

Zoning Amendment – Rosewood Apartments
July 1, 2024

Lewistown City Commission Public Hearing

Fergus County Council on Aging/Community Center

307 West Watson Street

July 1, 2024

7:00 pm

Application for a Zoning Amendment

APPLICANT

Rentovator, LLC

601 S 10th ST #201A

Las Vegas, NV 89101-7027

PROPERTY AFFECTED

Vacant Land located at East Water Street and Rosewood Street

Geocode: 08-2467-14-2-04-13-0000

Jackson First ADD, S14, T15N, R18E, BLOCK 010, Lot 001-013

REQUESTED ACTION

The applicant requests an amendment to the official zoning map for the above property. The property is currently in a Residential Mobile Home (RMO) Zoning District. The applicant requests to change the zoning of the property to Residential Multi-Family (R3).

REVIEW BASED ON THE 12-POINT TEST CONSISTENT WITH PURPOSES OF ZONING

a. Comprehensive Plan, Zoning, and Growth Policy

The 1971 Comprehensive Plan for Lewistown, MT, land use designation for the property is Low Density Residential. Two residential densities are included in the Comprehensive Plan, low density and high density. Both densities are loosely structured in the Comprehensive Plan, permitting a variety of living unit types in both areas. As structured in the Comprehensive Plan, the low-density areas can range between one to ten dwelling units per acre. A wide range of dwelling types are thus possible. The Comprehensive Plan called for establishing more definition of both high- and low-density areas through zoning, particularly calling out that soil suitability will provide more definitive district boundary lines.

The low-density designation is intended for enjoyment of public facilities with the distinct intention to channel growth into areas which already enjoy the required public facilities (as opposed to Suburban Residential areas which are characterized by individual wells and septic systems).

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The Zoning Title for the City of Lewistown was adopted on June 15, 1989, 18 years after the 1971 Comprehensive Plan. The property is zoned RMO with the intent to primarily accommodate manufactured home dwelling units. The properties adjoining it to the north and west are zoned R3 with the intent to primarily accommodate multi-family dwelling units (single family, two family, and multiple family).

Under the current zoning of RMO, the property could accommodate up to 13 manufactured homes. Changed to R3, the property could accommodate up to about 24 housing units.

The 2006 Lewistown Growth Policy, Lewistown Housing Plan of 1996, indicates that there is a need for more rental housing that is more affordable and of better quality and further indicates that there are reduced opportunities for first-time buyers and the average Lewistown resident will be unable to find adequate housing based on current income levels, and moreover, the increasing elderly population will drive the need for housing types aimed toward that demographic, including apartments.

The Existing Conditions Report (May 2024) conducted for the 2024 Lewistown Plan update indicates, to accommodate growth and aid affordability, density and diversity of housing is needed. Specifically, it is projected that there will be a deficiency in housing of 274 units by 2027, 720 units by 2030, 966 units by 2035, 1,231 units by 2040, and 1,458 units by 2044. Currently (2018-2022 estimates), Lewistown has 365 mobile homes or 12% of the total housing units in the city. 20 plus multiple-family homes comprise about eight percent of the total number of homes in Lewistown (251 units).

Community engagement surveys, open houses, and focus group conversations conducted for the 2024 Lewistown Plan update all indicate that the top growth concern is housing availability and affordability. Similarly, housing availability and affordability are deemed by residents to be top growth opportunities for Lewistown.

b. Contribute toward reducing congestion in streets

The apartment use proposed for the property through a zoning amendment could increase traffic and parking needs in the residential neighborhood. As such, in addition to parking that will be provided on the property, the proposed development will need to provide off-street parking required by the Lewistown Code.

c. Secure safety from fire, panic, and other dangers:

The property will be provided with fire safety by the City of Lewistown. There will be no adverse impacts on fire protection above those associated with manufactured home land uses on the property.

d. Promote health and general welfare:

Multiple family residential will have no negative impact on the health and general welfare of the community, if not improve conditions by providing much needed housing and housing options in the community.

e. Provide adequate light and air:

No impacts are contemplated. The housing is being custom designed by a local architect.

f. Prevent overcrowding of land:

The increased amount of housing over existing manufactured housing allowed by existing zoning is not considered overcrowding.

g. Avoid undue concentration of population:

The increased number of people residing in the multiple family building over the number of people that would reside under existing zoning is not undue concentration of population, in fact, the rezone enables increased housing options for the community work force.

h. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements:

The city and other facilities and service providers for this neighborhood can provide services to the property whether manufactured homes or apartment homes.

i. Consider the character of the district:

New multiple family housing in this area of the community will be complementary to and consistent with the existing multiple family housing in this area.

j. Consider the peculiar suitability of the property for particular uses:

The topography of the site is not conducive to manufactured housing. Grading the site for 13 manufactured homes would not be economical, thus why the property, located a few blocks away from downtown and immediately adjacent to public facilities, has likely sat vacant for decades.

k. Conserve the value of buildings:

New construction will conserve the value of property and buildings in the neighborhood and adjacent neighborhoods.

l. Encourage the most appropriate use of land throughout the city:

Pursuant to the Lewistown Comprehensive Plan, Growth Policy, and, moreover, the feedback of residents via surveys for the 2024 Lewistown Plan, housing (both quantity and diversity) is the most important issue to address in Lewistown.

Zoning Commission Recommendation to the City Commission

At its June 20, 2024, meeting and public hearing, following public testimony, the Lewistown ***Zoning Commission unanimously recommended that the City Commission approve ZA 24-1, amend zoning of 1.06 acres of vacant property from Residential Manufactured Home (RMO) to Residential Multiple Family (R3). The property is described as Jackson First ADD, S14, T15N, R18E, BLOCK 010, Lot 001 – 013.***

The rationale for the Zoning Commission's recommendation include: (1) the adjacency of the property to existing R3 zoning and existing multiple family complexes; (2) the new 24 apartments will be constructed in compliance with all zoning code and other codes applicable to the R3 Zoning District; and (3) the immediate need for housing in Lewistown.

Adjacent property owners support Rosewood Street, an alley, to be improved to avoid the need to remove or set back existing structures on private property along Rosewood.

DEPARTMENT OF ADMINISTRATION

STANDARD AUDIT CONTRACT

This Contract is made this 26th day of JUNE, 2024, by and among

OLNESS & ASSOCIATES, PC

Certified Public Accountant

("Contractor"),

CITY OF LEWISTOWN

Governmental Entity

("Entity"),

and the Montana Department of Administration, Local Government Services, ("State"), acting under the authority of Title 2, Chapter 7, Part 5, of the Montana Code Annotated. The State's mailing address, phone number and e-mail address are P.O. Box 200547, Helena, MT 59620-0547; (406) 444-9101; and LGSPortalRegistration@mt.gov.

1. **Effective Date:** This contract is not effective with respect to any party until it is approved and signed by the State, as required by Section 2-7-506(3), MCA. The Contractor may not begin any audit work until the State gives this approval. If the Contractor begins work before the State's approval of the contract and the State subsequently does not approve the contract, the Contractor is not entitled to receive any compensation for the work performed.

2. **Audit Period and Payment:** This contract covers the following audit period(s):

JULY 1, 2023 to JUNE 30, 2026.

A. The Entity shall pay the Contractor for the audit work on the basis of time and necessary out-of-pocket expenses, which will not exceed:

\$ 44,000 for initial (or sole) audit covering 7/01/2023 to 6/30/2024.

\$ 47,000 for subsequent audit covering 7/01/2024 to 6/30/2025.

\$ 50,000 for subsequent audit covering 7/01/2025 to 6/30/2026.

The Entity shall pay the fees listed in Appendices A, B & C, as applicable, which are attached hereto and incorporated by reference. Any change to the audit fees requires a contract amendment.

B. The contract payments do not include the cost of additional work that may be required if the Contractor discovers a defalcation or material irregularity. Any change in the scope of the audit services to be provided under this contract requires a contract amendment.

C. The Contractor may submit interim bills to the Entity each month, based upon the estimated percentage of contract completion. The Entity may retain ten percent (10%) of each of these estimates until the Contractor has delivered the final audit report, at which time the Entity shall release the amount retained.

3. **Peer Review:** The Contractor shall provide the Entity with a copy of its most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received

Nikki Brummond

From: Strom & Associates <audit@stromcpa.net>
Sent: Monday, June 17, 2024 10:41 AM
To: Nikki Brummond
Subject: Re: audit contract

Hi Nikki,

With our current staffing level we are not able to take on new clients at this time. If things change we will keep your city in mind for the future.

Paul

Strom & Associates P.C.
PO Box 1980
Billings, Montana 59103
audit.stromcpa.net

Billings Office: 406-252-2765
Helena Office: 406-502-2020

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On Thu, May 30, 2024 at 12:40 PM Nikki Brummond <nbrummond@ci.lewistown.mt.us> wrote:

Good afternoon,

I am wondering if you could submit a proposal for a one year to three year audit contract for the City of Lewistown. We would like to have your company close the year out for us and help with the preparation of the annual report. Then do a annual audit. We have received ARPA money so a Federal Audit would be required. Please let me know if you have questions. I look forward to hearing from you. Have a great day!

Nikki Brummond, MMC

Finance Officer/City Clerk/HR

305 W Watson

Lewistown MT 59457

Denning, Downey & Associates, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

P.O. Box 1957 Kalispell, MT 59903-1957
(406) 756-6879 • FAX (406) 257-7879 • E-Mail dda@ddaudit.com

Robert K. Denning, CPA, CGFM, CFF, CITP

May 14, 2024

City of Lewistown
Attn: Holly Phelps, City Manager
305 W. Watson Street, Suite 3
Lewistown, MT 59457

Dear Ms. Phelps:

We are pleased to present our proposal for an audit of the financial statements of the City of Lewistown. Our proposal for fiscal year ending June 30, 2024, June 30, 2025, and June 30, 2026 is as follows:

<u>Fiscal Year</u>	<u>Federal Audit</u>	<u>Non-Federal Audit</u>
June 30, 2024	\$60,000	
June 30, 2025	\$63,000	
June 30, 2026		\$66,000

*** Notes:**

- **This proposal expires on June 5, 2024.**
- **Fee increases \$10,000 if the City is not ready for audit by August 30th.**

We will perform a financial audit in accordance with generally accepted auditing standards; the standards for financial audit contained in *Government Auditing Standards*, issued by the U.S. General Accounting Office. If we are contracted to perform a federal audit, we will perform a financial audit in accordance with accounting standards generally accepted in the United States of America; the standard for financial audit contained in *Government Auditing Standards*, issued by the U.S. General Accounting Office and the Single Audit Act of 1996 and the provisions of the Uniform Guidance."

Our proposal assumes that the financial statements are complete and in balance, and that unusual problems will not be encountered during the audit. If, during the course of the audit, material errors or theft is encountered, we will consult with you and mutually agree as to the extent and cost of any additional work required.

Nikki Brummond

From: Donald Davies <rpfdavies@yahoo.com>
Sent: Thursday, May 30, 2024 9:54 PM
To: Nikki Brummond
Subject: Re: audit contract

Nikki - Thanks for the request but unfortunately I am semi retiring at the end of the FY and I am not taking on any new clients.

Best wishes.

dd

Donald N. Davies, PC, CPA (406) 544-9410; 8281 Philpott Court, Clinton, MT 59825
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On Thursday, May 30, 2024 at 12:45:08 PM MDT, Nikki Brummond <nbrummond@ci.lewistown.mt.us> wrote:

Good afternoon,

I am wondering if you could submit a proposal for a one year to three year audit contract for the City of Lewistown. We would like to have your company close the year out for us and help with the preparation of the annual report. Then do an annual audit. We have received ARPA money so a Federal Audit would be required. Please let me know if you have questions. I look forward to hearing from you. Thanks.

Nikki Brummond, MMC

Finance Officer/City Clerk/HR

305 W Watson

Lewistown MT 59457

nbrummond@ci.lewistown.mt.us

406-535-1760 office

406-535-3323 fax

PURCHASE REQUISITION FORM CITY OF LEWISTOWN

305 W. Watson St.
Lewistown, Mt 59457

Department Street Requested by Public Works Date 6-29

Account # (s) _____ Financial Officer Review (int) _____

Description of the goods and/or services:			
Purchase Vehicle for Public Works			

			Quoted Price
Vendor #1: <u>Bols Automotive</u>			
Address:			
Phone: <u>unable to compare vehicle</u>			
Notes:			

Vendor #2: <u>Central City</u>			
Address:			
Phone: <u>unable to match price</u>			
Notes: <u>2 or like vehicle</u>			

Vendor #3: <u>Courtesy Motors</u>			31500 ⁰⁰
Address: <u>Lewistown</u>			
Phone: <u>2016 2500HD</u>			
Notes: <u>Flat Bed</u>			

Approved Vendor _____

Authorization to purchase through vendor noted above _____

City Manager

*Note- "per attached" is not an acceptable description.

Courtesy MOTORS, INC.

116 5th Ave South
Lewistown, MT 59457

PURCHASER'S NAME City of Lewistown SOC. SEC. NO. _____ DATE _____
PURCHASER'S ADDRESS 305 W WATSON AGE _____ RESIDENCE PHONE _____
CITY, STATE & ZIP Lewistown, MT 59457 BUSINESS PHONE _____

VEHICLE BEING PURCHASED			
PLEASE ENTER MY ORDER FOR THE FOLLOWING:		☐ NEW ☒ USED ☐ CAR ☐ TRUCK	STOCK NO. <u>TC1800</u>
YEAR <u>2016</u>	MAKE <u>Chevrolet</u>	MILEAGE <u>94,000</u>	
MODEL OR SERIES <u>Silverado HD</u>	BODY TYPE <u>Pickup</u>		
COLOR <u>White</u>	TRIM <u>WT</u>		
M.V.I. OR SER. NO. <u>1GC2KUEG0GZ191800</u>	ENG. TYPE <u>V8</u>		
TO BE DELIVERED ON OR ABOUT _____		SALESMAN <u>Brandon</u>	

WARRANTY DISCLAIMER

☒ Disclaimer Does Apply ☐ Disclaimer Does NOT Apply

We, the Seller, hereby expressly disclaim all warranties, either expressed or implied, including any implied warranty to merchantability or fitness for a particular purpose, and we neither assume nor authorize any other person to assume for us any liability in connection with the Sale of the Vehicle. The Manufacturer's Warranty is not affected by this disclaimer of Warranties by the Selling Dealer.

☐ The only Dealer Warranty on this vehicle is the Limited Warranty which is issued with and made a part of this order form.

☐ AS IS: this Vehicle is sold "as is" by us.

USED VEHICLE TRADED IN AND/OR OTHER CREDIT

YEAR <u>2004</u>	MAKE OF TRADE-IN <u>Chevrolet</u>
MODEL OR SERIES <u>Silverado HD</u>	BODY TYPE <u>Pickup</u>
COLOR <u>Black</u>	TRIM <u>LS</u>
M.V.I. OR SER. NO. <u>1GCHK29UX4E119097</u>	ENG. TYPE <u>V8</u>

I CERTIFY THE ODOMETER READING ON MY ABOVE TRADE READS 188061 MILES. THE ODOMETER HAS ☐ HAS NOT ☐ EXCEEDED 100,000 MILES. SIGNATURE: _____

BALANCE OWED TO		
ADDRESS		
USED TRADE-IN ALLOWANCE	\$ <u>2480</u>	<u>00</u>
BALANCE OWED ON TRADE-IN	<u>—</u>	
NET ALLOWANCE ON USED TRADE-IN	\$ <u>2480</u>	<u>00</u>
DEPOSIT OR CREDIT BALANCE	<u>—</u>	
CASH WITH ORDER	\$ <u>—</u>	
TOTAL CREDIT (TRANSFER TO RIGHT COLUMN)	\$ <u>2480</u>	<u>00</u>

CONTRACTUAL DISCLOSURE STATEMENT FOR USED VEHICLE ONLY
"The information you see on the window form for this vehicle is part of this contract. Information on the window form overrides any contrary provisions in the contract of sale."

CASH DELIVERED PRICE OF VEHICLE	\$ <u>27,980</u>	<u>00</u>
ACCESSORIES <u>Flatbed</u>	\$ <u>6000</u>	<u>00</u>
Cash Price of Vehicle & Accessories	\$ <u>33,980</u>	<u>00</u>
STATE AND LOCAL TAXES	\$ <u>—</u>	
License, License Transfer, Title, Registration Fee	<u>—</u>	
TOTAL PRICE OF UNIT	\$ <u>33980</u>	<u>00</u>
TOTAL CREDIT (TRANSFERRED FROM LEFT COLUMN)	\$ <u>2480</u>	<u>00</u>
UNPAID CASH BALANCE DUE ON DELIVERY	\$ <u>31,500</u>	<u>00</u>

Purchaser agrees that this Order includes all of the terms and conditions on both the face and reverse side hereof, that this Order cancels and supersedes any prior agreement and as of the date hereof comprises the complete and exclusive statement of the terms of the agreement relating to the subject matters covered hereby, and that THIS ORDER SHALL NOT BECOME BINDING UNTIL ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE.
Purchaser by his execution of this Order acknowledges that he has read its terms and conditions and has received a true copy of this Order.

PURCHASER'S SIGNATURE _____ DATE _____
ACCEPTED BY [Signature] (DEALER) PER _____ (NAME AND TITLE)

"THANK YOU — WE APPRECIATE YOUR BUSINESS"
RETAIL ORDER FOR A MOTOR VEHICLE

IF A CREDIT SALE. REQUIRED INFORMATION CONTAINED ON A SEPARATE DISCLOSURE STATEMENT IS MADE PART OF THIS FORM.

ORDINANCE NO. 1772

AN ORDINANCE AMENDING ORDINANCE NO. 1484, CODIFIED AS LEWISTOWN CITY CODE SECTION 5-15-1, SUPPLANTING THE PROVISIONS OF § 16-6-306, MONT. CODE ANN., ELIMINATING THE DISTANCE BETWEEN AN ESTABLISHMENT WITH ANY LIQUOR LICENSE AND A CHURCH, SYNAGOGUE, OR OTHER PLACE OF WORSHIP IN COMMERCIAL ZONES, AND REQUIRING A DISTANCE OF 300 FEET BETWEEN AN ESTABLISHMENT WITH ANY LIQUOR LICENSE AND A SCHOOL IN COMMERCIAL ZONES, ENACTING A NEW SECTION UNDER CHAPTER 15, TITLE 5, OF THE LEWISTOWN CITY CODE, DECLARING AN EFFECTIVE DATE, AND AUTHORIZING THE CITY ATTORNEY TO CODIFY THE SAME.

WHEREAS, the state law at § 16-3-306(1), Mont. Code Ann., does not allow a liquor license to be issued to any establishment within 600 feet of any church, synagogue, or other place of worship or school; and

WHEREAS, the state laws at §§ 16-3-306(4) and 16-3-309(1), Mont. Code Ann., give an incorporated city, such as the City of Lewistown, the authority to supplant § 16-3-306(1), Mont. Code Ann., by establishing a jurisdictional area in which such restrictions may be modified or eliminated; and

WHEREAS, in the year 1982, the City Commissioners passed Ordinance No. 1484, adopting chapters 3, 4, and 6, title 16, Montana Code Annotated, Montana Liquor, Beer, and Wine Act of the State of Montana, and the Act governs in all respects for all acts and omissions set forth in Chapter 15, Title 5, Beer and Wine Regulations, of the Lewistown City Code; and

WHEREAS, under the City of Lewistown's current zoning regulations, bars, taverns, and drinking establishments are allowed in all zones designated as NC, C-1, C-2, and C-3 (hereafter "commercial zones"); and

WHEREAS, the City of Lewistown Commissioners find that it is in the best interests of the City of Lewistown to allow establishments within commercial zones to have any level of liquor license without distance restrictions from any church, synagogue, or other places of worship; and

WHEREAS, the City of Lewistown City Commissioners find that it is in the best interests of the City of Lewistown that at least 300

feet separate schools from establishments with any level of liquor license in commercial zones.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEWISTOWN, MONTANA:

Section 1. That Ordinance No. 1484 enacted by the City of Lewistown Commissioners and codified as Lewistown City Code 5-15-1, is amended as set forth in "Exhibit A," attached hereto and fully incorporated herein by this reference.

Section 2. That there is hereby enacted a new section of the Lewistown City Code Chapter 15, Title 5, Beer and Wine Regulations, as set forth in "Exhibit B," attached hereto and fully incorporated herein by this reference.

Section 3. That the City Attorney is hereby authorized and directed to recodify Chapter 15, Title 5, Beer and Wine Regulations, Lewistown City Code, in accordance with this Ordinance.

Section 4. This Ordinance shall take effect 30 days from and after its passage and approval on second reading by the City Commissioners.

PASSED, ADOPTED and APPROVED by the City Commission on first reading this ____ day of July 2024.

PASSED, ADOPTED and APPROVED on second reading this ____ day of July, 2024 and effective 30 days thereafter.

By _____
Kelly Anne Terry, Chairman
Lewistown City Commission

ATTEST:

By _____
City Clerk

Exhibit A

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 except as set forth herein.

Exhibit B

5-15-16: PROXIMITY TO CHURCHES AND SCHOOLS

The City supplants the provisions of § 16-3-306(1), Montana Code Annotated as follows:

- (A) As authorized by §§ 16-3-306(4) and 16-3-309(1), Mont. Code Ann., with respect to any level of liquor licenses, as authorized by Montana Code Annotated, Title 16, the City supplants the provisions of § 16-3-306(1), Mont. Code Ann., 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 NC, C-1, C-2, and C-3 land use zones.
- (B) As authorized by §§ 16-3-306(4) and 16-3-309(1), Mont. Code Ann., with respect to any level of liquor licenses, as authorized by Montana Code Annotated, Title 16, the City supplants the provisions of § 16-3-306(1), Mont. Code Ann., by reducing the distance requirement between licensed liquor establishments and schools to 300 feet for licensees located in NC, C-1, C-2, and C-3 land use zones.