws and regulations. The request may also be denied if another event has previously been scheduled for that location on the same day and time, or if the event would unreasonably interfere with normal activities and customary and general use and enjoyment of the facility.
- I. The City supplants the provisions of subsection (1) Section 16-3-306, of Montana Code Annotated as follows:
1. With respect to restaurant beer and wine (RBW) licenses as authorized by Montana Code Annotated Sections 16-4-420 through 16-4-423 only, the City supplants the provisions of subsection (1) Section 16-3-306, of Montana Code Annotated, by eliminating entirely the distance requirement between licensed establishments and a church, synagogue or other place of worship, so long as such licensee is located within the General Business B-2, Core Area Business B-3, Central Business B-4, or Industrial-Commercial B-5 City land use zones.
 2. With respect to any level of liquor licenses, as authorized by Montana Code Annotated, Title 16, the City supplants the provisions of subsection (1) Section 16-3-306, of Montana Code Annotated, by eliminating entirely the distance

requirement between licensed establishments and a church, synagogue or other place of worship, so long as such licensee is located within a Core Area Business B-3, or Central Business B-4 land use zone.

3. With respect to any level of liquor licenses, as authorized by Montana Code Annotated, Title 16, the City supplants the provisions of subsection (1) Section 16-3-306, of Montana Code Annotated, by reducing the distance requirement between licensed liquor establishments and schools to 300 feet in the General Business B-2, Core Area Business B-3, Central Business B-4, and the Industrial-Commercial B-5 City land use zones.

(Ord. 1355, 6-5-2000 ; amd. Ord. 1638, 6-2-2008 ; Ord. 1725, 6-17-2013 ; Ord. 1757, 5-18-2015 ; Ord. 1786, 3-6-2017 ; Ord. 1876, 5-2-2022)

§ 3-19. Penalties.

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as provided in Section 1-9 of this Code.

(Ord. 1355, 6-5-2000)

§ 3-20. Municipal Court to Report Convictions.

In the case of conviction of any licensee hereunder of any violation of this chapter in the Municipal Court, the Municipal Judge shall within 10 days thereafter, whether or not an appeal has been taken from the judgment of conviction, transmit to the Montana Department of Revenue, a certified copy of the record of conviction.

(Ord. 1355, 6-5-2000)

Sec. 3-37. - Locations for retail sale.

- (a) Beer, wine and liquor may be sold at retail in buildings on the following described properties:
- (1) Blocks 31, 32, 43, 44, 49 and 50 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk, said blocks being located on each side of Main Street between Fifth and Eighth Streets in the city.
 - (2) Lots 16, 17, 18, 19 and 20, inclusive, of Block 45 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk.
 - (3) The east 14 feet of Lot 4 and all of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in Block 45 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk.
 - (4) Beginning at the intersection of Haynes Avenue and Wilson Street; thence north 502.5 feet along the centerline of Haynes Avenue to a point on the east right-of-way line of Highway 312, said point also being the point of true beginning; thence north 85 feet along the highway right-of-way line to a point; thence east 300 feet to a point, thence south 85 feet to a point; thence west 300 feet to the true point of beginning.
 - (5) Tract "C", being a tract of land located within the Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) 400.0 foot wide Charter Right-of-Way, according to Certificate of Survey, filed for record as Document No. 118477, in Envelope No. 372 B of the Plat Cabinet in the office of the county clerk and recorder in and for Custer County, Montana; and Tract "D", being a tract of land located within the Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) 400.0 foot wide Charter Right-of-Way, according to Certificate of Survey, filed as Document No. 119503, in Envelope No. 378 A of the Plat Cabinet in the office of the county clerk and recorder in and for Custer County, Montana.
 - (6) North 50 feet of West 20 feet of Lot 16 and North 50 feet of Lots 17 through 20 in Block 60 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk.
 - (7) Lots 7 through 10 in Block 42 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk.
 - (8) Lots 8 through 10 in Block 64 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk.
 - (9) Lots 11 through 16 in Block 33 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk.
 - (10) Tract 2 less D, E, and 160' by 180' of H, Dyba Addition to the city according to the official plat and survey thereof on file and of record in the office of the county clerk.

- (11) Block 5 of the Miles Addition to the City of Miles City, Montana according to the official plat and survey thereof on file and of record in the office of the county clerk.
 - (12) The south 6 feet of Lot 3, all of Lots 4 and 5, all of Lot 6 except the south 10 feet of the east 150 feet, and the north 15 feet of the west 110 feet of Lot Z, all in Block 4 of Pioneer Subdivision, an addition to the City of Miles City, Custer County, Montana according to the official plat and survey of said addition on file and of record in the office of the county clerk and Recorder of Custer County, Montana, less highway right-of-way.
 - (13) Parcel 1, less 22,010 square feet, of the Miles City Mall Subdivision to the City of Miles City, Custer County, Montana situated in Section 34, Township 8 North, Range 47 East, M.P.M., according to the official plat and survey thereof on file and of record in the office of the Clerk and Recorder of Custer County, Montana.
- (b) Beer and wine may be sold at retail at the following locations:
- (1) In a building on the south 30 feet of the west 14½ feet of Lot 18, the south 30 feet of Lot 19 and the south 30 feet of Lot 20 in Block 60 of the original townsite of the city, according to the plat and survey thereof.
 - (2) In a building on Lot 5A, in Block 2 of the Meadows Subdivision amended in section 35, Township 8 North, Range 47 East according to the official plat thereof on file in the office of the clerk and recorder of Custer County, Montana as Document No. 104905.
 - (3) Buttrey Tract addition to the City of Miles City according to the official plat and survey thereof on file in the office of the clerk and recorder of Custer County, Montana.
 - (4) Lots 6 and Z and East ½ of the North ½ and East 6 feet of the South ½ of Lot 8, in Block 73 of the original townsite of the city, according to the official plat and survey thereof on file in the office of the clerk and recorder of Custer County, Montana.
 - (5) Lot 1 in Block 2, Meadows addition to the City of Miles City, according to the official plat and survey thereof on file in the office of the clerk and recorder of Custer County, Montana.
 - (6) That portion of the Texaco Tract in Government Lot 1 as described in the 1964 deed filed in Book 105 of Deeds at Page 50, less Certificate of Survey No. 69056, records of Custer County, Montana.
 - (7) Lots 1, 2, 3, 4, 5, 6, Z, 8, 9, and 10 in Block 2, and Lots 1, 2, 3, 4, 5, 6, Z, 8, 9, and 10 in Block 4 of the town, now City of Miles City, Custer County, Montana, according to the original plat and survey of said town by the Northern Pacific Railroad Company now on file and of record in the office of the county clerk and recorder in and for Custer County, Montana; and the alley running in an easterly-westerly direction through said Block 2 and Block 4, which was closed by the City of Miles City, by Resolution No. 1544, dated May 24, 1965. Said Resolution was recorded on June 15, 1965, in Book 36 of Misc., at Page 438, real estate records of Custer County, Montana; and the former Front Street, situated between said Blocks 2 and 4 of the

original townsite extending from the North line of Palmer Street to the South line of Orr Street, which was vacated by the City of Miles City, Montana, by Ordinance No. 1005, passed and adopted on June 12, 1990. Said Ordinance was filed for record on November 14, 1991, in Book M-55 of Misc., at Page 1112, real estate records of Custer County, Montana.

(c) Beer, wine and liquor may be sold at retail in buildings on the following described properties:

- (1) Lot 1 of Block 6 of the Carbon Hill Addition to the City of Miles City, Custer County, Montana, according to the plat and survey thereof.
- (2) Lot 3 of Block 5 of the Carbon Hill Addition to the City of Miles City, Custer County, Montana, according to the plat and survey thereof.
- (3) Lot 9 of Block 4 of the Pioneer Subdivision of the City of Miles City, Custer County, Montana, according to the plat and survey thereof.
- (4) A tract of land located in the Klamm property as shown on the plat on file in the city engineer's office and more particularly described as follows: Beginning at the NW corner of the Reynolds Tract; thence, SW 200 feet westerly along the south right of way line of the Burlington Northern Railroad; thence SE 200 feet at right angle to a point; thence NE 200 feet at right angle to a point on the west property line of the Reynolds Tract; thence NW 200 feet to the point of beginning, located in the City of Miles City, Custer County, Montana.
- (5) Lots 1, 2, 3, 4, 5, 6 and 7 of Block 4 of the Doeden Addition to the City of Miles City, Custer County, Montana, according to the plat and survey thereof.
- (6) Lots 4A of Block 1 of the Meadows Subdivision to the City of Miles City, Custer County, Montana, according to the plat and survey thereof now on file and of record in the office of the clerk and recorder, in and for Custer County, Montana.
- (7) Lots 1 and 2 of Block 60 of the original townsite to the town, now the City of Miles City, Custer County, Montana, according to the plat and survey thereof by the Northern Pacific Railroad Company now on file and of record in the office of the county clerk and recorder, in and for Custer County, Montana.
- (8) That portion of the Gulf Oil Corporation Tract described in the 1979 deed filed in Micro 6, page 656 and as amended by the Amended Plat thereof filed in Envelope 252 B as Document No. 80623, records of Custer County, Montana and the Acquired Land tract shown on the Amended Plat filed in Envelope 333B as Document No. 106734, records of Custer County, Montana, all within Government Lot 1, Section 3, Township 7 North, Range 47 East, M.P.M.

(d) Beer may be sold at retail in buildings on the following described property:

- (1) Lots 1, 2, and 3 of Block 14 of the original townsite to the town, now the City of Miles City, Custer County, Montana, according to the plat and survey thereof by the Northern Pacific Railroad Company now on file and of record in the office of the county clerk and recorder, in and for Custer County, Montana.

- (e) Any person, firm or corporation operating any place of business in violation of this section or any similar ordinance of the city shall, upon conviction, be punished by a fine of not less than \$100.00 or more than \$300.00 for each offense, and each opening for business shall be a separate offense.
- (f) This section does not apply to premises that are being catered by a business that has a current and valid catering endorsement from the State of Montana and that has received the necessary permit and paid the permit fee as required by the State of Montana and the City of Miles City for special events.

(Code 1981, § 5.10.120; Ord. No. 553, §§ 1, 2, 4-14-47; Ord. No. 702, § 1, 6-22-64; Ord. No. 751, § 1, 6-28-71; Ord. No. 799, § 1, 8-10-76; Ord. No. 820, § 1, 2-14-78; Ord. No. 841, § 1, 12-12-78; Ord. No. 871, § 4, 4-22-80; Ord. No. 1070, §§ 1, 2, 12-26-95; Ord. No. 1105, § 1, 2-23-99; Ord. No. 1114, § 1, 3-28-00; Ord. No. 1117, § 1, 8-8-00; Ord. No. 1137, § 1, 9-10-02; Ord. No. 1164, § 1, 9-26-06; Ord. No. 1165, §§ 1, 2, 1-9-07; Ord. No. 1175, § 1, 5-27-08; Ord. No. 1184, § 1, 8-26-08; Ord. No. 1207, § 1, 11-23-10; Ord. No. 1235, § 1, 4-10-12)

State Law reference— Sales prohibited by ordinance, MCA 16-3-309.

Havre, MT

5-3-13: LOCATION RESTRICTIONS:

No license shall be issued for any such business to be conducted in a residential district or portion of the city.
(Ord. 623, 10-20-1975, eff. 11-19-1975)

City of Lewistown

305 W. Watson
Lewistown, MT 59457
535-1760

11752

Business License Application

Business Name Nomad Electric LLC

Street Address 405 W Virginia ST Phone 406-366-2109

City Lewistown State MT Zip Code 59457

Brief Description/Nature of Business Electrical Contractor

Is This a Recognized Non-Profit Organization? Yes ☐ No ☒ # of Employees 0

Owners Name and Address Taylor Butcher

City Lewistown State MT Zip Code 59457 Phone # 406-366-2109

Planning & Building Dept:

Legal Description: Lot _____ Blk _____ Subdivision _____ Lot Sz (sq ft) _____

Estimated Square Footage _____ Occupant Load _____ Zoning District _____

Is The Building Currently Under Construction or Remodeling? Yes ☐ No ☐

Remodeling or New Construction Within The Last 12 Months? Yes ☐ No ☐

Is Building in The City Limits? Yes ☐ No ☐

Fire Dept:

Primary Emergency Contact Name & # Jenaye Butcher 406-350-2570

Secondary Emergency Contact Name & # Ross Butcher 406-350-0622

Are There Any Special Hazards Associated With Your Business That We Should Be Aware Of? Yes ☒ No ☐ If So, What Are They? Electricity

Do You Have Any Hazardous Materials On The Premises? Yes ☐ No ☒ If So, Do

You Have Materials Safety Data Sheets For Them? Yes ☐ No ☐

Are There Any Fire Extinguishers Located On The Premises? Yes ☐ No ☐ # _____

Are There Smoke Detectors On The Premises? Yes ☐ No ☐ # _____

Are There Any Locked Or Blocked Exits During Business Hours? Yes ☐ No ☐

X Applicant Signature Taylor Butcher

City Use Only

Business License Fee: _____

Business Classification Electrician Received By AP Date 5/17/24

Sent to:

BUILDING DEPT _____
FIRE DEPT _____
HEALTH DEPT _____
ZONING DEPT _____
CITY MANAGER _____

Received From:

BUILDING DEPT _____
FIRE DEPT _____
HEALTH DEPT _____
ZONING DEPT _____
CITY MANAGER _____

KATIE SPIKA
LORAIN DAY
Ward One Commissioners

RON HRUBES
DIANA HEWITT
Ward Two Commissioners

DAVE SCOTTEN
DANI BUEHLER
Ward Three Commissioners

KELLYANNE TERRY
At-Large Commissioner

HOLLY PHELPS
City Manager

NIKKI BRUMMOND
Finance Director/City Clerk



305 W. Watson, Lewistown, Montana 59457
(406) 535-1760 Fax (406) 535-3323

LISA LANGBEHN
Park and Recreation Director

Tyler West
City Attorney

JUSTIN JENNESS
Police Chief

JAMES JENSEN
Fire Chief

VACANT
Public Works Director

ALISSA WOLENETZ
Library Director

DOUG OSTERMAN
Planning Director

Business License & Registration Certificate Disclaimer

I hereby certify, under penalty of perjury, that I have read and answered the statements contained in this application and my answers are true and correct.

I agree to comply with all applicable State and City laws and Ordinances pertaining to my business operations, including but not limited to:

Building, Fire, Zoning and other City Code requirements and grant City Officials the privilege and authority to conduct such inspections as may be necessary.

Taylor R. Butcher
Signature of Owner or Representatives

05/17/2024
Date

Taylor R. Butcher
Printed Owner Name

WESTERN SURETY COMPANY • ONE OF AMERICA'S OLDEST BONDING COMPANIES



Effective Date: May 17th, 2024

Western Surety Company

LICENSE AND PERMIT BOND

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 67067738

That we, Nomad Electric, LLC

of Lewistown, State of Montana, as Principal,
and WESTERN SURETY COMPANY, a corporation duly licensed to do surety business in the State of
Montana, as Surety, are held and firmly bound unto the

City of Lewistown, State of Montana, as Obligee, in the penal
sum of Five Thousand and 00/100 DOLLARS (\$5,000.00),
lawful money of the United States, to be paid to the Obligee, for which payment well and truly to be made,
we bind ourselves and our legal representatives, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the Principal has been
licensed Electrical Contractor

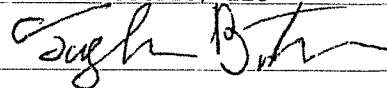
_____ by the Obligee.

NOW THEREFORE, if the Principal shall faithfully perform the duties and in all things comply
with the laws and ordinances, including all amendments thereto, pertaining to the license or permit
applied for, then this obligation to be void, otherwise to remain in full force and effect until
May 17th, 2025, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing, by First Class
U.S. Mail, to the Obligee and to the Principal at the address last known to the Surety, and at the expiration
of thirty-five (35) days from the mailing of said notice, this bond shall ipso facto terminate and the Surety
shall thereupon be relieved from any liability for any acts or omissions of the Principal subsequent to said
date. Regardless of the number of years this bond shall continue in force, the number of claims made
against this bond, and the number of premiums which shall be payable or paid, the Surety's total limit of
liability shall not be cumulative from year to year or period to period, and in no event shall the Surety's total
liability for all claims exceed the amount set forth above. Any revision of the bond amount shall not be
cumulative.

Dated this 17th day of May, 2024.

Nomad Electric, LLC



Principal

Principal

WESTERN SURETY COMPANY

By



Larry Kasten, Vice President

MEMORANDUM OF UNDERSTANDING
between
CITY OF LEWISTOWN and FERGUS COUNTY HEALTH DEPARTMENT

This Memorandum of Understanding (MOU) sets forth the terms of agreement between the City of Lewistown and Fergus County Health Department (Parties) for the testing of municipal wastewater samples for the presence and concentration of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) which causes COVID-19 and to expand testing to other diseases or chemical by-products as advised by Centers for Disease Control and Prevention (CDC).

BACKGROUND

An outbreak of COVID-19 was first identified in Wuhan, China, in December 2019. The World Health Organization declared the outbreak a Public Health Emergency of International Concern on January 30, 2020, and a global pandemic on March 11, 2020. On January 20, 2020, the first case of COVID-19 was identified in the United States and the first Montana case was identified on March 14, 2020.

This noninvasive wastewater surveillance proved to be an important population indicator in identifying the virus levels before cases were confirmed through diagnostic testing allowing health official to prepare timely response for possible surge in COVID-19 cases or other diseases being tested for.

In response to the COVID-19 pandemic, CDC launched the National Wastewater Surveillance System (NWSS) in September 2020. Because the wastewater surveillance can provide an early warning that disease maybe spreading in communities, the CDC is working with local health departments to better understand how wastewater surveillance can also be used to detect and respond to other infectious disease such as influenza, threats like antibiotic resistance, and foodborne diseases like norovirus.

PURPOSE

The purpose of this Memorandum of Understanding or MOU is to confirm the commitment to send up to two wastewater samples each week for testing to the Montana Public Health Laboratory (MTPHL) at 1400 East Broadway Street, Cogswell Building, Room B126, Helena, Montana 59601. Collaboration between Parties in the testing of municipal wastewater in Lewistown servers to improve surveillance for emerging diseases and established threats to the health of the public in Fergus County.

AGREEMENT

- The Wastewater Treatment Plant will order collection and shipping materials through the MTPHL's ordering website to use for wastewater surveillance sample collections and shipping (or use with the courier service).

- Wastewater samples will be collected by the City of Lewistown's designated persons at Wastewater Treatment Plant and send to MTPHL on a twice-weekly basis for testing either on the MTPHL courier or through shipping overnight (i.e. UPS or FedEx).
- No further obligation will be imposed on the City of Lewistown after the wastewater samples are received by MTPHL.
- To ensure the integrity of wastewater sample, the Lewistown Wastewater Plant will try to limit the frequency of septic dumping during the sample collection window.
- The results from the wastewater testing will be used by Fergus County Health Department to inform disease mitigation strategies in Fergus County. In addition, the data will be available for City of Lewistown to view on a public facing wastewater testing dashboard (e.g. the National Wastewater Surveillance System website with the Centers for Disease Control and Prevention (CDC) and/or the Montana Department of Public Health and Human Services website).
- As approved by Fergus County Commissioners with Montana Department of Public Health and Human Services funds expense, Fergus County Health Department will be responsible for paying costs associated with the wastewater testing or expenses associated with expansion phase to other targets beyond SARS-CoV-2 or other covered diseases within the allocated budget and ongoing twice-weekly testing conducted by MTPHL.
- If the Wastewater Treatment Plant would like to charge a fee for sample collection, invoices should be sent to the County on a monthly basis.

TERM

The MOU will continue upon agreement by all parties and shall remain in effect indefinitely or until Parties agree to change or eliminate the agreement. Parties may terminate this agreement without cause upon 30-day notice.

Fergus County Health Department
Heather Thom, Health Department Director

By: _____

Date: _____

City of Lewistown
Holly Phelps, City Manager

By: _____

Date: _____

RESOLUTION NO. 4154

A RESOLUTION AWARDING TIF DISTRICT FUNDS TO 406 CAFE APPROVED BY 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 awards TIF District Program Funds as recommended by the TIF Board to:

1. The 406 Café, for Exterior Improvements including a patio and pergola, at 109 W. Main Street; up to \$12,286 as a grant.

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 3rd day of June, 2024.

KellyAnne Terry, Chairperson
Lewistown City Commission

Attest:

Nikki Brummond
City Financial Officer/Clerk

City of Lewistown
Application
Tax Increment Financing District (TIF)

Eligible Improvements Cost Worksheet Under TIF Program

List eligible items that pertain to the project that falls under TIF Program Policies (list beginning on page 1). If in doubt about an item's eligibility, include it, the board will review items and help determine eligibility. Please include formal contractor bids to establish costs. *There is no guarantee that additional costs beyond what is listed here will be covered.*

1. <u>Concrete patio with railing</u>	\$ <u>4174⁰⁰</u>
2. <u>Pergola</u>	\$ <u>11,998⁰⁰</u>
3. <u>Labor</u>	\$ <u>8400⁰⁰</u>
4. _____	\$ _____
5. _____	\$ _____
6. _____	\$ _____
7. _____	\$ _____
8. _____	\$ _____
9. _____	\$ _____
10. _____	\$ _____
11. _____	\$ _____
12. _____	\$ _____
13. _____	\$ _____
14. Permitting Fees _____	\$ _____
15. Other Fees _____	\$ _____
Total Lewistown TIF District Program Request	\$ _____

TIF District Program Award (to be filled out by TIF Administrator)

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct. The signature attests to my having read, understand and agree to all terms in the Lewistown Tax Increment Financing District Investment Plan.

Signature of Applicant: _____

Date: _____

Signature of TIF Board Chair: _____

Date: _____

\$ 24,572

Awarded
\$ 12,286

4/23/24

#1 North American Aluminum Motorized Louver Pergola Kit



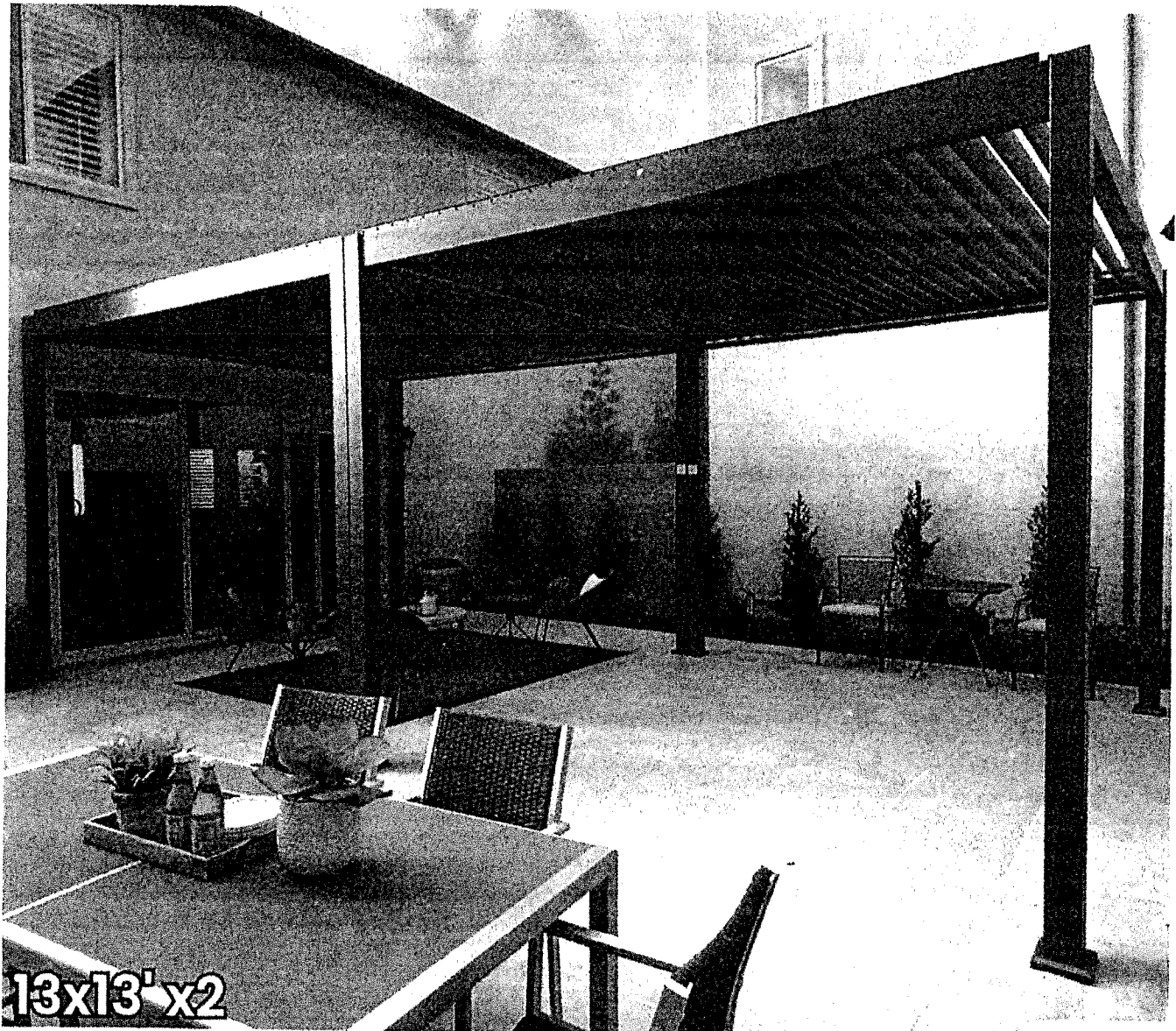
BON PERGOLA
DESIGNED IN CALIFORNIA



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VILLA PERGOLA - MOTORIZED LOUVER W/ EDGE LIGHTING



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