

COMMITTEE OF THE WHOLE

JANUARY 18, 2022

6:00 P.M.

1. Presentation by Robert Peccia & Associates regarding the upcoming water project, sewer rate increase and ARPA grant funding

**NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION,
CITY OF LEWISTOWN, JANUARY 18, 2022 AT 7:00 P.M. AT THE CENTRAL MONTANA
COMMUNITY CENTER LOCATED AT 307 W WATSON**

To participate virtually the options are as follows:

To join by zoom: <https://zoom.us/j/8486275925?pwd=dTVGbndDK253ZUJLMjRuZXU5QVpMdZ09>

Meeting ID: 848 627 5925 Passcode: 59457

To participate by phone: dial (253) 215-8782 Meeting ID: 848 627 5925 Passcode: 59457

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES – January 3, 2022

COURTESIES

PROCLAMATIONS

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgment of the claims that have been paid from January 1, 2022 to January 13, 2022 for a total of \$65,929.09

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

1. Discussion and action on approving the Water System Improvements Project, Task order two for the design phase of the project (**Action: approve, disapprove or amend the water system improvements project, task order two**) City Manager Holly Phelps
2. Discussion and action on approving the Water System Improvements Project, Task order three for the funding administration of the project (**Action: approve, disapprove or amend approving the water system improvements project, task order three**) City Manager Holly Phelps
3. Discussion and action on approving a business license for Redkey Refrigeration (**Action: approve, disapprove or amend on approving a business license for Redkey Refrigeration**) City Manager Holly Phelps
4. Discussion and action on confirming the City Manager's reappointment of Jean Collins to the Library Board of Trustees for an additional five-year term (**Action: approve, disapprove or amend confirming the City Manager's appointment to the Library Board of Trustees**) City Manager Holly Phelps
5. Discussion and action on accepting the letter of intent to purchase the property located at 301 W Broadway from Your Montana Days, LLC (**Action: approve, disapprove or amend accepting letter of intent to purchase property**) 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



ROBERT PECCIA & ASSOCIATES

HELENA, MT
KALISPELL, MT
BOZEMAN, MT

December 21, 2021

Holly Phelps, City Manager
City of Lewistown
305 Watson
Lewistown, MT 59457

Subject: Water System Improvements Project – Task Order Two Design;
Task Order Three Funding Administration

Holly:

Enclosed are the above referenced Task Orders for the water system project for your review. The Funding Administration Task includes all work through construction and close-out.

Note that the are below the amounts included in the original project budget

Task Two Design: \$280,000 (\$369,902 in Original Project Budget)

Task Three Funding Administration: \$59,900 (\$89,755 in Original Project Budget)

Please return one signed copy if these are acceptable and let me know if you would like to discuss.

Sincerely,
ROBERT PECCIA & ASSOCIATES



Brad Koenig, P.E.
Group Manager

Enclosures

Helena
3147 Saddle Drive
P.O. Box 5653
Helena, MT 59601
Tele: 406.447.5000
Fax: 406.447.5036

www.rpa-hln.com

TASK ORDER NUMBER TWO
AGREEMENT TO FURNISH ENGINEERING SERVICES
to
CITY OF LEWISTOWN
for
LEWISTOWN WATER SYSTEM IMPROVEMENTS
DESIGN PHASE SERVICES

This Task Order provides for professional engineering services to be performed by ROBERT PECCIA & ASSOCIATES, INC. (hereinafter the Engineer), for the **CITY OF LEWISTOWN, MONTANA** (hereinafter the Owner), in accordance with Article 1 of the Agreement to Furnish Engineering Services to **CITY OF LEWISTOWN, MONTANA** for WATER, WASTEWATER, and ON-CALL ENGINEERING SERVICES, dated February 11, 2020, (hereinafter the Agreement). All provisions of the Agreement are incorporated by reference. This Task Order represents an authorization to proceed with the scope of services, schedule, and compensation described herein. This Task Order, when executed by both parties, shall become a supplement to and part of the basic Agreement.

ARTICLE 1. SCOPE OF SERVICES

The Engineer agrees to furnish the following professional engineering services in connection with the **LEWISTOWN WATER SYSTEM IMPROVEMENTS**, hereinafter referred to as the Project. The Project shall include:

- Water main Replacement on 6th Avenue from Broadway Street to Montana Street and Janeaux Street to Pine Street.
- Replacement of the Castle Ridge Booster Pump Station with the addition of chlorine measurement and an injection point for the upper pressure zone system.
- Modifications to the Lower Pump Station including installation of a new control valve, addition of chlorine measurement and an injection point, meter, building improvements, and removal of the existing canned turbine pumps.
- Installation of a new chlorination system at Big Springs and water system improvements to serve the customers between Big Springs and the Lower Pump Station.
- SCADA Replacement for the Lewistown Water System.

A. DESIGN PHASE

Field Surveys

The Engineer will establish a control network and conduct topographic field surveys of the project area. The survey will include the area needed to match existing facilities. Utility mapping will be based upon information provided by others. Field surveys will include the portions of 6th Avenue described above, the Castle Ridge Booster Station and the surrounding area, the Lower Pump Station and surrounding area, and Big Springs.

Prepare Base Maps

Using the field survey and existing as-built drawings, the Engineer will prepare base maps as required at a suitable scale showing the physical features of the project. These maps will provide the basis for plans and details.

Project Meetings

The Engineer will coordinate site visits and meetings with the Owner. It is assumed these meetings will include: a preliminary meeting to discuss improvements and implications of each improvement and a coordination meeting to determine SCADA needs.

Geotechnical Investigation

The Engineer will coordinate and subcontract with a qualified geotechnical engineer to perform a geotechnical investigation at the Big Springs project site. A geotechnical investigation will not be performed at other project locations.

Prepare Construction Drawings

The Engineer will prepare construction plans for each of the project areas. It is anticipated that these plans will be developed to 90% completion. Construction drawings will be produced for each part of the project. The Engineer shall use City of Lewistown Standards and Standard Details when applicable.

Construction drawings shall include the following:

- General Drawings: These sheets shall include necessary standards, details, and design information for all parts of the project.
- 6th Avenue Watermain
 - Civil Drawings: Shall include watermain plan and profiles and connection details necessary to tie into the existing watermain not planned to be replaced.
- Castle Ridge Booster Pump Station
 - Process and Instrumentation Diagram Drawings: Shall include a schematic of the process for the improvements and controls necessary to make the improvements function properly.
 - Civil Drawings: Shall include, a site plan, drain system requirements, watermain plan and profiles, and connection details necessary to connect into the existing transmission main to the Upper Tank, and connection to the Castle Ridge Subdivision. The site plan shall also include necessary land requirements to complete the improvements. The City will be responsible for land acquisition. The assumed site is immediately adjacent to the existing Castle Ridge Booster Station.
 - Structural Drawings: Shall include design of a building using precast concrete wall panels to house the improvements made.
 - Mechanical Drawings: Shall include a new booster pump station, flow

- measurement for Castle Ridge subdivision, flow measurement for the transmission main piping, chlorine injection system, chlorine residual measurement and monitoring, safety equipment, HVAC system, and interior plumbing requirements.
- Electrical Drawings: Shall include a site electrical and interior electrical necessary for the mechanical improvements.
- Big Springs Chlorination System
 - Process and Instrumentation Diagram Drawings: Shall include a schematic of the process for the improvements and controls necessary to make the improvements function properly.
 - Civil Drawings: Shall include, a site plan, drain system requirements, watermain plan and profiles, and connection details necessary to connect into the existing transmission mains to the Lower Pump Station, and storage for the upper users to allow for proper chlorination.
 - Structural Drawings: Shall include design of a building using precast concrete wall panels to house the improvements made.
 - Mechanical Drawings: Shall include new actuated valves for the main transmission main and upper users' storage, flow measurement for upper users, flow measurement for the transmission main piping, two chlorine injection systems (upper users and transmission main), chlorine residual measurement and monitoring safety equipment, HVAC system, and interior plumbing requirements.
 - Electrical Drawings: Shall include a site electrical and interior electrical necessary for the mechanical improvements.
- Lower Pump Station Improvements
 - Process and Instrumentation Diagram Drawings: Shall include a schematic of the process for the improvements and controls necessary to make the improvements function properly.
 - Civil Drawings: Shall include improvements to the site including valve replacement, new fencing, buried piping, and a new concrete pad.
 - Mechanical Drawings: Shall include a new control valve, demo of existing valve and canned turbine pumps, new flow measurement, chlorine residual monitoring and measurement, chlorine injection system, and other improvements to the building.
 - Electrical Drawings: Shall include upgrades to the electrical system for the new improvements and updating of the existing electrical system.
- SCADA Improvements
 - Shall include design and coordination with SCADA manufacturer to control improvements to the water system, and update controls of existing items in the water system.

Flood Plain Permit

The Engineer will investigate if a flood plain permit is needed for work to be completed at Big Springs. If the work site is in the flood plain the engineer will prepare a flood plain permit.

Prepare Contract Documents and Specifications

The Engineer will prepare the Contract Documents and Specifications for the Owner's project. The Engineer will use their standard contract documents. Contract documents to include the advertisement for bid, instructions to bidders, proposal, general conditions, supplementary conditions, special provisions, and standard forms.

The Engineer will also incorporate the most current version of the prevailing wage rates that they believe are appropriate for this project. The Owner shall review the prevailing wage rates that are selected for publication in the Contract Documents to determine if they agree that they are the appropriate rates for the project. Unless specifically directed by the Owner to replace the wage rates selected, the Engineer will assume that the Owner concurs in the rates chosen.

The Engineer will supplement City Standards with the MPWSS specifications, and additional RPA technical Specifications.

Montana Department of Environmental Quality (MDEQ) Coordination

The Engineer shall coordinate with MDEQ if issues arise during design and facilitate MDEQ review of construction drawings and specifications. The Engineer will respond to and work through any comments by MDEQ Review.

Develop Opinion of Probable Cost (90% Level)

The Engineer shall calculate the project bid quantities from the plans. After the bid quantities have been computed the Engineer will update the Opinion of Probable Cost based on the calculated preliminary bid quantities. The opinion of probable construction cost will be an estimate of the "average" cost to perform the work.

Plan-in-Hand with Owner

The Engineer will arrange a Plan-in-Hand (PIH) meeting with the Owner. The purpose of this meeting is to review the plans, specifications, and opinion of probable construction cost.

Pertinent Owner comments shall be noted in the written meeting notes which will serve as a record of the items discussed at the PIH and the directives given to the Engineer by the Owner.

Submit 90% Plans and Specifications for Agency Review and Permit Application

The Engineer shall submit a preliminary set of plans, design report, and specifications to all appropriate regulatory agencies and permitting agencies for review and comments. The design report shall supplement the *Lewistown Water System Preliminary Engineering Report* and summarize the design criteria and improvements made on the project.

Prepare 100% Drawings and Contracts Documents

After receiving all agency review comments the Engineer shall meet with the Owner to discuss the agency comments received and determine the appropriate design modifications. If we disagree with any of the agencies' comments the Engineer shall personally contact the agency reviewer to discuss the discrepancies. The purpose of the personal contact is to attempt to reach a design compromise which is acceptable to both the agency and the Owner.

The final design changes shall be made by the Engineer.

Update Opinion of Probable Cost (100% Level)

The Engineer update the project bid quantities from the plans. After the bid quantities have been computed the Engineer will update the Opinion of Probable Cost based on final bid quantities. The opinion of probable construction cost will be an estimate of the "average" cost to perform the work.

Final In-House Review and QA/QC Approval

The Engineer will coordinate an in-house Quality Assurance \ Quality Control (QA\QC) review of the plans and specifications to gain approval to advertise for bids. The QA\QC shall include review by the Group Manager and President of RPA.

ARTICLE 2. SCHEDULE

It is anticipated that those services listed above under Article 1, Scope of Services, are to be completed during the time period from August 1, 2021 to April 1, 2022.

ARTICLE 3. COMPENSATION

A. BUDGET

The budget for those services described above under Article 1, Scope of Services, shall be paid on a lump sum basis in the amount of \$ 280,000, as evidenced by the attached "Schedule of Estimated Costs."

DATED this 17th day of December, 2021.

City of Lewistown

By: _____

Holly Phelps, City Manager

ROBERT PECCIA & ASSOCIATES, INC.

By: _____

Craig Jenneskens PE, President

ROBERT PECCIA & ASSOCIATES
CIVIL ENGINEERING SERVICES CONTRACT
SCHEDULE OF ESTIMATED COSTS

TASK ORDER NO. 2
 DESIGN PHASE

RPA Project No. 21713
 Date: December 17, 2021



Lewistown Water System Improvements
 Lewistown, MT
 City of Lewistown

TASK 2: DESIGN PHASE

Work Item/Subtask	President	Group Manager	Project Manager	Project Designer	Person Hours							Total Person Days
					Engineering Designer	Surveyor	Structural Engineer	CADD Manager	CADD Tech	Admin Assistant	Accountant	
Field Surveys												34.0
Prepare Base Maps												42.0
Project Meetings		16.0										49.0
Geotechnical Investigation			4.0									8.0
Prepare Construction Drawings			16.0	16.0								4.0
General Drawings			8.0									30.0
6th Avenue Watermain												
Civil Drawings		2.0	24.0					16.0	32.0			118.0
Cattle Ridge Reservoir Pump Station												
Process Instrument Diagrams			4.0	8.0				16.0	16.0			30.0
Civil Drawings		2.0		60.0	20.0			16.0	16.0			114.0
Structural Drawings		2.0		48.0	16.0		40.0	10.0	20.0			74.0
Mechanical Drawings		2.0	24.0	10.0				24.0	16.0			96.0
Electrical Drawings		2.0										76.0
Basin Pump Station System												
Process Instrument Diagrams		2.0	12.0	18.0	24.0				16.0			30.0
Civil Drawings		2.0	12.0				100.0	24.0	24.0			56.0
Structural Drawings		2.0	40.0		20.0			40.0	40.0			150.0
Mechanical Drawings		2.0	36.0	10.0	10.0			24.0	12.0			142.0
Electrical Drawings		2.0										94.0
Lower Pump Station Improvements												
Process Instrument Diagrams		2.0	12.0	8.0	30.0			24.0	14.0			28.0
Civil Drawings		2.0	10.0	10.0	20.0			24.0	16.0			90.0
Structural Drawings		2.0	24.0	10.0	40.0			24.0	16.0			72.0
Mechanical Drawings		2.0		12.0	12.0			24.0	24.0			114.0
Electrical Drawings		2.0	24.0	12.0	40.0			24.0	16.0			54.0
SCADA Upgrades												
Prepare Flood Plain Permit		2.0	24.0	24.0	40.0		75.0	32.0	24.0			102.0
Prepare Contract Documents and Specifications			4.0	40.0					6.0			30.0
Preliminary Plan in Hand with Client		16.0	24.0	36.0								79.0
Submit Preliminary Plans and Specs for Agency Review and Permit Application			16.0	4.0								40.0
Final Design Changes			16.0	20.0	20.0				32.0			56.0
Final In-House Review and QA/QC Approval		40.0	16.0	4.0					4.0	16.0		92.0
TOTAL PERSON-HOURS:	40.0	32.0	340.0	384.0	284.0	130.0	215.0	288.0	380.0	32.0	8.0	2193.0
LABOR COST PER EMPLOYEE:	\$2,482.86	\$4,687.12	\$13,011.80	\$11,374.08	\$7,508.96	\$5,725.20	\$11,691.70	\$11,404.46	\$12,030.80	\$847.88	\$346.72	\$81,113.32

DIRECT EXPENSES

Assumptions / Exclusions:

Subcontracted Services (Geotechnical Investigations)	\$9,488.92
Equipment (Survey GPS \$400/day)	\$2,400.00
Equipment (Computers)	\$8,488.50
Per Diem - Day	\$2,170.00
Mileage - 4 trips	\$1,709.00
Printing	\$836.76
Misc. Supplies	\$80.00
Total:	\$24,172.18

SUMMARY OF ENGINEERING SERVICES

Direct Labor	\$81,113.32
Overhead (Current OH Rate X Direct Labor)	\$138,192.76
Subtotal Labor Cost	\$219,306.08
Direct Expenses	\$24,172.18
Subtotal Project Costs	\$243,478.26
Fixed Fee	\$36,521.74
Total Engineering Fee:	\$280,000.00

TASK ORDER NUMBER THREE
AGREEMENT TO FURNISH ENGINEERING SERVICES
to
CITY OF LEWISTOWN
for
LEWISTOWN WATER SYSTEM IMPROVEMENTS
FUNDING ADMINISTRATION

This Task Order provides for professional engineering services to be performed by ROBERT PECCIA & ASSOCIATES, INC. (hereinafter the Engineer), for the **CITY OF LEWISTOWN, MONTANA** (hereinafter the Owner), in accordance with Article 1 of the Agreement to Furnish Engineering Services to **CITY OF LEWISTOWN, MONTANA** for WATER, WASTEWATER, and ON-CALL ENGINEERING SERVICES, dated February 11, 2020, (hereinafter the Agreement). All provisions of the Agreement are incorporated by reference. This Task Order represents an authorization to proceed with the scope of services, schedule, and compensation described herein. This Task Order, when executed by both parties, shall become a supplement to and part of the basic Agreement.

ARTICLE 1. SCOPE OF SERVICES

The Engineer agrees to furnish professional engineering services in connection with improvements to the Owner's water system, hereinafter referred to as the Project. Anticipated staff-hour estimates for these activities are shown on the accompanying Schedule of Estimated Engineering Costs. Changes in the indicated scope of services shall be subject to renegotiation and implementation through a subsequent Task Order. Major elements include:

1. Prepare Revised Budget on Uniform Tracking Form - RPA will review project funding amounts, coordinate with agencies, and prepare project budget utilizing the method required by the funding agencies.
2. Provide Agency Required Documents to Meet Start-Up Conditions - Complete agency-related written reports, checklists and legal notices as required for compliance with state environmental requirements; Completion of the project management plan and schedule for approval by the Montana Department of Commerce, and the Montana Department of Natural Resources and Conservation.
3. Prepare and Submit Uniform Application to SRF - Prepare Uniform Application reflective of current project to the State Revolving Fund Program as required by the agency.
4. Assist the City with Rate Development. This shall include the following items:
 - a. Review Water Fund Annual Revenue and Expenditures – The Engineer shall review City records to evaluate operating history for both water system revenue and expenditures. Additionally, the annual estimated expenses associated with proposed improvements will be reviewed and

included in rate evaluations.

- b. Develop Rate Alternatives – The Engineer shall develop different rate scenarios for discussion with the Owner. Rate scenarios shall include options for raising both the Base Rate and Variable Rate.
 - c. Discuss Rate Alternatives with City Staff – The Engineer will meet with City staff to discuss rate alternatives to assist the City in determining the final water rate. Coordination and meetings with the City Manager, City Clerk, and Public Works Staff are anticipated in this work element.
 - d. Coordinate with SRF and Bond Counsel – The Engineer shall Coordinate with SRF and Bond Counsel to determine final loan amounts, rates, and assist in loan closing.
 - e. Attend Two (2) Public Meetings – The Engineer shall attend two Public Meetings to discuss water rate increases. This will likely occur after bids have been opened to allow the final loan amount to be modified.
- 5. Prepare Quarterly Agency Reports and Maintain Files - Prepare agency required reports on a quarterly basis. Establish and maintain complete and accurate project files and prepare agency documentation, and reports incidental to funding management. This task includes those reports required through the construction phase.
 - 6. Review Project Expenditures and Drawdown Assistance - Review all proposed project expenditures or requests for payment for allocation in the project budget. In cooperation with the Owner's authorized representative(s) and/or financial officers, prepare drawdown requests to MCEP, RRGL, and SRF. Prepare the Request for Payment and Uniform Status of Funds and Uniform Invoice Tracking Reports.
 - 7. Perform On-Site Interviews and Payroll Review (SRF Requirement) - Verify compliance with labor wage standards as included in the Contract Documents. Responsibilities will include the review of weekly payroll reports to ensure compliance with prevailing wage rates; periodic visits to the construction site to ensure that required equal opportunity, labor standards, and prevailing wage determinations have been posted; and conducting on-site interviews with construction personnel to check wage compliance.
 - 8. Prepare Close-Out Documentation for Funding Agencies - Prepare required performance reports and closeout documents for submittal to funding agencies.
 - 9. Provide Audit Support - A project utilizing grant dollars from public agencies will require an audit to ensure compliance with funding agency regulations. RPA will provide support to the City during this audit. This support likely will consist of file organization, finding copies of documents, and summary information.

ARTICLE 2. SCHEDULING

It is anticipated that those services listed above under Article 1, Scope of Services, are to be completed by January 1, 2024.

ARTICLE 3. COMPENSATION

Compensation for the services listed under Article 1--Scope of Services shall be based on an hourly rate plus direct expenses not to exceed \$59,900 without written authorization. An estimate of these services is provided in Attachment 1 - Schedule of Estimated Engineering Costs. This amount is in addition to previously executed Task Orders.

DATED this 17th day of December, 2021.

CITY OF LEWISTOWN, MT

By: _____

Holly Phelps, City Manager

ROBERT PECCIA & ASSOCIATES, INC.

By:  _____

Craig Jenneskens, P.E., President

ROBERT PECCIA & ASSOCIATES
CIVIL ENGINEERING SERVICES CONTRACT
SCHEDULE OF ESTIMATED COSTS

Lewistown Water System Improvements
 Lewistown, MT



City of Lewistown

TASK ORDER NO. 3
FUNDING ADMINISTRATION

RPA Project No. 21713
 Date: December 17th, 2021

Work Item/Subtask	Group Manager	Project Manager	Admin Assistant	Funding Administrator	Total Person Days
	\$177.73	\$118.79	\$82.36	\$107.64	

TASK : DESIGN PHASE

Prepare Revised Project Budget on Uniform Tracking Form	8.0	8.0			20.0	36.0
Provide Agency Required Documents to Meet Start-Up Conditions		4.0			32.0	36.0
Prepare and Submit Uniform Application to SRF	8.0	16.0			16.0	40.0
Assist the City in Rate Development						
Review Water Fund Annual Revenue and Expenditures	4.0	24.0				28.0
Develop Rate Alternatives	8.0	32.0	4.0			44.0
Discuss Rate Alternatives with City Staff	8.0	8.0			16.0	16.0
Coordinate with SRF and Bond Counsel	8.0	8.0			32.0	32.0
Attend Two Public Hearings	16.0	16.0	4.0		36.0	36.0
Prepare Quarterly Project Reports and Maintain Files	4.0	8.0	4.0		52.0	68.0
Review Project Expenditures and Drawdown Assistance		16.0	4.0		54.0	74.0
Perform On-Site Interviews and Payroll Review (SRF Requirement)			4.0		24.0	24.0
Prepare Close-Out Documentation for Funding Agencies	4.0	4.0	4.0		20.0	32.0
Provide Audit Support				8.0		8.0

TOTAL PERSON-HOURS: 68.0 **144.0** **20.0** **242.0** **474.0**
LABOR COST PER EMPLOYEE: \$12,086.64 \$17,105.76 \$1,647.20 \$26,048.88 \$56,887.48

DIRECT EXPENSES

Assumptions / Exclusions:

Equipment (Computers)	\$1,185.00
Per Diem - Day	\$200.00
Mileage - 4 trips	\$976.00
Printing	\$571.52
Misc. Supplies	\$90.00
Total:	\$3,012.52

SUMMARY OF ENGINEERING SERVICES

Subtotal Labor Cost	\$56,887.48
Direct Expenses	\$3,012.52
Total Engineering Fee:	\$59,900.00

City of Lewistown
305 W. Watson
Lewistown, MT 59457
535-1760

11590

Business License Application

Business Name REDKEY'S Refrigeration
Street Address PO Box 644 Phone 406-361-0004
City STEARNSVILLE State MT Zip Code 59870
Brief Description/Nature of Business HVAC

Is This a Recognized Non-Profit Organization? Yes ☐ No ☒ # of Employees 6

Owners Name and Address DAVID L REDKEY 4293 South Canyon Ln
City STEARNSVILLE State MT Zip Code 59870 Phone # 406-361-0004

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 & # DAVID L REDKEY 406-361-0004

Secondary Emergency Contact Name & # Kate McCallum 406-360-2359

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

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 ☐ # 2

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

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

Applicant Signature [Signature]

City Use Only Contractor Business License Fee: \$60.00

Business Classification B.1 Received By [Signature] Date 1-6-20 # 2722 1/1/22

Sent to:
BUILDING DEPT
FIRE DEPT
HEALTH DEPT
ZONING DEPT
CITY MANAGER

Received From:
BUILDING DEPT
FIRE DEPT
HEALTH DEPT
ZONING DEPT
CITY MANAGER [Signature]

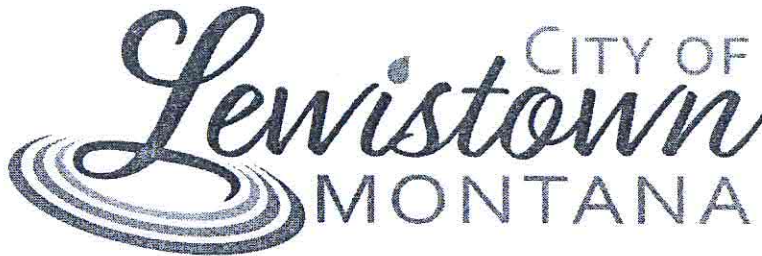
KATIE SPIKA
LORAIN DAY
Ward One Commissioners

RON HRUBES
DIANA HEWITT
Ward Two Commissioners

DAVID SCOTTEN
GAYLE DONEY
Ward Three Commissioners

KELLYANNE TERRY
At-Large Commissioner

HOLLY PHELPS
City Manager



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

JIM DANIELS
Park and Recreation Director
VACANT
City Attorney

JUSTIN JENNESS
Police Chief

JOSEPH WARD
Fire Chief

VACANT
Public Works Director

ALISSA WOLENETZ
Library Director

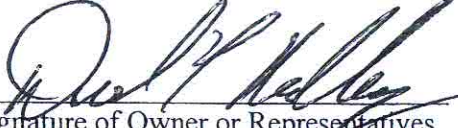
VACANT
Planning Director

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.


Signature of Owner or Representatives

12/31/21
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/05/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Scott Edman(7014389) 210 N 1st St Ste A Hamilton MT 59840-3526		CONTACT NAME: PHONE (A/C, NO, EXT): 406-363-0244 FAX (A/C, NO): 406-375-0433 E-MAIL ADDRESS: sedman@farmersagent.com	
		INSURER(S) AFFORDING COVERAGE	
INSURED REDKEY ENTERPRISES INC PO BOX 644 STEVENSVILLE MT 59870		INSURER A: Truck Insurance Exchange INSURER B: Farmers Insurance Exchange INSURER C: Mid Century Insurance Company INSURER D: INSURER E: INSURER F:	
		NAIC # 21709 21652 21687	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAME ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDTL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
C	☒ COMMERCIAL GENERAL LIABILITY			606295128	08/29/2021	08/29/2022	EACH OCCURRENCE	\$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea Occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☒ PROJECT ☐ LOC OTHER:							
	AUTOMOBILE LIABILITY		N				COMBINED SINGLE LIMIT (Ea accident)	\$
	☐ ANY AUTO				BODILY INJURY (Per person)	\$		
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS				BODILY INJURY (Per accident)	\$		
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY				PROPERTY DAMAGE (Per accident)	\$		
						\$		
	UMBRELLA LIAB ☐ OCCUR					EACH OCCURRENCE	\$	
	EXCESS LIAB ☐ CLAIMS-MADE					AGGREGATE	\$	
	DED ☐ RETENTION \$ ☐						\$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		N/A				PER STATUTE ☐ OTHER ☐	\$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐			E.L. EACH ACCIDENT	\$		
					E.L. DISEASE - EA EMPLOYEE	\$		
					E.L. DISEASE - POLICY LIMIT	\$		

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
4243 S COUGAR LN, STEVENSVILLE, MT 59870

CERTIFICATE HOLDER

CANCELLATION

CITY OF LEWISTOWN 305 W WATSON ST LEWISTOWN MT 59457	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>scott l edman</i>
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Jean Collins
1000 Fountain Terrace Drive, # 402 / P.O. Box 3588
Lewistown, Montana 59457

December 31, 2021

Holly Phelps
City Manager
City of Lewistown
305 W. Watson
Lewistown, Montana 59457

Dear Ms. Phelps:

I would like to submit my name to continue as a Library Board Trustee of the Lewistown Public Library. I have greatly enjoyed the previous five years as a Trustee and believe I have contributed in a small measure to the success of our fantastic library. As we begin a new era at the Lewistown Public Library with the leadership of our Director, Alissa Wolenetz, I would delight in being a part of the Library's future by continuing to serve as a Trustee.

Thank you very much for considering me for Library Board Trustee.

Sincerely,

A handwritten signature in cursive script that reads "Jean Collins". The ink is dark and the signature is fluid, with the first and last names clearly legible.

Jean Collins

COMMERCIAL PURCHASE LETTER OF INTENT

Your Montana Days, LLC
225 West Main Street
Lewistown, MT 59457

Effective Date: 23 December 23, 2021

The City of Lewistown
305 West Watson Street
Lewistown, MT 59457

RE: Intent to Purchase Commercial Property

This commercial purchase letter of intent (the "Letter of Intent") represents the basic terms for an agreement between the Buyer and Seller. After this Letter of Intent has been made, a formal agreement may be constructed to the benefit of the Parties involved.

I. The Buyer: Your Montana Days, LLC (the "Buyer").

II. The Seller: The City of Lewistown (the "Seller").

III. Property Address: 301 West Broadway, Lewistown, MT 59457 (the "Property").

Additional Description: LEWISTOWN ORIG TOWNSITE, SECTION 15, TOWNSHIP 15 NORTH, RANGE 16, BLOCK C-8, LOT 07-A, 4313 SWUARE FEET, OF AMENDED PLAT OF LOTS 007 009 (0.099 acre), in Fergus County, Lewistown, Montana.

IV. Purchase Price: The Buyer shall purchase the Property for Seventy-Five Dollars (\$75,000) (the "Purchase Price").

V. Purchase Terms: Payment of the Purchase Price shall be made in the following manner: Money Order.

VI. Bank Financing: The Buyer has made it known that their ability to purchase the Property is not conditional on their ability to obtain financing.

VII. Closing: The Closing shall occur on March 1, 2022 or earlier by mutual agreement (the "Closing"). Any extension to the Closing must be agreed upon in writing by the Buyer and Seller.

VIII. Closing Costs: All costs associated with the Closing shall be the responsibility of both Parties bearing their own expenses.

IX. Possession: Possession of the Property shall be given on March 1, 2022 or earlier by mutual agreement (the "Possession"). Any extension to the Possession must be agreed upon in writing by the Buyer and Seller.

X. Property Inspection: After a binding Purchase Agreement has been made, the Buyer shall hold the right to have the condition of the Property inspected by a person of their choosing. The inspection shall occur no later than ____ days after a Purchase Agreement has been made.

After the Property has been inspected, the Buyer shall have an additional ____ days to report any new disclosures to the Seller in writing. If the Buyer and Seller cannot reach a mutual agreement within ____ days after delivery of the written disclosures, the Purchase Agreement shall be terminated with any earnest money being returned to the Buyer.

XI. Binding Effect: This Letter of Intent shall be considered: (Initial and Check)

____ - ☐ **Binding** – Therefore, the Parties acknowledge that remedies at law will be inadequate for any breach of this Letter of Intent and consequently agree that this Letter of Intent shall be enforceable by specific performance. The remedy of specific performance shall be cumulative of all of the rights at law or in equity of the Parties under this Letter of Intent.

____ - ☐ **Non-Binding** – Therefore, the Parties acknowledge that this Letter of Intent is not enforceable by any Party. The terms outlined herein are solely for the purposes of reaching an agreement in the future, of which the Buyer and Seller are not bound.

XII. Standstill Agreement: Following the execution of this Letter of Intent, and until the Closing, the Seller shall not engage in negotiations for the sale of the Property with any other party unless either the Buyer and Seller agree in writing to terminate this Letter of Intent, or the Buyer and Seller fail to sign a Purchase Agreement by Jan 20, 2022.

XIII. Additional Provisions: _____

_____.

XIV. Currency: All mentions of currency or the usage of the "\$" icon shall be known as referring to the US Dollar.

XV. Governing Law: This Letter of Intent shall be governed under the laws of the State of Montana.

XVI. Acceptance: If you are agreeable to the aforementioned terms, please sign and return a duplicate copy of this Letter of Intent by no later than _____, 20____.

BUYER

Buyer's Signature  Date 12/23/21

Print Name DOUGLAS DAY

SELLER

Seller's Signature _____ Date _____

Print Name _____

23 December 2021

The City of Lewistown

305 West Watson Street

Lewistown, MT 59457

To whom it may concern,

This letter is to express interest and make a formal offer to purchase the property located at 301 West Broadway, Lewistown, MT 59457.

It is hoped that this property be substantially remodeled for the benefit of the community. A full restoration of the Emporium will be undertaken in the remodel. This will allow for small business growth such as the relocation and expansion of Main Street Treats, a new rental shop for various equipment for the Lewistown Trail System and outlying areas, a small business incubator for community retail rental space, potential corroboration with the Lewistown School District for small business and entrepreneurial development. This project will help continue to beautify and enhance Lewistown's downtown district.

Major cost issues and problems exist with the property as it now stands. There are issues with utilities, legal access easements, hazardous waste, and other concerns.

Currently all electrical, water, and sewer have been removed entirely from the property. It is unknown if litigation is needed to reestablish a previous easement to bring utilities back to the building. Negotiation with the American Prairie Reserve and neighboring Stockman Casio is needed to establish service. The whole building will need to be rewired and plumbed to current standards. A meter box and electrical breaker will need to be reinstalled. Access to water and sewer will need to be installed as if it had not been there before.

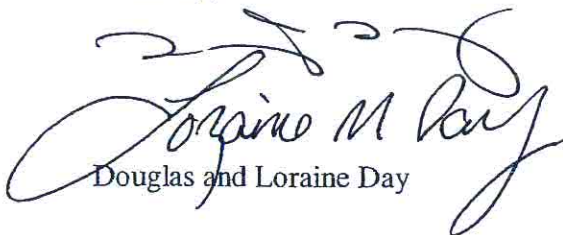
A legal staircase will need to be constructed to provide access to both the upper level and the lower level of the building. Currently, there is no access to the lower level from inside the building. The upper level is only accessible by a staircase that is not in compliance to any code. It will likely need to be demolished. This will require a contractor to plan and build a new staircase that will allow access to these areas. In addition, the previous owner constructed walls and ceilings that are in violation of building codes. These walls and ceilings will need to be demolished and removed.

Each level of the building is littered with excessive materials, including rubbish, animal bones, abandoned property and hazardous materials. Many of these issues are addressed in the Environmental Site Assessment commissioned by Snowy Mountain Development Corporation in 2018 when the City acquired the property. They include removal of asbestos and lead paint at an estimated cost of \$50,450 in 2018.

Estimated costs of over \$175,000 will be needed to get the property into a usable condition. As such, a cash offer is being made. It will be difficult, if not impossible, for a purchaser to acquire a commercial bank loan to acquire the building with the number of issues with the property that currently exist and need to be rectified before the property can be used. A cash offer will avoid these delays and get the property closer to a community asset faster.

Enclosed is a letter of intent to purchase commercial property for review. The proposed purchase price is \$75,000 cash for the building as is.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas M Day", written over the printed name "Douglas and Loraine Day".

Douglas and Loraine Day

Your Montana Days, LLC