

COMMITTEE OF THE WHOLE

July 15, 2024

6:00 PM

1. Review of the 2024-2025 budget

NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION, CITY OF LEWISTOWN, JULY 15, 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 – July 1, 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 June 26, 2024 through June 30, 2024 for a total of \$1,058,394.54

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

1. Discussion and action on approving the request by Rentovator, LLC to amend zoning of property located on Rosewood Street near Fountain Terrace Drive, South High Street and East Water Street from Residential Manufactured Home to Residential Multiple-Family (**Action: approve, disapprove or amend zoning request by Rentovator, LLC**) City Manager Holly Phelps
2. Discussion and action on awarding the bid to Viking Painting LLC for the 2024 Lewistown Water System Improvement Project – Phase 2 – Schedule 2 to paint the million-gallon water tank and authorize the City Manager Phelps to sign the contract (**Action: approve, disapprove or amend awarding the bid to and authorizing the City Manager to sign the contract**) City Manager Holly Phelps
3. Discussion and action on setting the boulevard maintenance assessment for fiscal year 2024-2025 (**Action: approve, disapprove or amend boulevard maintenance assessment for fiscal year 2024-2025**) City Manager Holly Phelps
4. Discussion and action on setting the street maintenance assessment for fiscal year 2024-2025 (**Action: approve, disapprove or amend street maintenance assessment for fiscal year 2024-2025**) City Manager Holly Phelps
5. 1st reading of Ordinance No. 1772. An Ordinance amending City of Lewistown code 5-15-1 as it pertains to distances between churches and schools and establishments with a liquor license within the City Limits. (**Action: approve, disapprove or amend Ord. 1772**) 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

City of Lewistown
Zoning Commission Public Hearing/Meeting Minutes
June 20, 2024

The Lewistown Zoning Commission met on Thursday, June 20, 2024, at the Fergus County Council on Aging, 307 West Watson Street, at 5:30 pm.

Members Present: Chair Ryan Dick, Carol Woolsey, Jay Martin, Susan Johnston, Brandon Cowen, City Commissioner Diana Hewitt

Members Absent: Jeff Whitcraft (recently resigned from the Commission, Christy Mills, Mary Messina

Visitors: John Baker, Claudia Baker, Kobi Baker, Tara Martin, Tim Martin, Don Lageschulte, Maryellen Lageschulte

Staff: Doug Osterman, Planning Director

Call to Order: Chair Ryan Dick called the meeting to order at 5:32 p.m.

Old Business: None

Minutes: Diana Hewitt moved to approve the May 16, 2024, meeting minutes as presented, seconded by Jay Martin. Motion passed unanimously.

New Business: PUBLIC HEARING on an application for Zoning Amendment

Chair Ryan Dick opened the Public Hearing. Doug Osterman presented an application by Rentovator, LLC, to amend the official zoning map at vacant land located at East Water Street and Rosewood Street (Jackson First ADD, S14,T15N,R18E,BLOCK 010, Lot 001-013), overlooking the 12-point test for zoning amendments. Doug highlighted that as long ago as 206, via the Lewistown Growth Policy, a need was identified for more rental housing that is more affordable and of better quality than provided by existing housing stock. He added that the recent Existing Conditions Report, May 2024, indicates that to accommodate growth and aid affordability, density and diversity of housing is needed in Lewistown. Under the existing zoning district of Residential Manufactured Home (RMO), 13 manufactured homes could be accommodated. With a change to the requested Multiple-Family Residential (R3) zoning, 11 more housing units could be accommodated for a total of 24 units.

Commissioner Dick asked if anyone present wished to provide public comment and invited people to walk around the tables to review large-scale draft renderings of the apartments envisioned to build on the property. Tara Martin, 137 Rosewood Street, said that the infrastructure, as they found out when they built their home at the end of Rosewood Street, is 100 years old and would like to see gas appliances used as much as possible. She also cautioned that sewer backups occur on High Street. Tara also would be opposed to a trail looping around the neighborhood. Maryellen Lageschulte asked about improvements to Rosewood Street and the impact they would have on existing structures close to Rosewood Street. John Baker expressed that he would like to "live and let live" by minimally improving the alley to minimize disruption of existing structures close to the alley. He noted that one neighbor has things stored/abandoned on his property and the public right-of-way.

Commissioners discussed the need for more housing, including rental housing, in Lewistown. All agreed that the city is desperate for housing and the proposed zoning amendment would be a positive move to increase rental housing in the near term. Commissioner Johnston said, referring to the apartments and their positioning on the property, the apartments would be great for Lewistown. Commissioner Martin said he was good with the proposal if Rosewood Street does not get encroached upon. Commissioner Woolsey noted the desperate need for housing in the city and that she likes that the new apartment structure near, but not in, downtown will enhance downtown architectural variety.

Chair Ryan Dick closed the public hearing.

Commissioner Woolsey moved to recommend to the City Commission to amend zoning of 1.06 acres of vacant property, described as Jackson First ADD, S14, T15N, R18E, BLOCK 010 – 013, from Residential Manufactured Home (RMO) to Residential Multiple-Family (R3). Commissioner Cowen seconded the motion. A vote was taken, all Commissioners present voted in favor of the motion. The Commissioners emphasized that their votes in favor of the recommendation were primarily based on (1) the adjacency of the property to existing R3 zoning, (2) the apartments would be permitted under all requirements of this zoning district, and (3) the immediate need for housing in Lewistown.

Good of the Order

Doug Osterman noted that there currently is no proposal in the hopper that would need the Zoning Commission to meet in July, but it is likely the group would be called together in its capacity as City-County Planning Board to review parts of the Lewistown Plan update that pertain to unincorporated areas surrounding Lewistown.

Adjourn: Jay Martin moved to adjourn, seconded by Sue Johnston. Motion carried unanimously. Adjournment at 7:20 pm.

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).

Zoning Amendment – Rosewood Apartments
July 1, 2024

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.

Zoning Amendment – Rosewood Apartments
July 1, 2024

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.

Zoning Amendment – Rosewood Apartments
July 1, 2024

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:**

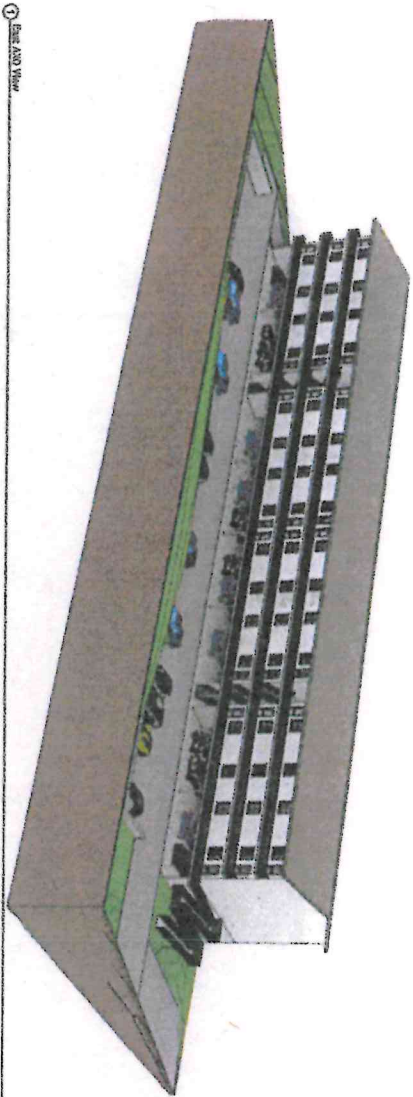
Pursuant to the Lewistown Comprehensive Plan, Growth Policy, and, moreover, the feedback of residents via surveys for the 2024 Lewistown Plan, housing (both quantity and diversity) is the most important issue to address in Lewistown.

Zoning Commission Recommendation to the City Commission

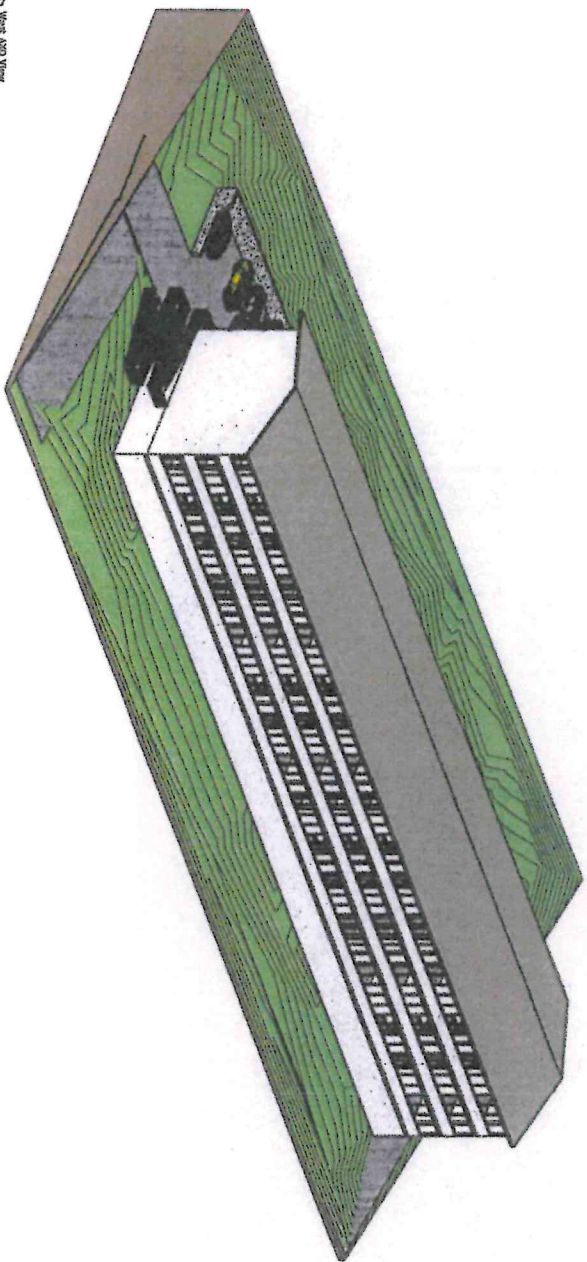
At its June 20, 2024, meeting and public hearing, following public testimony, the Lewistown ***Zoning Commission unanimously recommended that the City Commission approve ZA 24-1, amend zoning of 1.06 acres of vacant property from Residential Manufactured Home (RMO) to Residential Multiple Family (R3). 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.



① Front View



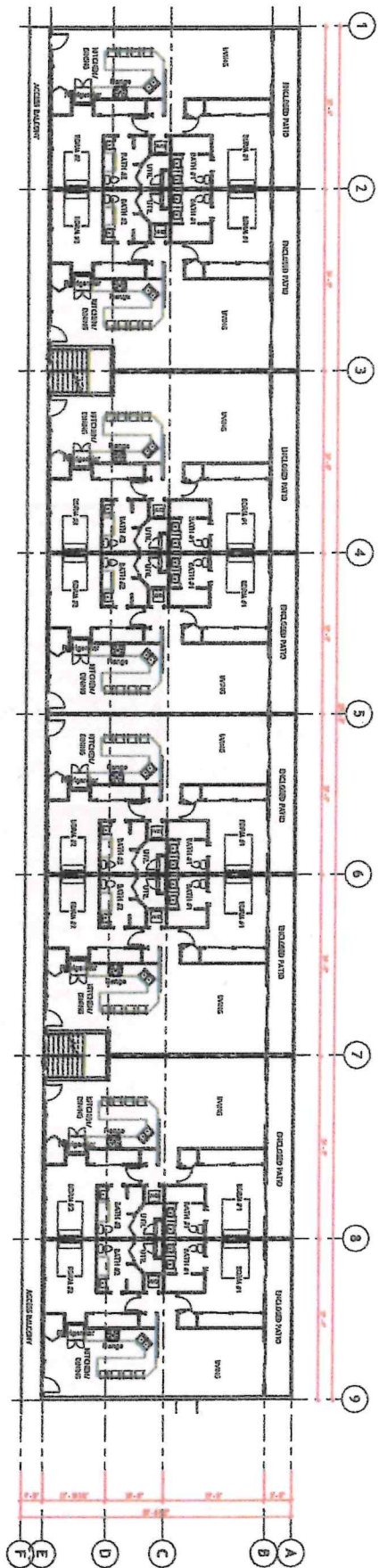
② Side View

				Reinforced Masonry Water & Resistant	Project Number: 2024-07 Date: 4-20-2024 Drawn by: AUC	Scale 1:100	
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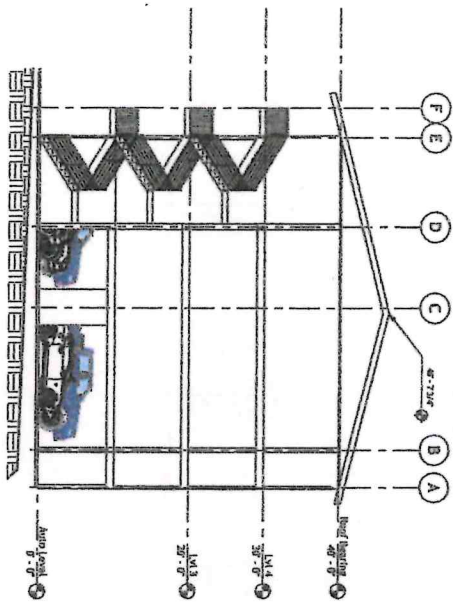
Site Plan
1 of 2



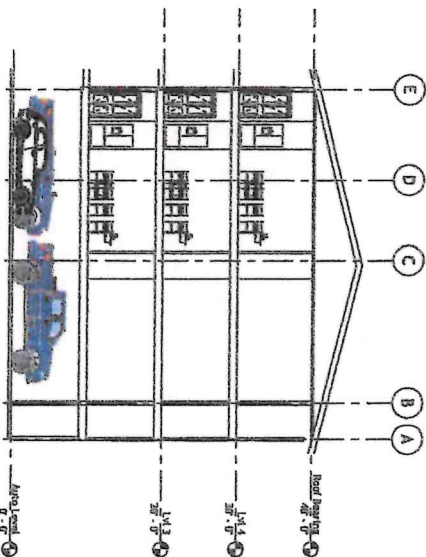
Contractor M&T Construction Water & Sewer Contract No. 2024-01 Date: 6-20-2024 Drawn by: [blank]	Sheet C102 of 20
Project Water & Sewer Contract No. 2024-01 Date: 6-20-2024 Drawn by: [blank]	Scale 1" = 20'-0"



① Second Floor Architectural Plan
1" = 10'-0"



② Side Cross Section
1/8" = 1'-0"



③ Building Cross Section
1/8" = 1'-0"



C105
by **ARCHITECT**

Revised
Multi-Family
Water & Recreational

Copyright © 2024
Project: 2024-C105
Date: 6-20-2024
Author: [Name]

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Author: [Name]

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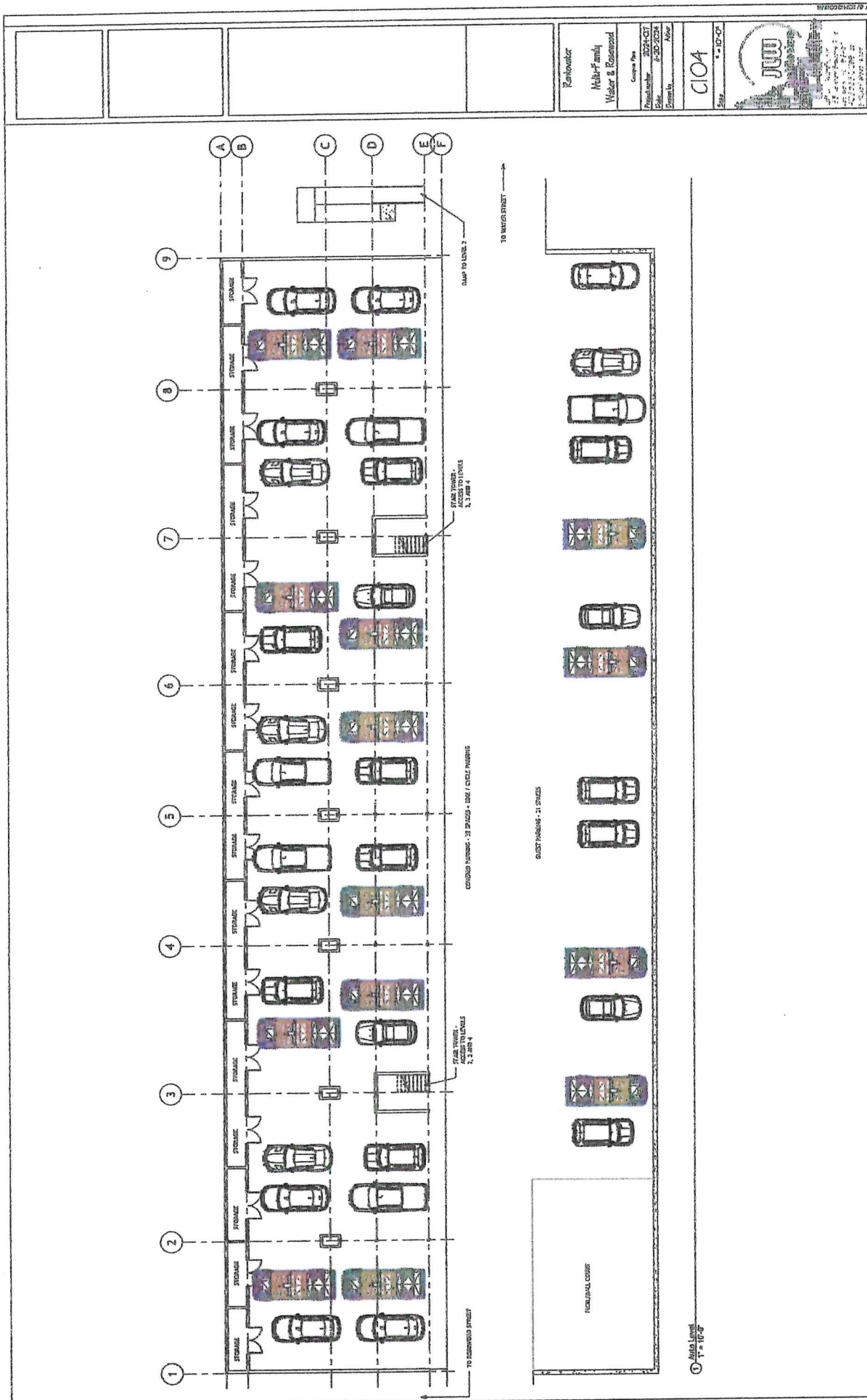
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Water & Recreational

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Water & Recreational

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Project: 2024-C105
Date: 6-20-2024
Author: [Name]

Revised
Multi-Family
Water & Recreational



Auto Layout
1" = 10'-0"

27

of the same kind and in the same way, though the same

U.S. District Court

Blackburn's

WILLIAMS' PINK PILLS FOR PALE PEOPLE

John H. H. H.

1863

~~Winnipeg~~

On this 25th day of April, 1901, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

QWTS edition

Money paid for the State of Wisconsin
of \$1000.00

My Commission expires July 16, 1913.

2014年12月10日

Wm. C. C. C.

Inventory for the year of 1870-1871

I hereby certify that I have examined the ¹⁰⁰⁻⁹⁹²⁴⁸ part of the above said exhibit.

The first of these is the

1871

We hereby certify that the foregoing plot of Jackson's first addition to the City of Los Angeles has been examined and approved by the City Council of the City of Los Angeles on this 8th day of August, 1901.

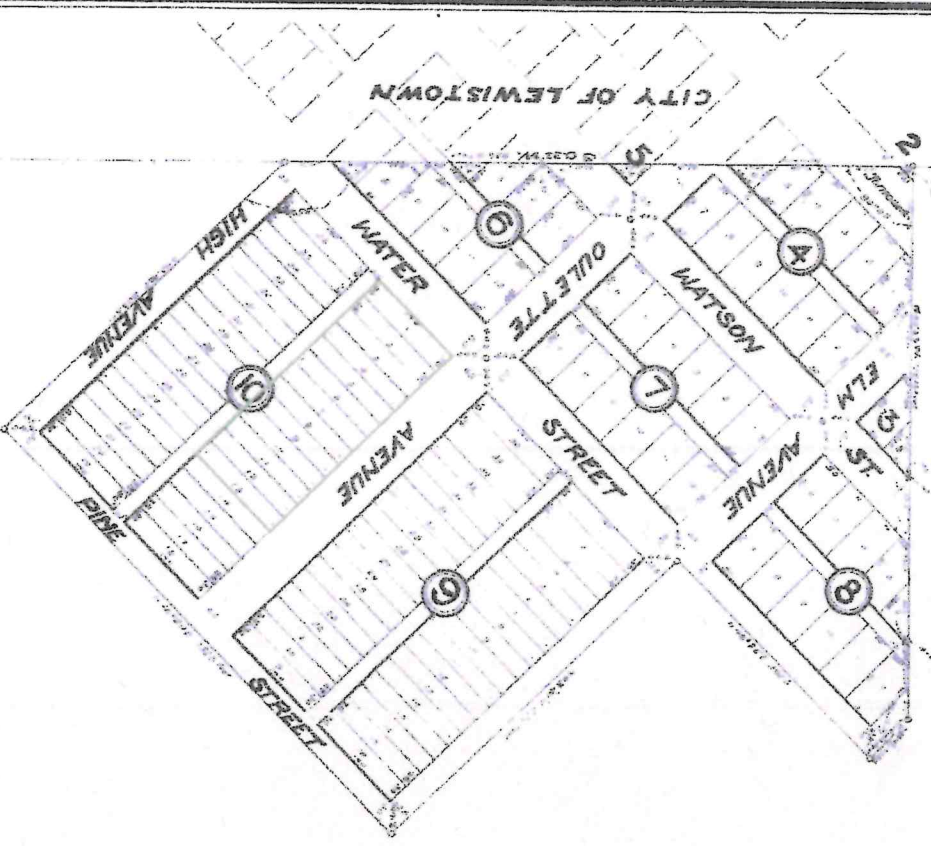
Offel is white.

James M. H. H. H.
Major

State of Tennessee
County of Davidson

Field for the record - 18 May or 20 May 1971
17965 - 66771

1. *Leontideopsis* *leontideoides* (L.) Benth.



PLAT OF
JACKSON'S FIRST ADDITION

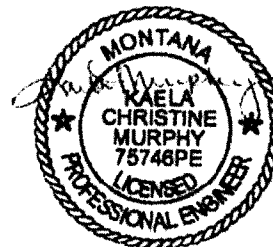
CITY OF LEWISTOWN

MONTANA
JAN 18 1900 PM 10 00

CERTIFIED BID TABULATIONS**LEWISTOWN WATER SYSTEM IMPROVEMENTS 2024 - PHASE 2**
Lewistown, MT**Robert Peccia & Associates**HELENA, MONTANA
3147 Saddle DriveKALISPELL, MONTANA
102 Cooperative Way, Suite 300BOZEMAN, MONTANA
602 S. Ferguson Avenue, Suite 5

BASE BID				JR Civil LLC		Viking Industrial Painting		Engineer's Estimate	
				Sheridan, WY		Omaha, NE			
Item No.	Quantity	Unit	Description	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SCHEDULE I									
1.1	1	LS	Mobilization, Bonding, & Submittals (May not exceed 8% of Total Bid)	\$ 123,405.00	\$ 123,405.00	-	-	\$ 91,330.00	\$ 91,330.00
1.2	753	LF	10-Inch PVC Watermain C900 DR 18	\$ 135.00	\$ 101,655.00	-	-	\$ 220.00	\$ 165,660.00
1.3	1,454	LF	6-Inch PVC Water Main C900 DR 18	\$ 253.00	\$ 367,862.00	-	-	\$ 140.00	\$ 203,560.00
1.4	40	EA	Water Service Reconnection	\$ 3,450.00	\$ 138,000.00	-	-	\$ 4,500.00	\$ 180,000.00
1.5	1	LS	Traffic Control	\$ 63,103.00	\$ 63,103.00	-	-	\$ 35,000.00	\$ 35,000.00
1.6	1	LS	Temporary Water	\$ 170,000.00	\$ 170,000.00	-	-	\$ 40,000.00	\$ 40,000.00
1.7	2	EA	12-Inch Gate Valve	\$ 7,047.00	\$ 14,094.00	-	-	\$ 5,200.00	\$ 10,400.00
1.8	6	EA	10-Inch Gate Valve	\$ 6,835.00	\$ 41,010.00	-	-	\$ 4,000.00	\$ 24,000.00
1.9	3	EA	8-Inch Gate Valve	\$ 4,917.00	\$ 14,751.00	-	-	\$ 3,750.00	\$ 11,250.00
1.1	12	EA	6-Inch Gate Valve	\$ 4,181.00	\$ 50,172.00	-	-	\$ 3,500.00	\$ 42,000.00
1.11	7	EA	Fire Hydrant Assembly	\$ 14,742.00	\$ 103,194.00	-	-	\$ 12,500.00	\$ 87,500.00
1.12	1,815	SY	Pavement Removal and Replacement	\$ 237.00	\$ 430,155.00	-	-	\$ 120.00	\$ 217,800.00
1.13	785	SY	Gravel Removal and Replacement	\$ 86.00	\$ 67,510.00	-	-	\$ 35.00	\$ 27,475.00
1.14	16	HR	Exploratory Excavation	\$ 1,519.00	\$ 24,304.00	-	-	\$ 500.00	\$ 8,000.00
1.15	17	EA	Water Main Connection	\$ 4,950.00	\$ 84,150.00	-	-	\$ 5,500.00	\$ 93,500.00
SCHEDULE I TOTAL BASE BID					\$ 1,793,366.00	-	-		\$ 1,237,475.00
SCHEDULE II									
2.1	1	LS	Mobilization, Bonding, & Submittals (May not exceed 8% of Total Bid)	-	-	\$ 37,900.00	\$ 37,900.00	\$ 55,420.00	\$ 55,420.00
2.2	1	LS	Tank Interior/Exterior Surface Preparation and Recoating	-	-	\$ 640,000.00	\$ 640,000.00	\$ 535,000.00	\$ 535,000.00
2.3	1	EA	27-Inch Frost Proof Vent	-	-	\$ 12,500.00	\$ 12,500.00	\$ 6,000.00	\$ 6,000.00
2.4	5	SF	Pit Filling	-	-	\$ 2,500.00	\$ 12,500.00	\$ 1,000.00	\$ 5,000.00
2.5	30	LF	Seam Sealing	-	-	\$ 40.00	\$ 1,200.00	\$ 30.00	\$ 900.00
2.6	1	LS	Tank Disinfection	-	-	\$ 800.00	\$ 800.00	\$ 1,000.00	\$ 1,000.00
2.7	1	LS	Lewistown Tank Logo	-	-	\$ 10,000.00	\$ 10,000.00	\$ 8,000.00	\$ 8,000.00
SCHEDULE II TOTAL BASE BID				-	-		\$ 714,900.00		\$ 611,320.00
SCHEDULE III									
3.1	1	LS	Mobilization, Bonding, & Submittals (May not exceed 8% of Total Bid)	\$ 20,380.00	\$ 20,380.00	-	-	\$ 8,817.50	\$ 8,817.50
3.2	275	LF	Ditch Clearing and Grubbing	\$ 66.00	\$ 18,150.00	-	-	\$ 35.00	\$ 9,625.00
3.3	275	LF	Ditch Preparation	\$ 138.00	\$ 37,950.00	-	-	\$ 80.00	\$ 22,000.00
3.4	610	LF	Excavate Liner Anchor Trench, Leading Edge and Termination Anchor	\$ 22.00	\$ 13,420.00	-	-	\$ 17.00	\$ 10,370.00
3.5	275	LF	Reinforced Composite Geomembrane Ditch Liner	\$ 200.00	\$ 55,000.00	-	-	\$ 72.50	\$ 19,937.50
3.6	275	LF	Imported Ditch Liner Backfill	\$ 85.00	\$ 23,375.00	-	-	\$ 70.00	\$ 19,250.00
3.7	1	LS	Erosion Control and Dewatering	\$ 55,498.00	\$ 55,498.00	-	-	\$ 15,000.00	\$ 15,000.00
3.8	1	LS	Ditch Isolation and Bypass Pumping	\$ 31,963.00	\$ 31,963.00	-	-	\$ 20,000.00	\$ 20,000.00
SCHEDULE III TOTAL BASE BID					\$ 256,736.00	-	-		\$ 125,000.00

The Engineer's review confirms that all bid tabulations shown above accurately reflect bids as publicly opened and read aloud at the Robert Peccia & Associates, 3147 Saddle Drive, Helena, MT, on June 20, 2024 at 2:00 PM.

*Kaela Murphy*
Kaela Murphy, P.E.Robert Peccia & Associates
6/20/2024

UNIFORM APPLICATION PROJECT BUDGET									
Completed by: Robert Peccia & Associates			For: Lewistown Water System Improvements Project - Phase II only				Date: 11/2/2023		
ADMINISTRATIVE AND FINANCIAL COSTS:		SOURCE:	SOURCE:	LEWISTOWN DITCH LINING		TANK PAINTING	WATER MAINS		TOTAL:
				SOURCE: RRGL	SOURCE: LOCAL FUNDS DITCH LINING		SOURCE: LOCAL FUNDS TANK PAINTING	SOURCE: LOCAL FUNDS WATER MAINS	
Personnel Costs									\$ -
Office Costs									\$ -
Grant & Loan Administration Services					\$ 12,500.00		\$ 40,000.00	\$ 52,500.00	\$ -
Legal Costs									\$ -
Audit Fees									\$ -
Travel and Training									\$ -
Loan Fees									\$ -
Loan Reserves									\$ -
Interim Interest									\$ -
Bond Counsel and Related Costs									\$ -
TOTAL ADMINISTRATIVE/FINANCIAL COSTS		\$ -	\$ -	\$ -	\$ 12,500.00	\$ -	\$ 40,000.00	\$ 52,500.00	\$ -
ACTIVITY COSTS:									
Geotechnical and Asbestos									\$ -
Permitting									\$ -
Engineering - Basic Services					\$ 25,000.00	\$ 40,000.00	\$ 120,000.00	\$ 185,000.00	
Engineering - Resident Project Representative Services					\$ 7,500.00	\$ 40,000.00	\$ 148,000.00	\$ 195,500.00	
Engineering - Additional Services									\$ -
Construction				\$125,000.00		\$ 609,670.00	\$ 1,233,323.00	\$ 1,967,993.00	
Contingency						\$ 60,000.00	\$ 58,677.00	\$ 178,677.00	
TOTAL ACTIVITY COSTS		\$ -	\$ -	\$ 125,000.00	\$ 32,500.00	\$ 749,670.00	\$ 1,560,000.00	\$ 2,527,170.00	
TOTAL PROJECT COSTS		\$ -	\$ -	\$ 125,000.00	\$ 45,000.00	\$ 749,670.00	\$ 1,600,000.00	\$ 2,579,670.00	

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.